



PUBLIC HANDBOOK

2022-23

DOWNEND & BROMLEY HEATH PARISH COUNCIL

www.dbhparishcouncil.uk

PUBLIC HANDBOOK: CONTENTS

1. Definitions
2. Welcome

SECTION A: GDPR, PRIVACY AND DATA PROTECTION

3. Information and Data Protection Policy
4. Freedom of Information and Publication
5. Schedule of Charges
6. Subject Access Request Procedure
7. Management of Transferable Data Policy
8. Retention and Disposal Policy
9. Retention and Disposal Time Periods
10. Data Breach Policy

SECTION B: SOCIAL MEDIA AND ELECTRONIC COMMUNICATIONS

11. Social Media and Electronic Communication Policy

SECTION C: EQUAL OPPORTUNITIES AND SAFEGUARDING

12. Safeguarding Children and Vulnerable Adults Policy
13. Equality and Diversity

SECTION D: WHEN THINGS GO WRONG - COMPLAINTS

14. Complaints Procedure

APPENDIX

1. Employees and Councillors Privacy Notice
2. General Privacy Notice
3. Consent Form
4. Subject Access Request Form
5. Data Breach Reporting Form

1. DEFINITIONS

- 1.1. In this Public Handbook a number of terms and phrases are used. The following capitalised words shall mean the following wherever they are used in this Public Handbook:
- 1.1.1. **Chair:** means the Councillor currently elected to be the chair of the Parish Council;
 - 1.1.2. **Clerk:** means the clerk currently appointed by the Parish Council;
 - 1.1.3. **Councillor(s):** means a councillor or councillors (as the case might be) currently elected or co-opted to be a councillor of the Parish Council;
 - 1.1.4. **Employee(s):** means employees including clerks, RFO's, Executive Officers, part-time, fixed-term and casual employees of the Parish Council; and
 - 1.1.5. **Parish Council:** means Downend & Bromley Heath Parish Council.

2. WELCOME

- 2.1. The Parish Council is committed to providing residents with a cost effective and transparent service. As part of our commitment to ensuring that residents fully understand the operation of the Parish Council, this 'Public Handbook' has been created.

- 2.2. This Public Handbook sets out a number of our policies in relation to a range of subjects (an overview on the contents page). A number of these policies detail how we will interact with members of the public when they contact the Parish Council and what they need to do if they are unsatisfied with the Parish Council.

SECTION A

GDPR, PRIVACY AND DATA PROTECTION

3. INFORMATION AND DATA PROTECTION POLICY

Introduction

- 3.1. In order to conduct its business, services and duties, the Parish Council processes a wide range of data, relating to its own operations and some which it handles on behalf of partners. In broad terms, this data can be classified as:
 - 3.1.1. data shared in the public arena about the services it offers, its mode of operations and other information it is required to make available to the public.
 - 3.1.2. confidential information and data not yet in the public arena such as ideas or policies that are being worked up.
 - 3.1.3. confidential information about other organisations because of commercial sensitivity.
 - 3.1.4. personal data concerning its current, past and potential employees, Councillors, and volunteers.
 - 3.1.5. personal data concerning individuals who contact it for information, to access its services or facilities or to make a complaint.
- 3.2. The Parish Council will adopt procedures and manage responsibly, all data which it handles and will respect the confidentiality of both its own data and that belonging to partner organisations it works with and members of the public. In some cases, it will have contractual obligations towards confidential data, but in addition will have specific legal responsibilities for personal and sensitive information under data protection legislation.
- 3.3. The Parish Council will periodically review and revise this policy in the light of experience, comments from data subjects and guidance from the Information Commissioner's Office.

- 3.4. The Parish Council will be as transparent as possible about its operations and will work closely with public, community and voluntary organisations. Therefore, in the case of all information which is not personal or confidential, it will be prepared to make it available to partners and members of the parish communities. Details of information which is routinely available is contained in the Parish Council's Publication Scheme which is based on the statutory model publication scheme for local councils.

Protecting Confidential or Sensitive Information

- 3.5. The Parish Council recognises it must at times, keep and process sensitive and personal information about both Employees and the public, it has therefore adopted this policy not only to meet its legal obligations but to ensure high standards.
- 3.6. The General Data Protection Regulation (GDPR) which become law on 25 May 2018 and will like the Data Protection Act 1998 before them, seek to strike a balance between the rights of individuals and the sometimes competing interests of those such as the Parish Council with legitimate reasons for using personal information.
- 3.7. **The policy is based on the premise that Personal Data must be:**
- 3.7.1. processed fairly, lawfully and in a transparent manner in relation to the data subject.
 - 3.7.2. collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes.
 - 3.7.3. adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.
 - 3.7.4. accurate and, where necessary, kept up to date.

- 3.7.5. kept in a form that permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed.
- 3.7.6. 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 measures.

Data Protection Terminology

Data subject - means the person whose personal data is being processed. That may be an Employee, prospective Employee, associate or prospective associate of the Parish Council or someone transacting with it in some way, or an Employee, Councillor or volunteer with one of our clients, or persons transacting or contracting with one of our clients when we process data for them.

Personal data - means any information relating to a natural person or data subject that can be used directly or indirectly to identify the person. It can be anything from a name, a photo, and an address, date of birth, an email address, bank details, and posts on social networking sites or a computer IP address.

Sensitive personal data - includes information about racial or ethnic origin, political opinions, and religious or other beliefs, trade union membership, medical information, sexual orientation, genetic and biometric data or information related to offences or alleged offences where it is used to uniquely identify an individual.

Data controller - means a person who (either alone or jointly or in common with other persons) (e.g. the Parish Council, employer) determines the purposes for which and the manner in which any personal data is to be processed.

Data processor - in relation to personal data, means any person (other than an Employee of the data controller) who processes the data on behalf of the data controller.

Processing information or data - means obtaining, recording or holding the information or data or carrying out any operation or set of operations on the information or data, including:

- organising, adapting or altering it
- retrieving, consulting or using the information or data
- disclosing the information or data by transmission, dissemination or otherwise making it available; or
- aligning, combining, blocking, erasing or destroying the information or data. regardless of the Technology used.

3.8. The Parish Council processes **personal data** in order to:

- 3.8.1. fulfil its duties as an employer by complying with the terms of contracts of employment, safeguarding the Employee and maintaining information required by law;
- 3.8.2. pursue the legitimate interests of its business and its duties as a public body, by fulfilling contractual terms with other organisations, and maintaining information required by law;
- 3.8.3. monitor its activities including the equality and diversity of its activities;
- 3.8.4. fulfil its duties in operating the business premises including security;
- 3.8.5. assist regulatory and law enforcement agencies;
- 3.8.6. process information including the recording and updating details about its Councillors, Employees, partners and volunteers;
- 3.8.7. process information including the recording and updating details about individuals who contact it for information, or to access a service, or make a complaint;

- 3.8.8. undertake surveys, censuses and questionnaires to fulfil the objectives and purposes of the Parish Council;
 - 3.8.9. undertake research, audit and quality improvement work to fulfil its objects and purposes; and
 - 3.8.10. carry out Parish Council administration.
- 3.9. Where appropriate and governed by necessary safeguards we will carry out the above processing jointly with other appropriate bodies from time to time.

When will the Parish Council Process Personal Information?

- 3.10. The Parish Council will ensure that at least one of the following conditions is met for personal information to be considered fairly processed:
- 3.10.1. the individual has consented to the processing;
 - 3.10.2. processing is necessary for the performance of a contract or agreement with the individual;
 - 3.10.3. processing is required under a legal obligation;
 - 3.10.4. processing is necessary to protect the vital interests of the individual;
 - 3.10.5. processing is necessary to carry out public functions; or
 - 3.10.6. processing is necessary in order to pursue the legitimate interests of the data controller or third parties.

Sensitive Personal Information

3.11. Particular attention is paid to the processing of any **sensitive personal information** and the Parish Council will ensure that at least one of the following conditions is met:

3.11.1. explicit consent of the individual;

3.11.2. required by law to process the data for employment purposes; or

3.11.3. a requirement in order to protect the vital interests of the individual or another person.

Who is responsible for protecting a person's personal data?

The Parish Council as a corporate body has ultimate responsibility for ensuring compliance with the Data Protection legislation. The Parish Council has delegated this responsibility day to day to the Clerk.

- Email: clerk@dbhparishcouncil.co.uk
- Phone: 0117 9567001
- Correspondence: The Parish Clerk, Parish Office, Downend Library, Buckingham Gardens, Downend, Bristol BS16 5TW

The Parish Council may, in the future, appoint an external Data Protection Officer to ensure compliance with Data Protection legislation.

Diversity Monitoring

3.12. The Parish Council monitors the diversity of its employees, and Councillors, in order to ensure that there is no inappropriate or unlawful discrimination in the way it conducts its activities. It undertakes similar data handling in respect of prospective Employees. This data will always be treated as confidential. It will only be accessed by authorised individuals within the Parish Council and will not be disclosed to any other bodies or individuals. Diversity information will never be used as selection criteria and will not be made available to others involved in the recruitment process. Anonymised

data derived from diversity monitoring will be used for monitoring purposes and may be published and passed to other bodies.

- 3.13. The Parish Council will always give guidance on personnel data to Employees, Councillors, partners and volunteers through a Privacy Notice (see Appendix 1 of this Staff Handbook for a copy of this Privacy Notice) and ensure that individuals on whom personal information is kept are aware of their rights and have easy access to that information on request.
- 3.14. Appropriate technical and organisational measures will be taken against Unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.
- 3.15. Personal data shall not be transferred to a country or territory outside the European Economic Areas unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

Information provided to the Parish Council

- 3.16. The information provided (personal information such as name, address, email address, phone number) will be processed and stored so that it is possible for the Parish Council to contact, respond to or conduct the transaction requested by the individual. By transacting with the Parish Council, individuals are deemed to be giving consent for their personal data provided to be used and transferred in accordance with this policy (please also read the Privacy Notice in Appendix 2 of this Public Handbook), however wherever possible specific written consent will be sought (this will be by completing a form similar to the one shown in Appendix 3 of this Public Handbook). It is the responsibility of those individuals to ensure that the Parish Council is able to keep their personal data accurate and up-to-date. The personal information will be not shared or provided to any other third party or be used for any purpose other than that for which it was provided.

