

CROWLE PARISH COUNCIL

Clerk: Nick Farress. 16, Hunts Rise, Bewdley, Worcs DY12 1HR
e-mail: clerk@crowlepc.co.uk tel: 07929 213117

Information Management Policy

Comprising: Freedom of Information, Data Protection and Records & Retention

Policy Statements

Crowle Parish Council (CPC) works within the legislative frameworks set out below to ensure that there is;

1) FREEDOM OF INFORMATION (PAGE 3)

Information (that is not otherwise sensitive or personal) regarding Council activities and detailed in the Publication Scheme, is freely available to the public by means of the Crowle-online website, Parish noticeboards and magazine. Requests for information are handled according advice given by the ICO in relation to the FOI Act 2000.

2) DATA PROTECTION including data audit, privacy statements, consent form and SAR request (PAGES 4-10)

CPC controls and processes personal data to provide services, maintain accounts and records and to support and manage staff, all with consent. It recognises the importance of keeping personal information secure and takes appropriate technical and organisational measures to prevent the unauthorised or unlawful processing of such data and against any accidental loss or destruction. Personal or otherwise confidential data handled by CPC is controlled or processed in line with Data protection legislation and the requirements of the ICO, to whom it pays a fee.

3) A SYSTEM FOR RECORDS AND RETENTION (PAGE 12)

CPC maintains appropriate records in order to fulfil its statutory roles and responsibilities and seeks to keep records in all forms securely. It follows NALC guidance as to the retention, archiving and destruction of different types of records.

The following principles summarise how this is achieved and have been written with reference to;

- The Freedom of Information Act 2000
- The Environmental Information Regs 2004
- ICO Guidance and webinar
- The Data Protection Act 1998 and GDPR (European Legislation) (+ new UK Act due out 2018)
- NALC legal briefings 2017
- CALC advice (training course) OCT 2017
- Worcs CALC Good Practice Guide on Archiving and Retention of Documents Sept 2016 and NALC LTN 40 on the same subject

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Information Management Notice

The Parish Council has an Information Management Policy which includes:

1. Freedom of Information (including the Publication Scheme)
2. Data Protection (including the Privacy Statement)

These can be found on the Parish Website www.crowle-online.co.uk

or copies can be requested from the Clerk

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1. FREEDOM OF INFORMATION (FOI)

- a) CPC complies with the FOI Act so that it is transparent and accountable to its electors.
- b) It is proactive in providing information and engages with electors so that it can represent them properly, provide services and improve lives.
- c) The public has access to information about the activities of CPC via the Crowle-online website, the monthly Parish magazine (The Crowle Cryer) and village noticeboards.
- d) All information available is detailed in **CPC Publication Scheme**. The website and noticeboards make the public aware of this document and where to access it.
- e) Information held solely on behalf of another person or body such as employees or an individual councillor is not covered by the Act
- f) CPC pays to register with the ICO each year.
- g) FOI training can be accessed by the Clerk and Councillors from CALC.
- h) CPC follows advice given in the ICO's code of practice relating to Sec 16 and 45 of the FOI Act which deals with handling and assisting anyone who makes a request for information under the Act.
- i) All requests are treated equally and dealt with promptly, with minimal charges to cover copying and postage expenses if needed. If there are legal or other reasons to refuse the request or if it is 'vexatious', then explanations are given.
- j) If a person makes a request for information held about themselves, this is treated as a 'Subject Access request' under the Data Protection Act – see section 2
- k) The ICO Code of Practice relating to Sec 46 of the Act + NALC information is used as guidance for the keeping, managing and destruction of records - see section 3

2. DATA PROTECTION

The GDPR has a number of underlying principles. These include that personal data:

*Must be processed **lawfully, fairly and transparently**.*

*Is only used for a **specific processing purpose** that the data subject has been made aware of and no other, without further consent.*

*Should be **adequate, relevant and limited** i.e. only the minimum amount of data should be kept for specific processing.*

*Must be **accurate** and where necessary **kept up to date**.*

*Should **not be stored for longer than is necessary**, and that storage is safe and secure.*

*Should be processed in a manner that ensures **appropriate security and protection**.*

The purpose of the new legislation is to catch up with technological advances, to harmonise all legislation in a single framework across Europe in order to give greater protection and rights to individuals. It allows organisations to review data, systems and security and make any necessary changes so that they are open, transparent and compliant with the new laws.

