



UPTON BY CHESTER AND DISTRICT PARISH COUNCIL

Data Protection Policy

Approval Date	18.09.2023
Review Date	May 2024

1.0 Introduction

1.1 Upton by Chester and District Parish Council ('The Parish Council') is committed to correctly processing all personal data as required by the:

- UK General Data Protection Regulations 2018 (UK GDPR)
- Data Protection Act 2018 (DPA)
- Privacy and Electronic Communications Regulations 2003 (PECR)

1.2 Personal data is information that relates to an identified or identifiable living person.

1.3 The Parish Council is a 'Controller' because it determines what personal information is collected and how it is stored.

2.0 General

2.1 All Councillors, Officers and volunteers are responsible for protecting personal data within the Parish Council and must abide by Data Protection policies and procedures. Failure to do so may result in disciplinary proceedings or suspension of access to council resources.

2.2 All members and employees of the council shall receive Data Protection training as part of their induction and at least every two years.

2.3 The Parish Council shall ensure that a Data Audit is undertaken at least annually.

2.4 The Parish Council will review its Privacy Notices at least annually and whenever it makes a change to the type of data it collects, the way it is processed, or to the people/organisations that it is shared with.

2.5 The Parish Council shall ensure that any third party which processes data on its behalf has sufficient data protection, security measures and breach reporting procedures in place and this shall form part of the terms and conditions of any contract entered.

2.6 The Parish Council shall prepare procedures for determining if a Data Protection Impact Assessment (DIPA)IPA is required and the undertaking of the same.

2.7 The Parish Council shall have a named individual who is responsible for ensuring the Data Protection Policy and Procedures are adhered to and this person will be responsible for reporting breaches.

2.8 The Parish Council does not use automated decision making or profiling of individual personal data.

2.9 The Parish Council does not process any 'special category', or 'sensitive' data as defined by UK GDPR.

3.0 Data Protection Principles

3.1 In complying with the Data Protection legislation the Parish Council shall ensure that all data is:

1. Processed fairly, lawfully and in a transparent manner.
2. Collected for specified, explicit and legitimate purposes and not processed in a manner incompatible with those purposes.
3. Adequate, relevant, and limited to what is necessary in relation to the purposes for which they are processed.
4. Accurate and, where necessary, kept up to date. Every reasonable step must be taken to ensure that inaccurate personal data is erased or rectified without delay.
5. Kept in a form that permits identification of data subjects for no longer that is necessary for the purposes for which personal data are processed.
6. Processed in a manner that ensures appropriate security of the personal data including protection against unauthorised or unlawful processing and against accidental loss, destruction, or damage, using appropriate technical or organisational features.
7. The Controller shall be responsible for, and be able to demonstrate compliance with the above six principles of Data Protection

4.0 Lawful Basis for Processing Data

4.1 The lawful bases for processing data are set out in the UK GDPR. At least one of these must apply whenever the Parish Council collects and processes personal data:

- a) **Consent:** the individual has given clear consent for the Parish Council to process their personal data for a specific purpose.

- b) **Contract:** the processing is necessary for a contract the Parish Council has with the individual, or because they have asked the Parish Council to take specific steps before entering into a contract.
- c) **Legal obligation:** the processing is necessary for the Parish Council to comply with the law (not including contractual obligations).
- d) **Vital interests:** the processing is necessary to protect someone's life.
- e) **Public task:** the processing is necessary for the Parish Council to perform a task in the public interest or for the Parish Council's official functions, and the task or function has a clear basis in law.
- f) **Legitimate interests:** the processing is necessary for the legitimate interests of the Parish Council or the legitimate interests of a third party, unless there is a good reason to protect the individual's personal data which overrides those legitimate interests. (This does not apply to a public authority processing data to perform an official task.)

Consent

Where the lawful basis for processing data is consent:

4.2 The Parish Council will ask individuals to actively opt in to give consent and will not use default consent options such as pre-ticked boxes or opt-out boxes.

4.3 The Parish Council will make any request for consent prominent and separate from other terms and conditions.

4.4 The Parish Council will specify why it collects the data and what it will do with it.

4.5 The Parish Council will inform individuals of how to withdraw consent and will make it easy for individuals to do this.

4.6 The Parish Council will keep clear records to demonstrate consent.

4.7 The Parish Council will not process data related to a child (under 13) or an adult at risk without the express written consent of a parent, guardian, or carer.

5.0 Rights for Individuals

5.1 UK GDPR provides the following rights to individuals. The Parish Council will have adequate processes to respond to any requests of these rights:

1. The right to be informed
2. The right to access
3. The right to rectification of incorrect information
4. The right to erasure
5. The right to restrict processing of data
6. The right to data portability

7. The right to object to processing of data
8. The right to complain to the Information Commissioner's Office

6.0 Breach Reporting

6.1 A data breach is defined as a breach of security leading to 'accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to personal data'.

6.2 The Parish Council will maintain a record of data breaches and determine, in accordance with the Information Commissioner's Office guidance, as to whether the breach must be reported.

6.3 For 'reportable' data breaches, the Information Commissioner's Office must be informed without due delay and within 72 hours.

Registration with Information Commissioner's Office (ICO)

Upton By Chester and District Parish Council is registered with the Information Commissioner's Office and is included in the ICO Data Protection Register.

Retention Periods

A. General Documents

DOCUMENT	MINIMUM RETENTION PERIOD	REASON
Signed Minutes	Permanent Archive	Archive, Public Inspection
Agendas	Permanent Archive	Archive, Management
Title Documents/Deeds	Indefinite	Audit, Management
Contracts/Leases	Indefinite	Management
Email	Two years after query resolved. Three years for a planning application query	Local Choice
Register of Members Interests	One year after end of service	Local Choice
Strategic Plans/Annual Reports	Six years	Common Practice
Policies and Operational procedures	Current set plus previous full six years	Local Choice
Legal / Litigation Files	Seven years after superseded	Local Choice

B. Financial Documents

DOCUMENT	MINIMUM RETENTION PERIOD	REASON
Audited Accounts	Indefinite	
Accounting Records	Current year plus previous six full years	VAT
Bank Statements/items	Current year plus previous six full years	Audit
Loan Agreements	Six full years	Audit
Insurance Co names and policy numbers	Indefinite	Management

Insurance Policies	Whilst valid	
Employer's Liability Cert	40 years from commencement/renewal	Statute
Budgets	Indefinite	
Quotations and Tenders	Six years	Limitations Act
Payroll Records	Twelve years	Superannuation

C. Employment Documents

DOCUMENT	MINIMUM RETENTION PERIOD	REASON
Timesheets	Seven years	Personal Injury
Recruitment Documents	Five years	Local Choice
Documents on persons not hired	One year	Equal Opportunities
Accident or Injury at Work	Seven years	Local Choice
Personnel Administration	Six years after person leaves council	Local Choice and Statutory
Personnel Service Records	Indefinite	Local Choice
Payroll Records	Current year plus full six previous years	Local Choice

D. Facilities

DOCUMENT	MINIMUM RETENTION PERIOD	REASON
Room Booking /Hire Records	Two years	Management
Sporting Membership Lists	One year after membership ends or if consent is withdrawn.	Management