The Parish Council's Right to Process Information

- 3.17. There are various grounds that give the Parish Council the right to process information. This includes General Data Protection Regulations (and Data Protection Act) Article 6 (1) (a) (b) and (e) and where:
- 3.17.1. processing is with consent of the data subject, or
 - 3.17.2. processing is necessary for compliance with a legal obligation; or
 - 3.17.3. processing is necessary for the legitimate interests of the Parish Council.

Information Security

- 3.18. The Parish Council cares to ensure the security of personal data. We make sure that your information is protected from unauthorised access, loss, manipulation, falsification, destruction or unauthorised disclosure. This is done through appropriate technical measures and appropriate policies.
- 3.19. We will only keep your data for the purpose it was collected for and only for as long as is necessary, after which it will be deleted.

Children

- 3.20. We will not process any data relating to a child (under 13) without the express parental/ guardian consent of the child concerned.

Rights of a Data Subject

- 3.21. **Access to Information:** an individual has the right to request access to the information we have on them. They can do this by contacting our Clerk and further information is given in Section B: Subject Access Requests of this Public Handbook.

- 3.22. **Information Correction:** If they believe that the information we have about them is incorrect, they may contact us so that we can update it and keep their data accurate. Please contact the Clerk.
- 3.23. **Information Deletion:** If the individual wishes the Parish Council to delete the information about them, they can do so by contacting the Clerk.
- 3.24. **Right to Object:** If an individual believes their data is not being processed for the purpose it has been collected for, they may object by contacting the Clerk.
- 3.25. The Parish Council does not use automated decision making or profiling of individual personal data.

Complaints

- 3.26. If an individual has a complaint regarding the way their personal data has been processed, they may make a complaint to the Clerk or the Information Commissioner's Office casework@ico.org.uk Tel: 0303 123 1113.
- 3.27. The Parish Council will always give guidance on personnel data to employees through the Employee handbook.
- 3.28. The Parish Council will ensure that individuals on whom personal information is kept are aware of their rights and have easy access to that information on request.

Making Information Available

- 3.29. The Publication Scheme is a means by which the Parish Council can make a significant amount of information available routinely, without waiting for someone to specifically request it. The scheme is intended to encourage local people to take an interest in the work of the Parish Council and its role within the community.

- 3.30. In accordance with the provisions of the Freedom of Information Act 2000, this Scheme specifies the classes of information which the Parish Council publishes or intends to publish. It is supplemented with an Information Guide which will give greater detail of what the Parish Council will make available and hopefully make it easier for people to access it.
- 3.31. All formal meetings of Parish Council and its Committees are subject to statutory notice being given on notice boards, the Website and sent to the local media. The Parish Council publishes an annual programme in May each year. All formal meetings are open to the public and press and reports to those meetings and relevant background papers are available for the public to see. The Parish Council welcomes public participation and has a public participation session on each Parish Council and Committee meeting. Details can be seen in the Parish Council's Standing Orders, which are available on its Website or at its Offices.
- 3.32. Occasionally, the Parish Council or Committees may need to consider matters in private. Examples of this are matters involving personal details of staff, or a particular member of the public, or where details of commercial/contractual sensitivity are to be discussed. This will only happen after a formal resolution has been passed to exclude the press and public and reasons for the decision are stated. Minutes from all formal meetings, including the confidential parts are public documents.
- 3.33. The Openness of Local Government Bodies Regulations 2014 requires written records to be made of certain decisions taken by officers under delegated powers. These are not routine operational and administrative decisions such as giving instructions to the workforce or paying an invoice approved by Parish Council, but would include urgent action taken after consultation with the Chair, such as responding to a planning application in advance of the Parish Council. In other words, decisions which would have been made by the Parish Council or Committee had the delegation not been in place.

- 3.34. The 2014 Regulations also amend the Public Bodies (Admission to Meetings) Act 1960 to allow the public or press to film, photograph or make an audio recording of the Parish Council and Committee meetings normally open to the public. The Parish Council will where possible facilitate such recording unless it is being disruptive. It will also take steps to ensure that children, the vulnerable and members of the public who object to being filmed are protected without undermining the broader purpose of the meeting.
- 3.35. The Parish Council will be pleased to make special arrangements on request for persons who do not have English as their first language or those with hearing or sight difficulties.

Disclosure Information

- 3.36. The Parish Council will as necessary undertake checks on both staff and Councillors with the the Disclosure and Barring Service and will comply with their Code of Conduct (set out in the Employee and Councillor Handbook) relating to the secure storage, handling, use, retention and disposal of Disclosures and Disclosure Information. It will include an appropriate operating procedure in its integrated quality management system.

Data Transparency

- 3.37. The Parish Council has resolved to act in accordance with the Code of Recommended Practice for Local Authorities on Data Transparency (September 2011). This sets out the key principles for local authorities in creating greater transparency through the publication of public data and is intended to help them meet obligations of the legislative framework concerning information.
- 3.38. “Public data” means the objective, factual data on which policy decisions are based and on which public services are assessed, or which is collected or generated in the course of public service delivery.

3.39. The Code will therefore underpin the Parish Council's decisions on the release of public data and ensure it is proactive in pursuing higher standards and responding to best practice as it develops.

3.40. The principles of the Code are:

3.40.1. **Demand led:** new technologies and publication of data should support transparency and accountability.

3.40.2. **Open:** the provision of public data will be integral to the Parish Council's engagement with residents so that it drives accountability to them.

3.40.3. **Timely:** data will be published as soon as possible following production.

3.41. Government has also issued a further Code of Recommended Practice on Transparency, compliance of which is compulsory for parish councils with turnover (gross income or gross expenditure) not exceeding £25,000 per annum. These councils will be exempt from the requirement to have an external audit from April 2017. The Parish Council exceeds this turnover but will nevertheless ensure the following information is published on its website for ease of access:

3.41.1. all transactions above £100;

3.41.2. end of year accounts;

3.41.3. Annual Governance Statements;

3.41.4. Internal Audit Reports;

3.41.5. list of Councillors' responsibilities;

3.41.6. details of public land and building assets;

- 3.41.7. draft minutes of Parish Council and Committees within one month;
and
- 3.41.8. agendas and associated papers no later than three clear days
before the meeting.

4. FREEDOM OF INFORMATION AND PUBLICATION

Overview

- 4.1. The Parish Council has been recognised with the Foundation award as part of the Local Council Award Scheme. This demonstrates that the Parish Council meets a set of minimum standards to deliver effectively for its community. To receive this award the Parish Council has demonstrated that it has the required documentation and information in place for operating lawfully and according to standard practice.
- 4.2. The Parish Council also had to demonstrate it had policies for training for its Councillors and officers (and so has the foundations for improvement and development in place).
- 4.3. The following information is available from the Parish Council under the model publication scheme:

INFORMATION TO BE PUBLISHED	HOW THE INFORMATION CAN BE OBTAINED	COST
Class 1 – who we are and what we do		
Who's who on the Parish Council and its Committees	Website/hard copy contact Clerk	Free to download. Hard copy will incur charge (see schedule of charges).
Contact details for Clerk and Councillors	Website/hard copy contact Clerk	Free to download. Hard copy will incur charge (see schedule of charges).
Location of main Parish Council office and accessibility details	Website/hard copy contact Clerk	Free to download. Hard copy will incur charge (see schedule of charges).
Staffing structure	Website/hard copy contact Clerk	Free to download. Hard copy will incur charge (see schedule of charges).
Class 2 – what we spend and how we spend it		
Annual return form and report by auditor	Hard copy contact Clerk	Hard copy will incur charge (see schedule of charges).
Finalised budget	Hard copy contact Clerk	Hard copy will incur charge (see schedule of charges).
Precept	Hard copy contact Clerk	Hard copy will incur charge (see schedule of charges).
Borrowing Approval Letter	N/A to this Parish Council	
Financial Standing Orders and Regulations	Website/hard copy contact Clerk	Free to download. Hard copy will incur

		charge (see schedule of charges).
Grants given and received	Hard copy contact Clerk	Hard copy will incur charge (see schedule of charges).
List of current contracts awarded and value of contract	Hard copy contact Clerk	Hard copy will incur charge (see schedule of charges).
Members allowances and expenses	Hard copy contact Clerk	Hard copy will incur charge (see schedule of charges).
Class 3 – what our priorities are and how we are doing		
Community Led Plan/Parish Plan	Contact Clerk for Steering Group details	Hard copy will incur charge (see schedule of charges).
Annual Report to Parish or Community Meeting	Hard copy contact Clerk	Hard copy will incur charge (see schedule of charges).
Quality Status	N/A to this Parish Council	
Local charters drawn up in accordance with DCLG guidelines	N/A to this Parish Council	
Class 4 – how we make decisions		
Timetable of meetings	Website/hard copy contact Clerk	Free to download. Hard copy will incur charge (see schedule of charges).
Agenda of meetings	Website/hard copy contact Clerk	Free to download. Hard copy will incur charge (see schedule of charges).
Minutes of meetings	Website/hard copy contact Clerk	Free to download. Hard copy will incur charge (see schedule of charges).
Reports presented to council meetings	Hard copy contact Clerk	Hard copy will incur charge (see schedule of charges).
Responses to consultation papers	Hard copy contact Clerk	Hard copy will incur charge (see schedule of charges).
Responses to planning applications	Hard copy contact Clerk or visit South Glos. Council website	Free to download. Hard copy will incur charge (see schedule of charges).
Bye-laws	N/A to this Council	
Class 5 – our policies and procedures		
Policies and procedures for the conduct of council business: <ul style="list-style-type: none"> ● Procedural standing orders ● Committee and sub-committee terms of reference ● Delegated authority in respect of officers ● Code of Conduct ● Policy statements 	Website/hard copy contact Clerk Hard copy contact Clerk N/A to this Council Website/hard copy contact Clerk Website/hard copy contact Clerk	Free to download. Hard copy will incur charge (see schedule of charges).
Policies and procedures for the provision of services and about the employment of staff: <ul style="list-style-type: none"> ● Internal policies relating to the delivery of services ● Equality and Diversity Policy ● Health and Safety Policy 	N/A to this Council Website/hard copy contact Clerk Website/hard copy contact Clerk	Free to download. Hard copy will incur charge (see schedule of charges).