Summary/audit of Personal Data held/controlled/shared by CPC

Data Held (Subject Matter/Type)	Why/where from	Legal basis	Where stored	Access	Shared? If so, to whom and how.
Employment and recruitment records	For contract, appraisals and remuneration	Employment Legislation	PC Office (Clerk's home) and laptop. Archives	PC and clerk	Payroll services and HMRC post/e-mail
Accounts, cheque books and bacs details (which contain names of some individual payees) Personal details of Cllrs on the mandate.	Financial management of the PC	Accounts and Audit legislation	HSBC + secure business bank site, PC Office, councillor's records, minutes of meetings on website. Archives	PC, Clerk, Cllrs on the mandate. Internal auditor	Accounts only on conclusion of audit or at any other time if request made.
Communications with individual residents e.g. letters, emails, surveys	Responding to needs of community	Public Interest	PC Office laptop and Cllrs home computers	Clerk and PC	Within PC only with consent. Anon if wider sharing
Councillors contact details	To represent the community	Legislation FOI Act 2000	Ditto + website	PC/parish/website.	Community, DC/CC & service providers.
PC minute book with Cllrs names only. (other attendees not named)	Record of meetings and decisions	LGA 1972	Clerks house/archives	PC/parish/website	Freely available
Communications with 3 rd parties e.g. CALC, Sports Clubs, HMRC	To carry out business of the PC effectively	Public Interest	Ditto + website if in minutes	Clerk	Cllrs + Other organisations if relevant & consent.
The electoral roll	Elections and consultations	Public Interest	Clerk's home office	Clerk	No
Contractors e.g. Lengthsman, Parallel Lines, Website, payroll	Service to community and payment	Contractual necessity	PC office (Clerk's home) and laptop.	Clerk	Within the PC
10k entrants	Entry to race	Consent	Race organiser and Paypal account	Race organiser and Clerk	No
Planning applications	Consultation with parishioners	Local Government Planning Legislation	PC office (Clerk's home) laptop and website, parish noticeboards D.council website.	All (on line by DCouncil)	Planning authority already have consent to share with community
Crowle Cryer contents including adverts	Promotion of village activities and advertising local services	Consent	Volunteer Offices (and computers) County Archives PC laptop record of advertisers.	All (on line)	All – on website Printers – e-mail
Leases and tenancies CPHT Allotments Land rear Playing Field	Legal documents detailing land ownership, tenancy & rent	Contractual necessity	Clerk's home	Clerk, LMC and PC	Solicitors if nec.
Volunteers personal info e.g. 10k team, Shop, Oil scheme, Speedwatch, Path and tree wardens	To be informed of events and communicate with them	Public interest and consent	Parish magazine, laptop, website	All (on-line)	On website

CROWLE PARISH COUNCIL (CPC)

General Privacy Notice

Crowle Parish Council is a Data Controller for the purposes of the Data Protection Act 1998/2018 and the General Data Protection Regulations GDPR 2018.

The representative for CPC is the Clerk who is contactable on
07929 213117 or clerk@crowlepc.co.uk

Why does CPC need to process '**personal data**'? (*Any info about a living individual which allows them to be identified*)

- To effectively run the business of the Council including employing staff, managing land and assets, keeping accounting records and involvement in the planning process.
- To allow effective communication and liaison between the community, the Council, higher authorities and other organisations or individuals.
- To allow local organisations and businesses to advertise in the Council's magazine.
- To allow administration of contracts and procure services for the benefit of Parish residents.

How and where do we use/process data?

- Using the PC laptop or volunteer's computers; documents, emails and bank accounts.
- Using written and printed documents.
- On the Council Website www.crowle-online.co.uk and Facebook page
- By receipt and sending of post.

For how long is it stored?

- Data is kept only as long as necessary until the conclusion of the business to which it relates.
- Certain data such as financial records, contracts, deeds and minute books must be stored for longer – we follow NALC guidance on storing and archiving such information.

