

Leigh-on-Sea Town Council

DATA PROTECTION AND PRIVACY POLICY

Leigh-on-Sea Town Council (the Council) is fully committed to compliance with the requirements of Data Protection legislation. The Council followed the prescriptions of the Data Protection Act 1998 ("the Act"), which came into force on the 1 March 2000 and has adjusted their policies to reflect the new General Data Protection Regulations, with effect from 25 May 2018. The Council will therefore follow procedures that aim to ensure that all staff, elected members, contractors, agents, consultants, partners or other servants of the Council who have access to any personal data held by or on behalf of the Council, are fully aware of and abide by their duties and responsibilities under this legislation.

Introduction

This policy is provided by Leigh-on-Sea Town Council who is the data controller for your data.

We hold personal data about our staff, residents, suppliers and other individuals for a variety of Town Council purposes.

This policy sets out how we seek to protect personal data and ensure that Councillors and staff understand the rules governing their use of personal data to which they have access in the course of their work.

Business Purposes

The purposes for which personal data may be used by us:

- Personnel, administrative, financial, statutory and legislative purposes, payroll, consultations and business development purposes;

Town Council purposes include the following:

- Compliance with our legal, regulatory and corporate governance obligations and good practice;
- Gathering information as part of investigations by regulatory bodies or in connection with legal proceedings or requests;
- Ensuring Town Council policies are adhered to (such as policies covering email and internet use);
- Operational reasons, such as training and quality control, ensuring the confidentiality of sensitive information, security vetting and checking;
- Investigating complaints;
- Checking references, ensuring safe working practices, monitoring and managing staff access to systems and facilities and staff absences, administration and assessments;
- Monitoring staff conduct, disciplinary matters;
- Promoting Town Council services;
- Improving services

Personal Data

Information relating to identifiable individuals, such as job applicants, current and former staff, agency, contract and other staff, clients, suppliers and marketing contracts, members of the public, Town Council service users, residents, correspondents.

Personal data we gather may include:

Names, titles and aliases, photographs, contact details such as telephone numbers, addresses and email addresses, educational background, financial and pay details, details of certificates and diplomas, education and skills, marital status, nationality, job title and CV. Family composition and dependents.

Sensitive Data

Personal data about an individual's racial or ethnic origin, political opinions, religious or similar beliefs, trade union, membership (or non-membership), physical or mental health or condition, criminal offences, or related proceedings – any use of sensitive personal data should be strictly controlled in accordance with this policy.

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Scope

This policy applies to all Councillors and staff. You must be familiar with this policy and comply with its terms.

This policy supplements our other policies relating to internet and email use. We may supplement or amend this policy by additional policies and guidelines from time to time. Any new or modified policy will be circulated to staff before adopted. The Town Clerk will oversee this process.

Our procedures

Fair and lawful processing.

We must process personal data fairly and lawfully in accordance with individual's rights. This generally means that we should not process personal data unless the individual whose details we are processing has consented to this happening.

Responsibilities of IT support

- Ensure all systems, services, software and equipment are in line with the Council's Risk Assessment Schedule;
- Checking and scanning security hardware and software regularly to ensure it is functioning properly;
- Researching third-party services, such as cloud services the company is considering using to store or process data.

Responsibilities of the Officers

- Approving data protection statements attached to emails and other marketing companies;
- Addressing data protection queries from clients, target audiences or media outlets;
- Ensure all marketing initiatives adhere to data protection laws and the Council's Data Protection Policy;
- Keeping the Council updated about data protection, responsibilities risks and issues;
- Reviewing all data protection procedures and policies on a regular basis;
- Assisting with data protection training and advice for all staff members and those included in this policy;
- Answering questions on data protection from staff, Town Council members and other stakeholders;
- Responding to individuals such as members of the public, service users and staff who wish to know which data is being held on them by the Council;
- Checking and approving with third parties that handle the Town Council's data any contracts or agreement regarding data processing.

The processing of all data must be:

- Necessary to deliver our services;
- In our legitimate interests and not unduly prejudice the individual's privacy;
- In most cases this provision will apply to routine business data processing activities.

Personal Data may be used for some or all of the following purposes:

- To confirm your identity to provide some services;
- To contact you by post, email, telephone or using social media;
- To help us build a picture of how we are performing;
- To prevent and detect fraud and corruption in the use of public funds and where necessary for the law enforcement functions;
- To enable us to meet all legal and statutory obligations and powers including any delegated functions;
- To promote the interests of the Council;
- To maintain our own accounts and records;

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- To seek your views, opinions or comments;
- To notify you of changes to our facilities, services, events and staff, Councillors and role holders;
- To send you communications you have requested and that may be of interest to you;
- To process relevant financial transactions including grants and payments for goods and services provided by the Council;
- To allow the statistical analysis of data so we can plan the provision of services;

Our processing may also include the use of CCTV systems for the prevention and prosecution of crime.

Our Terms of Business contains a Privacy Notice relating to Data Protection.

The notice:

- Sets out the purpose for which we hold personal data on customers, staff, residents and service users;
- Highlights that our work may require us to give information to third parties such as expert witnesses and other professional advisers;
- Provides that service users and correspondents have a right of access to the personal data that we hold about them.

Sensitive personal data

In most cases where we process sensitive personal data we will require that data subject's explicit consent to do this unless exceptional circumstances apply, or we are required to do this by law (e.g. to comply with legal obligations to ensure health and safety at work). Any such consent will need to clearly identify what the relevant data is, why it is being processed and to whom it will be disclosed.