<ul style="list-style-type: none"> Recruitment Policies (including current vacancies) Policies and procedures for handling requests for information Complaints procedures Information security policy Records management policies (record retention, destruction and archive) Data Protection Policies Schedule of charges (for the publication of information) 	<p>Contact Clerk for information</p> <p>Website/hard copy contact Clerk</p> <p>Hard copy contact Clerk</p> <p>Website/hard copy contact Clerk</p> <p>Hard copy contact Clerk</p> <p>Hard copy contact Clerk</p> <p>Website/Hard copy contact Clerk</p>	
Class 6 – lists and registers		
Any publicly available register or list	Hard copy contact Clerk	Hard copy will incur charge (see schedule of charges).
Assets Register	Hard copy contact Clerk	Hard copy will incur charge (see schedule of charges).
Disclosure log	Hard copy contact Clerk	Hard copy will incur charge (see schedule of charges).
Register of members interests	Website/hard copy contact Clerk	Free to download. Hard copy will incur charge (see schedule of charges).
Register of gifts and hospitality	Hard copy contact Clerk	Hard copy will incur charge (see schedule of charges).
Class 7 – the services we offer		
Allotments	N/A to this Council	
Burial grounds and closed churchyards	N/A to this Council	
Community centres and village halls	N/A to this Council	
Parks, playing fields and recreation facilities	Hard copy contact Clerk	Hard copy will incur charge (see schedule of charges).
Seating, litter bins, clocks, memorials and lighting	Hard copy contact Clerk	Hard copy will incur charge (see schedule of charges).
Markets	N/A to this Council	
Public conveniences	N/A to this Council	
Agency agreements	N/A to this Council	
A summary of services for which the Council is entitled to recover a fee, together with those fees (eg. Burial fees)	N/A to this Council	

5. SCHEDULE OF CHARGES

5.1. Information can be downloaded free of charge from the Parish Council website. Where the provision of information incurs a cost to the Parish Council (i.e. postage, copying etc), the following costs shall be levied.

TYPE OF CHARGE	DESCRIPTION	BASIS OF CHARGE
Disbursement cost	Photocopying/printing @ 10p per sheet (black & white)	Estimated actual cost
	Photocopying/printing @ 30p per sheet (colour)	Estimated actual cost
	Postage	Actual cost of Royal Mail standard 2 nd class
Statutory Fee		In accordance with the relevant legislation
Other	Clerk's time	If considerable volume of work is requested, charge made at £19/hour.

6. SUBJECT ACCESS REQUEST PROCEDURE

- 6.1. An individual can make a subject access request to the Parish Council and a form has been provided to make this easier (please see Appendix 4 to this Public Handbook for a copy of the form and it is also available to download from the Parish Council website)
- 6.2. This procedure is to be followed when an individual contacts the Parish Council to request access to their personal information held by the Parish Council. Requests must be completed within 1 month, so it should be actioned as soon as it is received. SAR's should be provided free of charge, however, a 'reasonable fee' may be charged when a request is manifestly unfounded or excessive, particularly if it is repetitive.
- 6.3. The steps below should be followed to action the request:

6.3.1. **Is it a valid subject access request?**

6.3.1.1. The request must be in writing (letter or email).

6.3.1.2. Has the person requesting the information provided you with sufficient information to allow you to search for the information? (You are allowed to request for more information from the person if the request is too broad.)

6.3.2. **Verify the identity of the requestor:** You must be confident that the person requesting the information is indeed the person the information relates to. You should ask for the person to attend the office with their passport/photo driving licence and confirmation of their address (utility bill/bank statement).

6.3.3. **Determine where the personal information will be found**

6.3.3.1. Consider the type of information requested and use the data processing map to determine where the records are stored.

(Personal data is data which relates to a living individual who can be identified from the data (name, address, email address, database information) and can include expressions of opinion about the individual.)

6.3.3.2. If you do not hold any personal data, inform the requestor. If you do hold personal data, continue to the next step.

6.3.4. **Screen the information:** Some of the information you have retrieved may not be disclosable due to exemptions, however legal advice should be sought before applying exemptions. Examples of exemptions are:

6.3.4.1. references you have given;

6.3.4.2. publicly available information;

6.3.4.3. crime and taxation;

6.3.4.4. management information (restructuring/redundancies)

6.3.4.5. negotiations with the requestor;

6.3.4.6. regulatory activities (planning enforcement, noise nuisance);

6.3.4.7. legal advice and proceedings; and

6.3.4.8. personal data of third parties

6.3.5. **Are you able to disclose all the information?** In some cases, emails and documents may contain the personal information of other individuals who have not given their consent to share their personal information with others. If this is the case, the other

individual's personal data must be redacted before the SAR is sent out.

6.3.6. **Prepare the SAR response** (using the sample letters at the end of this document) and make sure to include as a minimum the following information:

- 6.3.6.1. the purposes of the processing;
- 6.3.6.2. the categories of personal data concerned;
- 6.3.6.3. the recipients or categories of recipients to whom personal data has been or will be disclosed, in particular in third countries or international organisations, including any appropriate safeguards for transfer of data;
- 6.3.6.4. where possible, the envisaged period for which personal data will be stored, or, if not possible, the criteria used to determine that period;
- 6.3.6.5. the existence of the right to request rectification or erasure of personal data or restriction of processing of personal data concerning the data subject or to object to such processing;
- 6.3.6.6. the right to lodge a complaint with the Information Commissioner's Office ("ICO");
- 6.3.6.7. if the data has not been collected from the data subject: the source of such data;
- 6.3.6.8. the existence of any automated decision-making, including profiling and any meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for the data subject.

6.3.6.9. a copy of the personal data undergoing processing.

6.3.7. **Record Details:** All SAR's should be logged to include the date of receipt, identity of the data subject, summary of the request, indication of if the Council can comply, date information is sent to the data subject.

6.4. **Sample letters:**

Replying to a subject access request providing the requested personal data

"[Name] [Address]

[Date]

Dear [Name of data subject]

Data Protection subject access request

Thank you for your letter of [date] making a data subject access request for [subject]. We are pleased to enclose the personal data you requested. Include 6.3.6.1 to 6.3.6.9 above.

Copyright in the personal data you have been given belongs to the council or to another party. Copyright material must not be copied, distributed, modified, reproduced, transmitted, published or otherwise made available in whole or in part without the prior written consent of the copyright holder.

Yours sincerely"

Release of part of the personal data, when the remainder is covered by an exemption

“[Name] [Address]

[Date]

Dear [Name of data subject]

Data Protection subject access request

Thank you for your letter of [date] making a data subject access request for [subject]. To answer your request we asked the following areas to search their records for personal data relating to you:

[List the areas]

I am pleased to enclose [some/most] of the personal data you requested. [If any personal data has been removed] We have removed any obvious duplicate personal data that we noticed as we processed your request, as well as any personal data that is not about you. You will notice that [if there are gaps in the document] parts of the document(s) have been blacked out. [OR if there are fewer documents enclose] I have not enclosed all of the personal data you requested. This is because [explain why it is exempt].

Include 6(a) to (h) above.

Copyright in the personal data you have been given belongs to the council or to another party. Copyright material must not be copied, distributed, modified, reproduced, transmitted, published, or otherwise made available in whole or in part without the prior written consent of the copyright holder.

Yours sincerely”

Replying to a subject access request explaining why you cannot provide any of the requested personal data

"[Name] [Address]

[Date]

Dear [Name of data subject]

Data Protection subject access request

Thank you for your letter of [date] making a data subject access request for [subject].

I regret that we cannot provide the personal data you requested. This is because [explanation where appropriate].

[Examples include where one of the exemptions under the data protection legislation applies. For example the personal data might include personal data is 'legally privileged' because it is contained within legal advice provided to the council or relevant to ongoing or preparation for litigation. Other exemptions include where the personal data identifies another living individual or relates to negotiations with the data subject. Your data protection officer will be able to advise if a relevant exemption applies and if the council is going to rely on the exemption to withhold or redact the data disclosed to the individual, then in this section of the letter the council should set out the reason why some of the data has been excluded.]

Yours sincerely"

7. THE MANAGEMENT OF TRANSFERABLE DATA POLICY

Purpose

- 7.1. This Management of Transferable Data Policy (“**MTDP**”) supports the controlled storage and transfer of information by Councillors and all Employees, temporary staff and agents (contractors, consultants and others working on behalf of the Parish Council) who have access to and use of computing equipment that is owned or leased by the Parish Council.
- 7.2. Information is used throughout the Parish Council and is sometimes shared with external organisations and applicants. The use of removable media may result in the loss of the ability to access information, or interference with the integrity of information, which could have a significant effect on the efficient operation of the Parish Council and may result in financial loss and an inability to provide services to the public.
- 7.3. It is therefore essential for the continued operation of the Parish Council that the availability, integrity and confidentiality of all storage devices are maintained at a level which is appropriate to the Parish Council’s needs.
- 7.4. The aims of the MTDP are to ensure that the use of removable storage devices is accomplished with due regard to:
 - 7.4.1. enabling the correct data to be made available where it is required;
 - 7.4.2. maintaining the integrity of the data;
 - 7.4.3. preventing unintended consequences to the stability of the computer network;
 - 7.4.4. building confidence and trust in data that is being shared between systems;

- 7.4.5. maintaining high standards of care towards data and information about individual parishioners, staff or information that is exempt from disclosure; and
- 7.4.6. compliance with legislation, policies or good practice requirements.

Principles

- 7.5. This MTDP sets out the principles that will be adopted by the Parish Council in order for material to be safely stored on removable media so that the risk of loss or corruption to work data is low.
- 7.6. Removable media includes but is not limited to: USB memory sticks, memory cards, portable memory devices, CD / DVDs, diskettes and any other device that transfers data between systems, or stores electronic data separately from email or other applications.
- 7.7. Any person who intends to store Parish Council data on removable media must abide by this MTDP. This requirement devolves to Councillors, Employees and agents of the Parish Council, who may be held personally liable for any breach of the requirements of the MTDP.
- 7.8. Failure to comply with this MTDP could result in disciplinary action.