*CPC recognises the importance of keeping individual's personal data secure.
Appropriate technical and organisation measures are taken against unlawful processing
and against any accidental loss or destruction or damage to personal data.
We will comply with the principles of Data Protection Law.*

**Consent is sought to hold and use personal data which is given to the PC.
It is only shared when necessary and with prior permission of the individual/organisation.**

Your rights under Data Protection Legislation

- Any competent adult with verified i.d can make a Subject Access Request (SAR.) They can then access their data and be given information about the way it is processed and stored. The PC must respond within 1 month. This is free of charge.
- You can request to have personal data corrected, updated or deleted, restrict processing and withdraw consent and opt out of any 'direct marketing' activities.
- You can request a copy or transfer of your data to another controller (portability.)
- You also have the right to complain to the ICO if you perceive there is a problem with the way that CPC is handling your data.
- CPC will report any data breaches within 72 hours to the individual and the ICO.

ICO Contact: www.ico.org.uk

CROWLE PARISH COUNCIL (CPC)

Privacy Notice for staff, councillors, volunteers and contractors

Crowle Parish Council is a Data Controller for the purposes of the Data Protection Act 1998/2018 and the General Data Protection Regulations GDPR 2018.

The representative for CPC is the Clerk who is contactable on
07929 213117 or clerk@crowlepc.co.uk

Why does CPC need to process your '**personal data**'? (*Any info about a you which allows you to be identified*)

- To effectively run the business of the Council including employing staff, training, Health and Safety, managing land and assets, keeping accounting records and organising events/contracts.
- To allow effective communication and liaison between us and other organisations/data controllers involved with your voluntary work/employment or contract e.g payroll, pension providers, HMRC, DBS providers, charities and community groups, reference providers.
- Any '**sensitive personal data**' such as health, racial or religious information is only collected where necessary to carry out legal obligations (for employees) and will not be shared.

How and where do we use/process data?

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- Using written and printed documents.
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*CPC recognises the importance of keeping individual's personal data secure.
Appropriate technical and organisation measures are taken against unlawful processing
and against any accidental loss or destruction or damage to personal data.
We will comply with the principles of Data Protection Law.*

Legislation and contractual necessity are the basis by which we are permitted to process your data and consent will also be sought where necessary.

Your rights under Data Protection Legislation

- Any competent adult with verified i.d can make a Subject Access Request (SAR). They can then access their data and be given information about the way it is processed and stored. The PC must respond within 1 month. This is free of charge.
- You can request to have personal data corrected, updated or deleted and, in some cases, restrict processing and withdraw consent.
- You can request a copy or transfer of your data to another controller (portability.)
- You also have the right to complain to the ICO if you perceive there is a problem with the way that CPC is handling your data.
- CPC will report any data breaches within 72 hours to the individual and the ICO.

ICO Contact: www.ico.org.uk

Procedures

1. The **legal basis** for CPC keeping personal data are either to meet statutory or contractual requirements, public interest or consent, which when needed, is sought from those who provide it prior to use, and is given freely, is specific, informed and unambiguous.
2. The PC pay a fee to **the Information Commissioner Office (ICO)** and this is updated annually along with the checklist for compliance. (see NALC legal briefing L07-17)
3. **Training:** The Clerk and 2 Councillors have undertaken basic awareness training from CALC and the ICO (webinar) and are aware of the importance of keeping personal data safe and using it responsibly within the law. Councillors have access to and are encouraged to participate in training. See NALC Legal briefing L10-17
4. **Written records** are maintained and organised by the clerk, kept up to date and stored only for as long as necessary for the purposes of running the Council. They are stored at the Clerk's house with usual security measures relevant to a home office. Archived records are stored at the Hive in Worcester. Day to day current paperwork containing personal information is only used and stored for as long as needed for that piece of work after which it is shredded by the clerk.
5. **The PC laptop** is password protected and covered by a range of anti-virus and malware protection. Data is backed up securely to a cloud-based system and a memory stick. Under normal circumstances, the lap top is only accessible to the clerk (unless being fixed by the computer contractor or expert Councillors) and the Chair holds a sealed envelope of passwords, should an emergency arise. The clerk monitors systems on the laptop while working and updates/deletes documents or names on e-mail lists as they cease to be relevant to Council business so that they are not stored unnecessarily. The laptop and memory stick are hidden overnight and when not in use in the home of the Clerk.
6. **The PC main website (Crowle-online.co.uk)** can only be accessed and amended by the contractor employed to do so, and by instruction of the PC. There is a processor agreement with this contractor. The Worcestershire e-Parish website is only accessed by the clerk. If any personal data is to be placed on either website, the PC will ensure that individuals are aware of this and consent is sought.
7. **Councillors** understand that any e-mails shared by the Clerk with them on PC business should be treated as confidential, in accordance with the code of conduct, and individual's details/correspondence not shared without consent.
8. The PC holds business **financial records**. Bank details for suppliers, contractors and employees are held as part of its on-line banking system and in accounts books on invoices. These are only shared with the internal and external auditors, and the HSBC on-line banking system is accessible only to Councillors on the mandate and with electronic access pads. Paper account summaries are available to the public under the exercise of Public rights after the end of each financial year, but these contain only company names for payees and no other identifying personal data.
9. In the event of any **Data Breach** (e.g. theft or loss of files/laptop, cyber hack or sharing of information without permission) which may result in an individual being likely to suffer some form of damage (identity theft, damage to reputation, discrimination, confidentiality breach or financial loss), the individual would be