Accuracy and relevance

We will ensure that any personal data we process is accurate, adequate, relevant and not excessive, given the purposes for which it was obtained. We will not process personal data obtained for one purpose for any unconnected purpose unless the individual concerned has agreed to this or would otherwise reasonably expect this.

Individuals may ask that we correct inaccurate personal data relating to them. If you believe that information is inaccurate you should record the fact that the accuracy of the information is disputed.

Your personal data

Reasonable steps must be taken to ensure that personal data we hold about you is accurate and updated as required. For example, if your personal circumstance change, please inform the Town Clerk so that your records can be updated.

Data security

Personal data must be kept secure against loss or misuse. Where other organisations process personal data as a service on our behalf, the Town Clerk will establish what, if any, additional specific data security arrangements need to be implemented in contracts with those third-party organisations

Storing data securely:

- In cases when data is stored on printed paper, it will be kept in a secure place where unauthorised personnel cannot access it;
- Printed data will be shredded when it is no longer needed;
- Data stored on a computer should be protected by strong passwords that are changed regularly. Staff are encouraged to use a password manager to create and store their passwords;
- Data stored on memory sticks will be locked away securely when they are not being used;
- The Council uses 365 to store data on the cloud;

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- Servers containing personal data will be kept in a secure location, away from the general office space;
- Data will be regularly backed up in line with the Council's backup procedures;
- Data will not be saved directly to mobile devices such as laptops, tablets or smartphones;
- All servers containing sensitive data must be approved and protected by security software and strong firewall.

Data retention:

We must retain personal data for no longer than is necessary. What is necessary will depend on the circumstances of each case, taking into account the reasons that the personal data was obtained, but should be determined in a manner consistent with the Council's Retention Policy.

Subject access requests:

Under the Data Protection Act 2018, individuals are entitled, subject to certain exceptions, to request access to information held about them.

If a subject access request is received, this will be referred to the Town Clerk.

Processing information in accordance with an individual's rights

Any request by an individual not to use their personal data for direct marketing purposes will be abided by and the Town Clerk will be notified immediately.

Direct marketing material must not be sent by email unless there is an existing business relationship with them in relation to the services being marketed.

The Council will only use data for the purpose of Council business.

Training

All staff will receive training on this policy. New joiners will receive training as part of the induction process. Further training will be provided at least every two years or whenever there is a substantial change in the law or our policy and procedure. Training will be provided in-house when needed.

It will cover:

- The law relating to data protection;
- Our data protection and related policies and procedures.

Completion of training is compulsory.

Privacy Notice – transparency of data protection

Being transparent and providing accessible information to individuals about how we will use their personal data is important for the Council. The following are details on how we collect data and what we will do with it:

Conditions for processing

We will ensure any use of personal data is justified using at least one of the conditions for processing and this will be specifically documented. All staff who are responsible for processing personal data will be aware of the conditions for processing. The conditions for processing will be available to data subjects in the form of a privacy notice.

Justification for personal data

We will process personal data in compliance with all seven data protection principles:

- Lawfulness, fairness and transparency
- Purpose limitation
- Data minimisation
- Accuracy
- Storage limitation
- Integrity and confidentiality

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- **Accountability**

We will document the additional justification for the processing of sensitive data and will ensure any biometric and genetic data is considered sensitive.

Consent

The data that we collect is subject to active consent by the data subject. This consent can be revoked at any time.

Criminal record checks

Any criminal record checks are justified by law. Criminal record checks cannot be undertaken based solely on the consent of the subject.

Data portability

Upon request, a data subject should have the right to receive a copy of their data in a structured format. These requests should be processed within one month, provided there is no undue burden and it does not compromise the privacy of other individuals.

A data subject may also request that their data is transferred directly to another system. This must be done for free.

Right to be forgotten

A data subject may request that any information held on them is deleted or removed and any third parties who process or use that data must also comply with the request. An erasure request can only be refused if an exemption applies. Some data may be kept in accordance with other laws, such as cemetery records, personnel records and accident records.

Privacy by design and default:

Privacy by design is an approach to projects that promote privacy and data protection compliance from the start. The Clerk will be responsible for conducting Privacy Impact Assessments (if required) and ensuring that all IT projects commence with a privacy plan.

When relevant and when it does not have a negative impact on the data subject, privacy settings will be set to the most private by default.

International data transfers:

No data may be transferred outside of the EEA without first discussing it with the Town Clerk. Specific consent from the data subject must be obtained prior to transferring their data outside the EEA.

Data audit and register:

Regular data audits to manage and mitigate risks will inform the data register. This contains information on what data is held, where it is stored, how it is used, who is responsible and any further regulations or retention timescales that may be relevant.

Reporting breaches:

All members of staff have an obligation to report actual or potential data protection compliance failures. This allows us to:

- Investigate the failure and take remedial steps if necessary;
- Maintain a register of compliance failures;
- Notify the Supervisory Authority (SA) of any compliance failures that are material either in their own rights or as part of a pattern of failures.

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Monitoring

Everyone must observe this policy. The Town Clerk has overall responsibility for this policy. They will monitor it regularly to make sure it is being adhered to.

Compliance:

It is extremely important that everyone holding data in relation to the operations of the Council complies with this policy.

Contact details

Please contact us if you have any questions about this Privacy Policy or the personal data we hold about you or to exercise all relevant rights, queries or complaints at:

Leigh-on-Sea Town Council
Telephone: 01702 716288
E: clerk@leighonseatowncouncil.gov.uk

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