Advice and Assistance

- 7.9. The Clerk will ensure that everyone that is authorised to access the Parish Councils information systems is aware of their obligations arising from this MDTP.
- 7.10. A competent person should be consulted over any hardware or system issues. Advice and guidance on using software packages should be also sort from a competent person.

Responsibilities

- 7.11. Clerks are responsible for enforcing this policy and for having arrangements in place to identify the location of all data used in connection with Parish Council business.
- 7.12. Users of removable media must have adequate Records Management / Information Security training so that relevant policies are implemented.

Incident Management

- 7.13. It is the duty of all Employees and agents of the Parish Council to not allow storage media to be compromised in any way whilst in their care or under their control. There must be immediate reporting of any misuse or irresponsible actions that affect work data or information, any loss of material, or actual, or suspected breaches in information security to the Clerk.
- 7.14. It is the duty of all Councillors/Employees to report any actual or suspected breaches in information security to the Clerk.

Data Administration

- 7.15. Removable media should not be the only place where data created or obtained for work purposes is held, as data that is only held in one place and in one format is at much higher risk of being unavailable through loss, destruction or malfunction of equipment, than data which is routinely backed up.
- 7.16. Where removable media is used to transfer material between systems then copies of the data should also remain on the source system or computer, until the data is successfully transferred to another computer or system.
- 7.17. Where there is a business requirement to distribute information to third parties, then removable media must only be used when the file cannot be sent or is too large to be sent by email or other secure electronic means.

- 7.18. Transferring material to removable media is a snapshot of the data at the time it was saved to the media. Adequate labelling must be undertaken so as to easily identify the version of the data, as well as its content.
- 7.19. Files must be deleted from removable media, or the removable media destroyed, when the operational use of the material has been completed. The Parish Council's retention and disposition schedule must be implemented by Councillors, Employees, contractors and agents for all removable media.

Security

- 7.20. All storage media must be kept in an appropriately secure and safe environment that avoids physical risk, loss or electrical corruption of the business asset. Due to their small size there is a high risk of the removable media being mislaid lost or damaged, therefore special care is required to physically protect the device and the data. Anyone using removable media to transfer data must consider the most appropriate way to transport the device and be able to demonstrate that they took reasonable care to avoid damage or loss.
- 7.21. Virus Infections must be prevented from damaging the Parish Council's network and computers. Virus and malware checking software approved by the Parish Council, must be operational on both the machine from which the data is taken and the machine on to which the data is to be loaded. The data must be scanned by the virus checking software, before the media is loaded on to the receiving machine.
- 7.22. Any memory stick used in connection with Parish Council equipment or to store Parish Council material should usually be Parish Council owned. However work related data from external sources can be transferred to the Council network using memory sticks that are from trusted sources and have been checked using current anti-virus software.

- 7.23. The Parish Council will not provide support or administrator access for any non-Parish Council memory stick.

Use of Removable Media

- 7.24. Care must be taken over what data or information is transferred onto removable media. Only the data that is authorised and necessary to be transferred should be saved on to the device.
- 7.25. Parish Council material belongs to the Parish Council and any equipment on which it is held should be under the control of the Parish Council and not available to be used for other purposes that may compromise the data.
- 7.26. All data transferred to removable media should be in accordance with an agreed process established by the Parish Council so that material can be traced.
- 7.27. The person arranging the transfer of data must be authorised to make use of, or process that particular data.
- 7.28. Whilst in transit or storage the data must be given appropriate security according to the type of data and its sensitivity.
- 7.29. Encryption must be applied to the data file unless there is no risk to the Parish Council, other organisations or individuals from the data being lost whilst in transit or storage. If encryption is not available then password control must be applied if removable media must be used for the business purpose.

Faulty or Unneeded Storage Devices

- 7.30. Damaged or faulty media must not be used. The Clerk must be consulted over any damaged equipment, peripherals or media.

- 7.31. All unneeded or faulty storage devices must be dealt with securely to remove the data before reallocating or disposing of the device.

Breach procedures

- 7.32. Users who do not adhere to this policy will be dealt with through the Parish Council's disciplinary process.
- 7.33. Where external service providers, agents or contractors breach the policy, this should be addressed through contract arrangements.

Review and Revision

- 7.34. This MTDP will be reviewed annually by the Parish Council and revised according to developments in legislation, guidance, accepted good practice and operational use.

Employees Guide in Brief

- 7.35. Data and information are valuable and must be protected.
- 7.36. Only transfer data onto removable media, if you have the authority to do so.
- 7.37. All transfer arrangements carry a risk to the data.
- 7.38. Run the virus checking programme on the removable media each time it is connected to a computer.
- 7.39. Only use approved products for Parish Council data.
- 7.40. Activate encryption on removable media wherever it is available and password protection if not available.

- 7.41. Data should be available for automatic back up and not solely saved to removable media.

- 7.42. Delete files from removable media, or destroy the media, after the material has been used for its purpose.

8. RETENTION AND DISPOSAL POLICY

Introduction

- 8.1. The Parish Council accumulates a vast amount of information and data during the course of its everyday activities. This includes data generated internally in addition to information obtained from individuals and external organisations. This information is recorded in various different types of document.
- 8.2. Records created and maintained by the Parish Council are an important asset and as such measures need to be undertaken to safeguard this information. Properly managed records provide authentic and reliable evidence of the Council's transactions and are necessary to ensure it can demonstrate accountability.
- 8.3. Documents may be retained in either 'hard' paper form or in electronic forms. For the purpose of this policy, 'document' and 'record' refers to both hard copy and electronic records.
- 8.4. It is imperative that documents are retained for an adequate period of time. If documents are destroyed prematurely the Parish Council and individual officers concerned could face prosecution for not complying with legislation and it could cause operational difficulties, reputational damage and difficulty in defending any claim brought against the Parish Council.
- 8.5. In contrast to the above the Parish Council should not retain documents longer than is necessary. Timely disposal should be undertaken to ensure compliance with the General Data Protection Regulations so that personal information is not retained longer than necessary. This will also ensure the most efficient use of limited storage space.

Scope and Objectives of the Policy

- 8.6. The aim of this document is to provide a working framework to determine which documents are:
- 8.6.1. Retained – and for how long; or
 - 8.6.2. Disposed of – and if so by what method.
- 8.7. There are some records that do not need to be kept at all or that are routinely destroyed in the course of business. This usually applies to information that is duplicated, unimportant or only of a short-term value. Unimportant records of information include:
- 8.7.1. 'With compliments' slips;
 - 8.7.2. catalogues and trade journals;
 - 8.7.3. non-acceptance of invitations;
 - 8.7.4. trivial electronic mail messages that are not related to Parish Council business;
 - 8.7.5. requests for information such as maps, plans or advertising material; and
 - 8.7.6. out of date distribution lists.
- 8.8. Duplicated and superseded material such as stationery, manuals, drafts, forms, address books and reference copies of annual reports may be destroyed.
- 8.9. Records should not be destroyed if the information can be used as evidence to prove that something has happened. If destroyed the disposal needs to be disposed of under the General Data Protection Regulations

Roles and Responsibilities for Document Retention and Disposal

- 8.10. The Parish Council is responsible for determining whether to retain or dispose of documents and should undertake a review of documentation at least on an annual basis to ensure that any unnecessary documentation being held is disposed of under the General Data Protection Regulations.
- 8.11. The Parish Council will ensure that all Employees are aware of the retention/disposal schedule.

Document Retention Protocol

- 8.12. The Parish Council should have in place an adequate system for documenting the activities of their service. This system should take into account the legislative and regulatory environments to which they work.
- 8.13. Records of each activity should be complete and accurate enough to allow employees and their successors to undertake appropriate actions in the context of their responsibilities to:
 - 8.13.1. facilitate an audit or examination of the business by anyone so authorised;
 - 8.13.2. protect the legal and other rights of the Parish Council, its clients and any other persons affected by its actions;
 - 8.13.3. verify individual consent to record, manage and record disposal of their personal data; and
 - 8.13.4. provide authenticity of the records so that the evidence derived from them is shown to be credible and authoritative.
- 8.14. To facilitate this the following principles should be adopted:

- 8.14.1. records created and maintained should be arranged in a record-keeping system that will enable quick and easy retrieval of information under the General Data Protection Regulations; and
 - 8.14.2. documents that are no longer required for operational purposes but need retaining should be placed at the records office.
- 8.15. The retention schedules in section 9 below provides guidance on the recommended minimum retention periods for specific classes of documents and records. These schedules have been compiled from recommended best practice from the Public Records Office, the Records Management Society of Great Britain and in accordance with relevant legislation.
- 8.16. Whenever there is a possibility of litigation, the records and information that are likely to be affected should not be amended or disposed of until the threat of litigation has been removed.

Document Disposal Protocol

- 8.17. Documents should only be disposed of if reviewed in accordance with the following:
- 8.17.1. Is retention required to fulfil statutory or other regulatory requirements?
 - 8.17.2. Is retention required to meet the operational needs of the service?
 - 8.17.3. Is retention required to evidence events in the case of dispute?
 - 8.17.4. Is retention required because the document or record is of historic interest or intrinsic value?
- 8.18. When documents are scheduled for disposal the method of disposal should be appropriate to the nature and sensitivity of the documents concerned. A

record of the disposal will be kept to comply with the General Data Protection Regulations.

- 8.19. Documents can be disposed of by any of the following methods:
 - 8.19.1. Non-confidential records: place in waste paper bin for disposal.
 - 8.19.2. Confidential records or records giving personal information: shred documents.
 - 8.19.3. Deletion of computer records.
 - 8.19.4. Transmission of records to an external body such as the County Records Office.

- 8.20. The following principles should be followed when disposing of records:
 - 8.20.1. All records containing personal or confidential information should be destroyed at the end of the retention period. Failure to do so could lead to the Parish Council being prosecuted under the General Data Protection Regulations the Freedom of Information Act or cause reputational damage.
 - 8.20.2. Where computer records are deleted steps should be taken to ensure that data is 'virtually impossible to retrieve' as advised by the Information Commissioner.
 - 8.20.3. Where documents are of historical interest it may be appropriate that they are transmitted to the County Records office.
 - 8.20.4. Back-up copies of documents should also be destroyed (including electronic or photographed documents unless specific provisions exist for their disposal).