informed and the ICO contacted for advice and reporting within 72 hours. The PC will keep an internal record. See NALC briefing L02-18

10. Consent is sought for **Data Sharing** with anyone outside of the PC. Generally, those people who give their personal details to the PC do so for a specific purpose e.g. for payment of an invoice or to advertise their services and are aware and wish it to be used for that purpose. The PC will ensure they know the full or any greater extent of sharing of their data and seek consent beforehand using the consent form or by receipt of consent each time by e-mail as they submit information. The ICO's data sharing checklist can be used as guidance.
11. A **Subject Access Request (SAR)** can be made in writing to the PC who will seek to verify the identity of the person making the request. This allows access to personal data held by the PC and will be responded to in plain English within 1 month free of charge, unless the request is vexatious, excessive or unfounded. (See NALC Legal briefing L09-17 on this.) Individuals are entitled to have confirmation that their data is being processed and the purposes of this, to know with whom their data has been shared (if applicable) and the period for which it is stored. They can restrict processing if preferred. They have a right to have inaccurate data corrected, updated and to have information redacted or deleted. They can request to opt out of any direct marketing (in the unlikely event that PC was to do this.) They also have a right to complain to the ICO.
12. As soon as any **errors** in Personal Data are notified to the Clerk, they will locate any inaccurate data and correct it or delete it as wished by the individual making the request.
13. **Social Media:** The PC has a Facebook page, and this is run by one of the Councillors. Any member or clerk contributing to this or any other social media outlet must follow the PC code of conduct for those in public office to ensure confidentiality is maintained and behave with honesty and integrity at all times. Personal details of others can only be given with consent.
14. Information about Data Protection will be given in a number of ways;
 - **Notice** detailing where to access the Council's Publication Scheme and Privacy Notice is on the website and in noticeboards around the Parish (see page 4)
 - **Privacy Notices** (see above) which is on the parish website. They will also be displayed in the noticeboards periodically for those who do not have internet access.
 - **Employees** will be informed of the legal basis for processing their personal data as part of the employment process. There is a processor agreement with Payroll Services.
 - **Parish Councillors** will be informed of the legal basis for processing their personal data compatible with the role.
 - **Annual Advertisers** will be asked to sign consent for personal details in their adverts to be shared when renewing the advert each year.
 - **Occasional advertisers** will be asked to consent each time by e-mail and will be directed to read the PC's general Privacy statement.
 - **Contributors** to the Parish magazine will be asked to consent to publish any personal data they provide and will be directed to read the privacy statement. A notice is also given in the Magazine each month about Data Protection.
 - **Contractors** – will consent as part of the contract process.
 - **Tenants** will be asked to consent when paying invoices for their lease agreement

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Data Protection Consent Form

Your Privacy is important to us.

Under new Data Protection legislation, we need your consent to hold your personal details with the Parish Council in our files and on our computers, so that we can communicate with you about the volunteering, magazine or website submissions, contract, lease or agreement we have with you for help, work, articles or tenancy. We will only keep the details for as long as we need them in relation to this.

We will not pass on any of your personal details to anyone, unless you ask us to do so and consent to this. You can find out more about our commitment to privacy in our Privacy Notices which are available on our website www.crowle-online.co.uk or from the Clerk.

Please be aware that if you agree to be included in an article on the **Parish website** www.crowle-online.co.uk or if you are contributor to the **Crowle Cryer Magazine** which is published on the website, any personal details you give will be available to anyone who visits the site.