8.21. Records should be maintained of appropriate disposals. These records should contain the following information:

8.21.1. The name of the document destroyed.

8.21.2. The date the document was destroyed.

8.21.3. The method of disposal.

Data Protection Act 1998 – Obligation to Dispose of Certain Data

8.22. The Data Protection Act 1998 ('Fifth Principle') requires that personal information must not be retained longer than is necessary for the purpose for which it was originally obtained. Section 1 of the Data Protection Act defines personal information as data that relates to a living individual who can be identified: (a) from the data, or (b) from those data and other information which is in the possession of, or is likely to come into the possession of the data controller. It includes any expression of opinion about the individual and any indication of the intentions of the Parish Council or other person in respect of the individual.

8.23. The Data Protection Act provides an exemption for information about identifiable living individuals that is held for research, statistical or historical purposes to be held indefinitely provided that the specific requirements are met.

8.24. Parish Councils are responsible for ensuring that they comply with the principles of the under the General Data Protection Regulations namely:

8.24.1. Personal data is processed fairly and lawfully and, in particular, shall not be processed unless specific conditions are met.

8.24.2. Personal data shall only be obtained for specific purposes and processed in a compatible manner.

- 8.24.3. Personal data shall be adequate, relevant, but not excessive.
 - 8.24.4. Personal data shall be accurate and up to date.
 - 8.24.5. Personal data shall not be kept for longer than is necessary.
 - 8.24.6. Personal data shall be processed in accordance with the rights of the data subject.
 - 8.24.7. Personal data shall be kept secure.
- 8.25. External storage providers or archivists that are holding Parish Council documents must also comply with the above principles of the General Data Protection Regulations.

Scanning of Documents

- 8.26. In general once a document has been scanned on to a document image system the original becomes redundant. There is no specific legislation covering the format for which local government records are retained following electronic storage, except for those prescribed by HM Revenue and Customs.
- 8.27. As a general rule hard copies of scanned documents should be retained for three months after scanning.
- 8.28. Original documents required for VAT and tax purposes should be retained for six years unless a shorter period has been agreed with HM Revenue and Customs.

Review of Document Retention

- 8.29. It is planned to review, update and where appropriate amend this document on a regular basis (at least every three years in accordance with the *Code of Practice on the Management of Records* issued by the Lord Chancellor).

8.30. This document has been compiled from various sources of recommended best practice and with reference to the following documents and publications:

8.30.1. Local Council Administration, Charles Arnold-Baker, 910^h edition, Chapter 11;

8.30.2. Local Government Act 1972, sections 225 – 229, section 234;

8.30.3. SLCC Advice Note 316 Retaining Important Documents;

8.30.4. SLCC Clerks' Manual: Storing Books and Documents; and

8.30.5. Lord Chancellor's Code of Practice on the Management of Records issued under Section 46 of the Freedom of Information Act 2000.

9. RETENTION AND DISPOSAL TIME PERIODS

9.1. This is the full list of the Parish Council's documents and the procedures for retention or disposal. This is updated regularly in accordance with any changes to legal requirements.

Document	Minimum Retention Period	Reason	Location Retained	Disposal
Minutes	Indefinite	Archive	All documents listed in this Appendix will be retained at the Parish Office.	Original signed paper copies of Council minutes of meetings must be kept indefinitely in safe storage. At regular intervals of not more than 5 years they must be archived.
Agendas	5 years	Management		Bin (shred confidential waste)
Accident/incident reports	20 years	Potential claims		Confidential waste A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations.
Scales of fees and charges	6 years	Management		Bin
Receipt and payment accounts	Indefinite	Archive		N/A
Receipt books of all kinds	6 years	VAT		Bin
Bank statements including deposit/savings accounts	Last completed audit year	Audit		Confidential waste
Bank paying-in books	Last completed audit year	Audit		Confidential waste
Cheque book stubs	Last completed audit year	Audit		Confidential waste
Quotations and tenders	6 years	Limitation Act 1980 (as amended)		Confidential waste A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations.
Paid invoices	6 years	VAT		Confidential waste
Paid cheques	6 years	Limitation Act 1980 (as amended)		Confidential waste
VAT records	6 years generally but 20 years for VAT on rents	VAT		Confidential waste
Petty cash, postage and telephone books	6 years	Tax, VAT, Limitation Act 1980 (as amended)		Confidential waste
Timesheets	Last completed audit year 3 years	Audit (requirement) Personal injury (best practice)		Bin
Wages books/payroll	12 years	Superannuation		Confidential waste
Insurance policies	While valid (but see next two items below)	Management		Bin
Insurance company names and policy numbers	Indefinite	Management		N/A
Certificates for insurance against liability for employees	40 years from date on which insurance commenced or was renewed	The Employers' Liability (Compulsory Insurance) Regulations 1998 (SI 2753) Management		Bin

Town Park equipment inspection reports	21 years			
Investments	Indefinite	Audit, Management		N/A
Title deeds, leases, agreements, contracts	Indefinite	Audit, Management		N/A
Members' allowances register	6 years	Tax, Limitation Act 1980 (as amended)		Confidential waste. A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations.
Information from other bodies e.g. circulars from county associations, NALC, principal authorities	Retained for as long as it is useful and relevant			Bin
Local/historical information	Indefinite – to be securely kept for benefit of the Parish	Councils may acquire records of local interest and accept gifts or records of general and local interest in order to promote the use for such records (defined as materials in written or other form setting out facts or events or otherwise recording information).		N/A
Magazines and journals	Council may wish to keep its own publications For others retain for as long as they are useful and relevant.	The Legal Deposit Libraries Act 2003 (the 2003 Act) requires a local council which after 1 st February 2004 has published works in print (this includes a pamphlet, magazine or newspaper, a map, plan, chart or table) to deliver, at its own expense, a copy of them to the British Library Board (which manages and controls the British Library). Printed works as defined by the 2003 Act published by a local council therefore constitute materials which the British Library holds.		Bin if applicable
Record-keeping				
To ensure records are easily accessible it is necessary to comply with the following: <ul style="list-style-type: none"> • A list of files stored in cabinets will be kept • Electronic files will be saved using relevant file names 	The electronic files will be backed up periodically on a portable hard drive and also in the cloud-based programme supplied by the Council's IT company.	Management		Documentation no longer required will be disposed of, ensuring any confidential documents are destroyed as confidential waste. A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations.

General correspondence	Unless it relates to specific categories outlined in the policy, correspondence, both paper and electronic, should be kept. Records should be kept for as long as they are needed for reference or accountability purposes, to comply with regulatory requirements or to protect legal and other rights and interests.	Management		Bin (shred confidential waste) A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations.
Correspondence relating to staff	If related to Audit, see relevant sections above. Should be kept securely and personal data in relation to staff should not be kept for longer than is necessary for the purpose it was held. Likely time limits for tribunal claims between 3–6 months Recommend this period be for 3 years	After an employment relationship has ended, a council may need to retain and access staff records for former staff for the purpose of giving references, payment of tax, national insurance contributions and pensions, and in respect of any related legal claims made against the council.		Confidential waste A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations.

Documents from legal matters, negligence and other torts

Most legal proceedings are governed by the Limitation Act 1980 (as amended). The 1980 Act provides that legal claims may not be commenced after a specified period. Where the limitation periods are longer than other periods specified the documentation should be kept for the longer period specified. Some types of legal proceedings may fall within two or more categories.
If in doubt, keep for the longest of the three limitation periods.

Negligence	6 years			Confidential waste. A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations.
Defamation	1 year			Confidential waste. A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations.
Contract	6 years			Confidential waste. A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations.
Leases	12 years			Confidential waste.
Sums recoverable by statute	6 years			Confidential waste.
Personal injury	3 years			Confidential waste.
To recover land	12 years			Confidential waste.
Rent	6 years			Confidential waste.
Breach of trust	None			Confidential waste.
Trust deeds	Indefinite			N/A
For Halls, Centres, Recreation Grounds				
<ul style="list-style-type: none"> ● Application to hire ● Invoices ● Record of tickets issued 	6 years	VAT		Confidential waste A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations.
Lettings diaries	Electronic files linked to accounts	VAT		N/A

Terms and Conditions	6 years	Management		Bin
Event Monitoring Forms	6 years unless required for claims, insurance or legal purposes	Management		Bin. A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations.
For Allotments				
Register and plans	Indefinite	Audit, Management		N/A
Minutes	Indefinite	Audit, Management		N/A
Legal papers	Indefinite	Audit, Management		N/A
For Burial Grounds				
<ul style="list-style-type: none"> • Register of fees collected • Register of burials • Register of purchased graves • Register/plan of grave spaces • Register of memorials • Applications for interment • Applications for right to erect memorials • Disposal certificates • Copy certificates of grant of exclusive right of burial 	Indefinite	Archives, Local Authorities Cemeteries Order 1977 (SI 204)		N/A
Planning Papers				
Applications	1 year	Management		Bin
Appeals	1 year unless significant development	Management		Bin
Trees	1 year	Management		Bin
Local Development Plans	Retained as long as in force	Reference		Bin
Local Plans	Retained as long as in force	Reference		Bin
Town/Neighbourhood Plans	Indefinite – final adopted plans	Historical purposes		N/A
CCTV				
Daily notes	Daily	Data protection		Confidential waste
Radio rotas	1 week	Management		Confidential waste
Work rotas	1 month	Management		Confidential waste
Observation sheets	3 years	Data protection		Confidential waste
Stats	3 years	Data protection		Confidential waste
Signing in sheets	3 years	Management		Confidential waste
Review requests	3 years	Data protection		Confidential waste
Discs – master and working	For as long as required	Data protection		Confidential waste
Internal Operations Procedure Manual	Destroy on renewal Review annually	Management		Confidential waste
Code of Practice	Destroy on renewal Review annually	Management		Confidential waste
Photographs/digital prints	31 days	Data protection		Confidential waste

10. DATA BREACH POLICY

10.1. GDPR defines a personal data breach as “a breach of security leading to accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored or otherwise processed”.

Examples include:

- 10.1.1. access by an unauthorised third party;
- 10.1.2. deliberate or accidental action (or inaction) by a controller or processor;
- 10.1.3. sending personal data to an incorrect recipient;
- 10.1.4. computing devices containing personal data being lost or stolen;
- 10.1.5. alteration of personal data without permission; and
- 10.1.6. loss of availability of personal data.

10.2. The Parish Council takes the security of personal data seriously, computers are password protected and hard copy files are kept in locked cabinets.

Consequences of a personal data breach

10.3. A breach of personal data may result in a loss of control of personal data, discrimination, identity theft or fraud, financial loss, damage to reputation, loss of confidentiality of personal data, damage to property or social disadvantage. Therefore a breach, depending on the circumstances of the breach, can have a range of effects on individuals.

The Parish Council’s duty to report a breach

- 10.4. If the data breach is likely to result in a risk to the rights and freedoms of the individual, the breach must be reported to the individual and ICO without undue delay and, where feasible, not later than 72 hours after having become aware of the breach. If appointed, the Data Protection Officer must be informed immediately so they are able to report the breach to the ICO in the 72 hour timeframe. The document at Appendix 5 sets out the details of that are needed when reporting a data breach.
- 10.5. If the ICO is not informed within 72 hours, the Parish Council (via the DPO if applicable) must give reasons for the delay when they report the breach.
- 10.6. When notifying the ICO of a breach, the Parish Council must:
 - 10.6.1. Describe the nature of the breach including the categories and approximate number of data subjects concerned and the categories and approximate number of personal data records concerned.
 - 10.6.2. Communicate the name and contact details of the DPO, if appointed.
 - 10.6.3. Describe the likely consequences of the breach
 - 10.6.4. Describe the measures taken or proposed to be taken to address the personal data breach including, measures to mitigate its possible adverse effects.
- 10.7. When notifying the individual affected by the breach, the Parish Council must provide the individual with (10.6.2)-(10.6.4) above.
- 10.8. The Parish Council would not need to communicate with an individual if the following applies:
 - 10.8.1. it has implemented appropriate technical and organisational measures (i.e. encryption) so those measures have rendered the

personal data unintelligible to any person not authorised to access it;

10.8.2. it has taken subsequent measures to ensure that the high risk to rights and freedoms of individuals is no longer likely to materialise, or

10.8.3. it would involve a disproportionate effort.

10.9. The ICO must still be informed even if the measures set out in 10.8 are in place.

Data processors duty to inform the Parish Council

10.10. If a data processor (i.e. payroll provider) becomes aware of a personal data breach, it must notify the Parish Council without undue delay. It is then the Parish Council's responsibility to inform the ICO, it is not the data processors responsibility to notify the ICO.

Records of data breaches

10.11. All data breaches must be recorded whether or not they are reported to individuals. This record will help to identify system failures and should be used as a way to improve the security of personal data.

10.12. A record of the data breach should be kept in a form similar to the details included in the table below.

Date of breach	Type of breach	Number of individuals affected	Date reported to ICO/individual	Actions to prevent breach recurring

10.13. A data breach can be reported using the ICO online system:

<https://ico.org.uk/for-organisations/report-a-breach/>

SECTION B

SOCIAL MEDIA AND ELECTRONIC COMMUNICATIONS

11. SOCIAL MEDIA AND ELECTRONIC COMMUNICATION POLICY

Policy Statement

- 11.1. The use of digital and social media and electronic communication enables the Parish Council to interact in a way that improves the communications both within the Parish Council and between the Parish Council and the people, businesses and agencies it works with and serves.
- 11.2. The Parish Council has a website and Facebook page, and uses email to communicate. The Parish Council will always try to use the most effective channel for its communications. Over time the Parish Council may add to the channels of communication that it uses as it seeks to improve and expand the services it delivers. When these changes occur this policy will be updated to reflect the new arrangements.
- 11.3. The Parish Council's Facebook page intends to provide information and updates regarding activities and opportunities within our Parish and promote our community positively.
- 11.4. **Communications from the Council will meet the following criteria:**
- 11.4.1. be civil, tasteful and relevant;
 - 11.4.2. not contain content that is knowingly unlawful, libellous, harassing, defamatory, abusive, threatening, harmful, obscene, profane, sexually oriented or racially offensive;
 - 11.4.3. not contain content knowingly copied from elsewhere, for which we do not own the copyright;
 - 11.4.4. not contain any personal information;
 - 11.4.5. if it is official Parish Council business it will be moderated by either the Chair/Vice Chair or the Clerk; or

- 11.4.6. social media will not be used for the dissemination of any political advertising.

- 11.5. In order to ensure that all discussions on the Parish Council page are productive, respectful and consistent with the Parish Council's aims and objectives, we ask you to follow these guidelines:
 - 11.5.1. Be considerate and respectful of others. Vulgarity, threats or abuse of language will not be tolerated.

 - 11.5.2. Differing opinions and discussion of diverse ideas are encouraged, but personal attacks on anyone, including the Councillors or Employees, will not be permitted.

 - 11.5.3. Share freely and be generous with official Parish Council posts, but be aware of copyright laws; be accurate and give credit where credit is due.

 - 11.5.4. Stay on topic.

 - 11.5.5. Refrain from using the Parish Council's Facebook page for commercial purposes or to advertise market or sell products.

- 11.6. The site is not monitored 24/7 and we will not always be able to reply individually to all messages or comments received. However, we will endeavour to ensure that any emerging themes or helpful suggestions are passed to the relevant people or authorities. Please do not include personal/private information in your social media posts to us.

- 11.7. Sending a message/post via Facebook will not be considered as contacting the Parish Council for official purposes and we will not be obliged to monitor or respond to requests for information through these channels. Instead, please make direct contact with the Clerk and/or Councillors by emailing.

- 11.8. The Parish Council retains the right to remove comments or content that includes:
- 11.8.1. obscene or racist content;
 - 11.8.2. personal attacks, insults, or threatening language;
 - 11.8.3. potentially libellous statements;
 - 11.8.4. plagiarised material; any material in violation of any laws, including copyright;
 - 11.8.5. private, personal information published without consent;
 - 11.8.6. information or links unrelated to the content of the forum;
 - 11.8.7. commercial promotions or spam; or
 - 11.8.8. alleges a breach of a Parish Council's policy or the law
- 11.9. The Parish Council's response to any communication received not meeting the above criteria will be to either ignore, inform the sender of our policy or send a brief response as appropriate. This will be at the Parish Council's discretion based on the message received, given our limited resources available. Any information posted on the Facebook page not in line with the above criteria will be removed as quickly as practically possible. Repeat offenders will be blocked from the Facebook page. The Parish Council may post a statement that '*A post breaching the Parish Council's Social Media Policy has been removed*'. If the post alleges a breach of a Parish Council's policy or the law the person who posted it will be asked to submit a formal complaint to the Parish Council or report the matter to the Police as soon as possible to allow due process.

Parish Council Website

- 11.10. Where necessary, we may direct those contacting us to our website to see the required information, or we may forward their question to one of our Councillors for consideration and response. We may not respond to every comment we receive particularly if we are experiencing a heavy workload.
- 11.11. The Parish Council may, at its discretion, allow and enable approved local groups to have and maintain a presence on its website for the purpose of presenting information about the group's activities. The local group would be responsible for maintaining the content and ensuring that it meets the Parish Council's 'rules and expectation' for the web site. The Parish Council reserves the right to remove any or all of a local group's information from the web site if it feels that the content does not meet the Parish Council's 'rules and expectation' for its website. Where content on the website is maintained by a local group it should be clearly marked that such content is not the direct responsibility of the Parish Council.

Parish Council email

- 11.12. The Clerk has their own Parish Council email address – clerk@dbhparishcouncil.co.uk. The email account is monitored mainly during office hours, and we aim to reply to all questions sent as soon as we can. An 'out of office' message should be used when appropriate.
- 11.13. The Clerk is responsible for dealing with email received and passing on any relevant mail to members or external agencies for information and/or action. All communications on behalf of the Parish Council will usually come from the Clerk, and/or otherwise will always be copied to the Clerk. All new Emails requiring data to be passed on, will be followed up with a Data consent form for completion before action is taken with that correspondence.
- 11.14. Individual Councillors are at liberty to communicate directly with parishioners in relation to their own personal views, if appropriate, copy to the Clerk. NB any emails copied to the Clerk become official and will be subject to The Freedom of Information Act.

- 11.15. These procedures will ensure that a complete and proper record of all correspondence is kept.
- 11.16. Do not forward personal information on to other people or groups outside of the Parish Council, this includes names, addresses, email, IP addresses and cookie identifiers.

SMS (texting)

- 11.17. Councillors and the Clerk may use SMS as a convenient way to communicate at times. All are reminded that this policy also applies to such messages.

Video Conferencing e.g. Skype

- 11.18. If this medium is used to communicate please note that this policy also applies to the use of video conferencing.

Internal communication and access to information within the Council

- 11.19. The Parish Council is continually looking at ways to improve its working and the use of social media and electronic communications is a major factor in delivering improvement.

Councillors are expected to abide by the Code of Conduct and the Data Protection Act in all their work on behalf of the Parish Council

- 11.20. As more and more information becomes available at the press of a button, it is vital that all information is treated sensitively and securely. Councillors are expected to maintain an awareness of the confidentiality of information that they have access to and not to share confidential information with anyone. Failure to properly observe confidentiality may be seen as a breach of the Parish Council's Code of Conduct and will be dealt with

through its prescribed procedures (at the extreme it may also involve a criminal investigation).

- 11.21. Councillors should also be careful only to cc essential recipients on emails i.e. to avoid use of the 'Reply to All' option if at all possible, but of course copying in all who need to know and ensuring that email trails have been removed.

SECTION C

EQUAL OPPORTUNITIES AND SAFEGUARDING

12. SAFEGUARDING CHILDREN AND VULNERABLE ADULTS POLICY

Overview

- 12.1. The Parish Council has adopted this Safeguarding Children and Vulnerable Adults Policy (“**SCVAP**”).
- 12.2. The Parish Council believes that it is always unacceptable for a child, young person or vulnerable adult to experience abuse of any kind and recognises its responsibility to safeguard the welfare of all children, young people and vulnerable adults, by a commitment to practice which protects them.
- 12.3. The Parish Council recognises that:
 - 12.3.1. the welfare of the child/young person/vulnerable adult is paramount;
 - 12.3.2. all children and vulnerable adults, regardless of age, disability, gender, racial heritage, religious belief, sexual orientation or identity, have the right to equal protection from all types of harm or abuse; and
 - 12.3.3. working in partnership with children, young people, vulnerable adults, their parents, carers and their agencies is essential in promoting young people’s and vulnerable adults’ welfare.