Please confirm your consent below to us holding your personal information by ticking the boxes you agree with and indicating the area (s) to which this relates:

Personal information	Consent to hold and use this information Please tick	Purpose for which information held	Please tick
Address		Crowle Cryer	
Email		Volunteer/club	
Home phone number		Contract	
Mobile number		Lease/tenancy	

You may withdraw or change your consent at any time by contacting us.

Signature:

Name:

Date:

Thank you. Please return by email or by post to the Clerk.

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Subject Access Request Form

Date of request:

Name:

Contact for reply:

Please indicate the information you would like below;

- i) Confirmation that personal data is held by the PC
- ii) Purpose that PC need to have this data
- iii) If the data has been shared and with whom
- iv) Period for which it has been stored

Please provide details and indicate if you would like to;

- i) Restrict processing of data
- ii) Correct/update some inaccurate data
- iii) Redact or delete some/all personal data

The PC will be respond to your request in plain English within 1 month, free of charge, unless the request is vexatious, excessive or unfounded.

Record of action by PC:

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Data Processing Agreement with.....

Under GDPR, Crowle Parish Council (CPC) is required to have a written agreement with any organisation which holds and processes personal data on its behalf. It applies to all personal data held at the date of this agreement and received afterwards and will continue for as long as data is being processed on behalf of CPC.

As the Data Processor you agree to;

- Implement appropriate technical and organisational measures and take steps to protect the personal data against unauthorised or unlawful processing, accidental loss, destruction, damage, alteration or disclosure, through risk assessment and a security policy which is adhered to by all staff and available to CPC.
- Only process data to the extent and in such a manner as necessary for these services in accordance with instructions from CPC, maintaining data in confidence and not disclosing to any third party (unless requested by CPC or required to do so by law) or outside the EEC.
- Comply with any request to amend, transfer or delete any data. (If retention of any data is required by law, then this should be indicated in writing to CPC.)
- Comply with any legal requirements with regard to security of processing, notification of breaches, impact assessments and dealings with the ICO.
- Notify CPC without delay if there is an SAR, a complaint or a breach of personal data and co-operate with CPC as required in relation to any of these.
- Be liable for any action, loss, claim or expense arising directly in connection with a failure of processing activity and co-operate fully with the ICO and any obligations, penalties or fines.

Description of the Services provided by you to CPC;

Type of Personal data	Nature of Processing carried out	Purpose of processing	Duration of processing	Notes

Signed: Clerk (on behalf of CPC) **Date:**

Signed: Position: (on behalf of Data Processor) **Date:**

3. Records and Retention

Procedures

1. The PC is required by law to keep certain records as they are an essential part of business and complies with Data Protection and Freedom of Information legislation in doing so.
2. The following table shows records kept by the PC and follows NALC and CALC advice on the periods of retention specified. Other data is not stored for longer than necessary and when no longer required is securely deleted.

Type of record	Form in which kept P=paper E=electronic	Where stored and access C=Clerk L=laptop	Period of retention
Minute Books	P E	C L	Indefinite (Archive)
Payments and receipts (Accounts) incl invoices	P E	C L	Indefinite (Archive)
Bank statements	P E	C	Indefinite (Archive)
Chq & Paying in books	P	C	Last completed audit year
Quotes and tenders	P	C	6 yrs
VAT records	P E	C	6 yrs
Insurance policy	P	C	While valid
Certificates for insurance against liability for employees	P	C	40 years from date on which insurance commenced or was renewed
Investments	P	C	Indefinite
Titles, deeds, leases, agreements, contracts	P E	C	Indefinite
Personnel info	P E	C	12 years after end of service
Acceptance of Office	P	C	4 years
Recreation grounds documents	P E	C	6 years
Allotment register & plans	P E	C	Indefinite

3. Archiving means removal of paperwork to the Worcestershire Archive and Archaeology Service based at the Hive Library in Worcester. A record of deposits is retained with this policy.
4. Where they are required to be kept, paper records are stored securely, in a clean and dry environment with reasonable ventilation and in sturdy folders and boxes away from direct sunlight at the home of the Clerk.
5. Electronic records are stored on the PC laptop which is password protected and this is not disclosed to others. Documents are backed up onto a cloud-based system. It has antivirus, firewall and anti-spyware security features. A written record of the laptop password is retained in a sealed envelope by the chair. If this is opened, another councillor should be present, and the password changed as soon as possible
6. Any Member or Officer of the Council who borrows or holds records or property belonging to the PC, ensures that these are stored as safely and securely as possible with sensitive items being locked or hidden away.