Purpose

- 12.4. The purpose of SCVAP is:
 - 12.4.1. to provide protection for the children, young people and vulnerable adults who receive the Parish Council’s services, including the children of adult members or users; and

- 12.4.2. to provide Employees, volunteers and Councillors with guidance on procedures they should adopt in the event that they suspect a child, young person or vulnerable adult may be experiencing, or be at risk of, harm.

- 12.5. The SCVAP applies to Employees, volunteers, Councillors or anyone working on behalf of the Parish Council.

- 12.6. The Parish Council will seek to safeguard children, young people and vulnerable adults by:
 - 12.6.1. valuing them, listening to and respecting them;

 - 12.6.2. adopting child protection guidelines through procedures and a code of conduct for staff, volunteers and Councillors;

 - 12.6.3. recruiting staff, volunteers and Councillors safely, ensuring all necessary checks are made;

 - 12.6.4. sharing information about child and vulnerable adult protection and good practice with children, vulnerable adults, parents, staff, volunteers and Councillors;

 - 12.6.5. sharing information about concerns with agencies who need to know, and involving parents, children and vulnerable adults appropriately; and

 - 12.6.6. providing effective management for Employees, volunteers and Councillors through supervision, support and training.

- 12.7. The Parish Council is committed to reviewing its SCVAP annually.

13. EQUALITY AND DIVERSITY

13.1. The Parish Council's aims are to:

Welcome and Celebrate Diversity

- 13.1.1. Provide support for community activities which promote mutual understanding and community cohesion.
- 13.1.2. Promote positive images of people from all sections of the community in the Parish Council's publications.
- 13.1.3. Use appropriate and effective consultation methods to enable people at risk of discrimination and exclusion to influence the Parish Council's decision making, policy and practice.
- 13.1.4. Work collaboratively with community based equalities groups and representatives in identifying needs, developing policy and overcoming barriers to services.
- 13.1.5. Take action to promote and implement equality and opportunity.

Provide High Quality Inclusive Services and Facilities

- 13.1.6. Take appropriate steps to ensure, as far as possible, that all service users have equal and independent access.
- 13.1.7. Provide clear information about our services in a variety of formats on request.
- 13.1.8. Ensure physical/social barriers to accessing facilities and services are overcome.
- 13.1.9. Involve users in the review and development of services.

13.1.10. Develop protocols and other guidance which recognise and help meet specific needs of diverse groups and individuals.

13.1.11. Act promptly and appropriately if we receive any complaints about the way we provide services.

Ensure Employment Policies and Practices are Fair and Equitable

13.1.12. Ensure employment policies and practices are fair and equitable.

13.1.13. Ensure we select applicants for jobs solely on the basis of their relevant experience, qualifications and skills.

13.1.14. Ensure that an individual's age, gender, sensory, physical impairment, emotional/mental distress and learning difficulty, faith, sexuality or ethnic origin is not a barrier to recruitment.

Challenge Harassment and Discrimination in the Wider Community

13.1.15. Provide community leadership in promoting tolerance, understanding and respect.

13.1.16. Work closely with service providers, the police, other enforcement agencies and the community to take action to encourage reporting of harassment and discrimination.

13.1.17. Deal robustly with any incidents of harassment or discrimination within the Parish Council or its services.

SECTION D

**WHEN THINGS GO WRONG:
COMPLAINTS**

14. COMPLAINTS PROCEDURE

Overview

- 14.1. From time to time members of the public may have complaints about the administration or procedures of the Parish Council.
- 14.2. The Parish Council is not subject to the jurisdiction of the Ombudsman but Complaints may be submitted to the Standards Board for England where there is perceived to be a breach of the Code of Conduct, particularly the sections dealing with Prejudicial Interest.
- 14.3. It is recommended for transparency in local government and for the benefit of good local administration that the Parish Council should adopt a standard formal procedure for considering complaints either made by:
 - 14.3.1. complainants directly; or
 - 14.3.2. referred back to the Parish Council from other bodies to whom they have been made.
- 14.4. The Code of Practice set out below is based on the Model Code supplied by the Society of Local Council Clerks and is recommended as a way of ensuring that complainants can feel satisfied that their complaint has been properly and fully considered.
- 14.5. The Parish Council is urged to do its utmost to settle complaints and to satisfy complainants in the interest of the good reputation of the Parish Council. If a complaint cannot be settled by the Parish Council it cannot refer the complaint to any other body for settlement. However, the complainant may well try to enlist the services and backing of other individuals and bodies to pursue the complaint. This could result in considerable expenditure of time and other resources by the Parish Council.

- 14.6. The Parish Council must bear in mind the provisions of the Data Protection Act 1998, GDPR as well as the Freedom of Information Act 2000 in dealing with complaints.
- 14.7. The Parish Council has been advised to adopt the Model Code before the notification of any complaints.

Code of Good Practice In Handling Complaints

- 14.8. If a complaint about procedures or administration is notified orally to a Councillor or the Clerk and it is not possible to satisfy the complainant in full immediately, the complainant shall be asked to put his/her complaint in writing to the Clerk and receive an assurance on receipt that the matter will be dealt with promptly.
- 14.9. If a complainant indicates that he/she would prefer not to put the complaint to the Clerk then he/she should be advised to put it to the Chairman.
- 14.10. On receipt of a written complaint, the Clerk or the Chairman, as the case may be, shall (except where the complaint is about his own actions) try to settle the complaint directly with the complainant, but shall not do so in respect of a complaint about the behaviour of the Clerk or a Councillor without notifying the person complained of and giving him/her an opportunity to comment on the manner in which it is intended to attempt to settle the complaint. Where the Clerk or Chairman receives a written complaint about his own actions, he/she shall as soon as possible refer the complaint to another independent Councillor.
- 14.11. The Clerk or the Chairman shall report to the next meeting of the Parish Council any written complaint disposed of by direct action with the complainant.
- 14.12. The Clerk or the Chairman shall bring any written complaint which cannot be settled to the next meeting of the Parish Council. The Clerk shall notify the complainant of the date on which the complaint will be considered.

- 14.13. The Parish Council shall consider whether the circumstances of any complaint warrant the matter being discussed in the absence of the press and the public. If the complaint made to the Parish Council is such that the Parish Council or the Clerk believes that the matter may lead to a disciplinary hearing then the matter must be heard with the press and public excluded. In this event, if the complaint is about any employee of the Parish Council, even if the matter is being dealt with initially outside of the context of a formal disciplinary hearing, then the employee is entitled to have a representative present to act as set out in the Employment Relations Act 1999 s.10. The Parish Council must establish whether there is a factual basis to the complaint and the action that should then be taken. The proceedings at this stage cannot be a formal disciplinary hearing, which must be convened on a separate occasion in the proper manner.
- 14.14. As soon as reasonably practicable after the Parish Council's decision being made about how to deal with the complaint, the nature of any action to be taken shall be communicated in writing to the complainant.
- 14.15. In the event of serial facetious, vexatious or malicious complaints from a member of the public the Parish Council should consider taking legal advice before writing any letters to the complainant.

ADOPTION

This Public Handbook was adopted by Downend & Bromley Heath Parish Council at the March 2019 Full Parish Council meeting and is reviewed as required.

Signed:*Jon Hunt*.....

Chair

Signed:*A J Hocking*.....

Clerk

Date:3 October 2022

Version History

Adopted by Parish Council	21 March 2019
Latest review	3 October 2022
Date of next review	2023

APPENDIX 1:

EMPLOYEES AND COUNCILLORS PRIVACY NOTICE



DOWNEND & BROMLEY HEATH PARISH COUNCIL

PRIVACY NOTICE

For staff*, councillors and Role Holders**

*"Staff" means employees, workers, agency staff and those retained on a temporary or permanent basis

**Includes, volunteers, contractors, agents, and other role holders within the council including former staff*and former councillors. This also includes applicants or candidates for any of these roles.

Your personal data – what is it?

"Personal data" is any information about a living individual which allows them to be identified from that data (for example a name, photograph, video, email address, or address). Identification can be directly using the data itself or by combining it with other information which helps to identify a living individual (e.g. a list of staff may contain personnel ID numbers rather than names but if you use a separate list of the ID numbers which give the corresponding names to identify the staff in the first list then the first list will also be treated as personal data). The processing of personal data is governed by legislation relating to personal data which applies in the United Kingdom including the General Data Protection Regulation (the "GDPR") and other legislation relating to personal data and rights such as the Human Rights Act.

Who are we?

This Privacy Notice is provided to you by Downend & Bromley Heath Parish Council which is the data controller for your data.

The council works together with:

- Other data controllers, such as local authorities, public authorities, central government and agencies such as HMRC and DVLA
- Staff pension providers
- Former and prospective employers
- DBS services suppliers
- Payroll services providers
- Recruitment Agencies
- Credit reference agencies

We may need to share personal data we hold with them so that they can carry out their responsibilities to the council and our community. The organisations referred to above will

sometimes be "joint data controllers". This means we are all responsible to you for how we process your data where for example two or more data controllers are working together for a joint purpose. If there is no joint purpose or collaboration then the data controllers will be independent and will be individually responsible to you.

The council will comply with data protection law. This says that the personal data we hold about you must be:

- Used lawfully, fairly and in a transparent way.
- Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.
- Relevant to the purposes we have told you about and limited only to those purposes.
- Accurate and kept up to date.
- Kept only as long as necessary for the purposes we have told you about.
- Kept and destroyed securely including ensuring that appropriate technical and security measures are in place to protect your personal data to protect personal data from loss, misuse, unauthorised access and disclosure.

What data do we process?

- Names, titles, and aliases, photographs.
- Start date / leaving date
- Contact details such as telephone numbers, addresses, and email addresses.
- Where they are relevant to our legal obligations, or where you provide them to us, we may process information such as gender, age, date of birth, marital status, nationality, education/work history, academic/professional qualifications, employment details, hobbies, family composition, and dependants.
- Non-financial identifiers such as passport numbers, driving licence numbers, vehicle registration numbers, taxpayer identification numbers, staff identification numbers, tax reference codes, and national insurance numbers.
- Financial identifiers such as bank account numbers, payment card numbers, payment/transaction identifiers, policy numbers, and claim numbers.
- Financial information such as National Insurance number, pay and pay records, tax code, tax and benefits contributions, expenses claimed.
- Other operational personal data created, obtained, or otherwise processed in the course of carrying out our activities, including but not limited to, CCTV footage, recordings of telephone conversations, IP addresses and website visit histories, logs of visitors, and logs of accidents, injuries and insurance claims.
- Next of kin and emergency contact information
- Recruitment information (including copies of right to work documentation, references and other information included in a CV or cover letter or as part of the application process and referral source (e.g. agency, staff referral))
- Location of employment or workplace.
- Other staff data (not covered above) including; level, performance management information, languages and proficiency; licences/certificates, immigration status; employment status; information for disciplinary and grievance proceedings; and personal biographies.

- CCTV footage and other information obtained through electronic means such as swipe card records.
- Information about your use of our information and communications systems.

We use your personal data for some or all of the following purposes: -

Please note: We need all the categories of personal data in the list above primarily to allow us to perform our contract with you and to enable us to comply with legal obligations.

- Making a decision about your recruitment or appointment.
- Determining the terms on which you work for us.
- Checking you are legally entitled to work in the UK.
- Paying you and, if you are an employee, deducting tax and National Insurance contributions.
- Providing any contractual benefits to you
- Liaising with your pension provider.
- Administering the contract we have entered into with you.
- Management and planning, including accounting and auditing.
- Conducting performance reviews, managing performance and determining performance requirements.
- Making decisions about salary reviews and compensation.
- Assessing qualifications for a particular job or task, including decisions about promotions.
- Conducting grievance or disciplinary proceedings.
- Making decisions about your continued employment or engagement.
- Making arrangements for the termination of our working relationship.
- Education, training and development requirements.
- Dealing with legal disputes involving you, including accidents at work.
- Ascertaining your fitness to work.
- Managing sickness absence.
- Complying with health and safety obligations.
- To prevent fraud.
- To monitor your use of our information and communication systems to ensure compliance with our IT policies.
- To ensure network and information security, including preventing unauthorised access to our computer and electronic communications systems and preventing malicious software distribution.
- To conduct data analytics studies to review and better understand employee retention and attrition rates.
- Equal opportunities monitoring.
- To undertake activity consistent with our statutory functions and powers including any delegated functions.

- To maintain our own accounts and records;
- To seek your views or comments;
- To process a job application;
- To administer councillors' interests
- To provide a reference.

Our processing may also include the use of CCTV systems for monitoring purposes.

Some of the above grounds for processing will overlap and there may be several grounds which justify our use of your personal data.

We will only use your personal data when the law allows us to. Most commonly, we will use your personal data in the following circumstances:

- Where we need to perform the contract we have entered into with you.
- Where we need to comply with a legal obligation.

We may also use your personal data in the following situations, which are likely to be rare:

- Where we need to protect your interests (or someone else's interests).
- Where it is needed in the public interest [or for official purposes].

How we use sensitive personal data

- We may process sensitive personal data relating to staff, councillors and role holders including, as appropriate:
 - information about your physical or mental health or condition in order to monitor sick leave and take decisions on your fitness for work;
 - your racial or ethnic origin or religious or similar information in order to monitor compliance with equal opportunities legislation;
 - in order to comply with legal requirements and obligations to third parties.
- These types of data are described in the GDPR as "Special categories of data" and require higher levels of protection. We need to have further justification for collecting, storing and using this type of personal data.
- We may process special categories of personal data in the following circumstances:
 - In limited circumstances, with your explicit written consent.
 - Where we need to carry out our legal obligations.
 - Where it is needed in the public interest, such as for equal opportunities monitoring or in relation to our pension scheme.
 - Where it is needed to assess your working capacity on health grounds, subject to appropriate confidentiality safeguards.
- Less commonly, we may process this type of personal data where it is needed in relation to legal claims or where it is needed to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.

Do we need your consent to process your sensitive personal data?

- We do not need your consent if we use your sensitive personal data in accordance with our rights and obligations in the field of employment and social security law.

- In limited circumstances, we may approach you for your written consent to allow us to process certain sensitive personal data. If we do so, we will provide you with full details of the personal data that we would like and the reason we need it, so that you can carefully consider whether you wish to consent.
- You should be aware that it is not a condition of your contract with us that you agree to any request for consent from us.

Information about criminal convictions

- We may only use personal data relating to criminal convictions where the law allows us to do so. This will usually be where such processing is necessary to carry out our obligations and provided we do so in line with our data protection policy.
- Less commonly, we may use personal data relating to criminal convictions where it is necessary in relation to legal claims, where it is necessary to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.
- We will only collect personal data about criminal convictions if it is appropriate given the nature of the role and where we are legally able to do so.

What is the legal basis for processing your personal data?

Some of our processing is necessary for compliance with a legal obligation.

We may also process data if it is necessary for the performance of a contract with you, or to take steps to enter into a contract.

We will also process your data in order to assist you in fulfilling your role in the council including administrative support or if processing is necessary for compliance with a legal obligation.

Sharing your personal data

Your personal data will only be shared with third parties including other data controllers where it is necessary for the performance of the data controllers' tasks or where you first give us your prior consent. It is likely that we will need to share your data with:

- Our agents, suppliers and contractors. For example, we may ask a commercial provider to manage our HR/ payroll functions , or to maintain our database software;
- Other persons or organisations operating within local community.
- Other data controllers, such as local authorities, public authorities, central government and agencies such as HMRC and DVLA
- Staff pension providers
- Former and prospective employers
- DBS services suppliers
- Payroll services providers
- Recruitment Agencies
- Credit reference agencies
- Professional advisors
- Trade unions or employee representatives

How long do we keep your personal data?

We will keep some records permanently if we are legally required to do so. We may keep some other records for an extended period of time. For example, it is currently best practice to keep

financial records for a minimum period of 8 years to support HMRC audits or provide tax information. We may have legal obligations to retain some data in connection with our statutory obligations as a public authority. The council is permitted to retain data in order to defend or pursue claims. In some cases the law imposes a time limit for such claims (for example 3 years for personal injury claims or 6 years for contract claims). We will retain some personal data for this purpose as long as we believe it is necessary to be able to defend or pursue a claim. In general, we will endeavour to keep data only for as long as we need it. This means that we will delete it when it is no longer needed.

Your responsibilities

It is important that the personal data we hold about you is accurate and current. Please keep us informed if your personal data changes during your working relationship with us.

Your rights in connection with personal data

You have the following rights with respect to your personal data: -

When exercising any of the rights listed below, in order to process your request, we may need to verify your identity for your security. In such cases we will need you to respond with proof of your identity before you can exercise these rights.

1. *The right to access personal data we hold on you*

- At any point you can contact us to request the personal data we hold on you as well as why we have that personal data, who has access to the personal data and where we obtained the personal data from. Once we have received your request we will respond within one month.
- There are no fees or charges for the first request but additional requests for the same personal data or requests which are manifestly unfounded or excessive may be subject to an administrative fee.

2. *The right to correct and update the personal data we hold on you*

- If the data we hold on you is out of date, incomplete or incorrect, you can inform us and your data will be updated.

3. *The right to have your personal data erased*

- If you feel that we should no longer be using your personal data or that we are unlawfully using your personal data, you can request that we erase the personal data we hold.
- When we receive your request we will confirm whether the personal data has been deleted or the reason why it cannot be deleted (for example because we need it for to comply with a legal obligation).

4. *The right to object to processing of your personal data or to restrict it to certain purposes only*

- You have the right to request that we stop processing your personal data or ask us to restrict processing. Upon receiving the request we will contact you and let you know if we are able to comply or if we have a legal obligation to continue to process your data.

5. *The right to data portability*

- You have the right to request that we transfer some of your data to another controller. We will comply with your request, where it is feasible to do so, within one month of receiving your request.

6. *The right to withdraw your consent to the processing at any time for any processing of data to which consent was obtained*

- You can withdraw your consent easily by telephone, email, or by post (see Contact Details below).

7. The right to lodge a complaint with the Information Commissioner's Office.

- You can contact the Information Commissioners Office on 0303 123 1113 or via email <https://ico.org.uk/global/contact-us/email/> or at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

Transfer of Data Abroad

Any personal data transferred to countries or territories outside the European Economic Area ("EEA") will only be placed on systems complying with measures giving equivalent protection of personal rights either through international agreements or contracts approved by the European Union. Our website is also accessible from overseas so on occasion some personal data (for example in a newsletter) may be accessed from overseas.

Further processing

If we wish to use your personal data for a new purpose, not covered by this Privacy Notice, then we will provide you with a new notice explaining this new use prior to commencing the processing and setting out the relevant purposes and processing conditions. Where and whenever necessary, we will seek your prior consent to the new processing, if we start to use your personal data for a purpose not mentioned in this notice.

Changes to this notice

We keep this Privacy Notice under regular review and we will place any updates on the parish council website – www.downendbromleyheath.org. This Notice was last updated in March 2018.

Contact Details

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

The Data Controller, Downend & Bromley Heath Parish Council,
Parish Office, Downend Library, Buckingham Gardens, Downend, Bristol BS16 5TW
Email: clerk@dbhparishcouncil.co.uk

You can contact the Information Commissioners Office on 0303 123 1113 or via email <https://ico.org.uk/global/contact-us/email/> or at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

APPENDIX 2:

GENERAL PRIVACY NOTICE



DOWNEND & BROMLEY HEATH PARISH COUNCIL

GENERAL PRIVACY NOTICE

Your personal data – what is it?

“Personal data” is any information about a living individual which allows them to be identified from that data (for example a name, photographs, videos, email address, or address). Identification can be directly using the data itself or by combining it with other information which helps to identify a living individual (e.g. a list of staff may contain personnel ID numbers rather than names but if you use a separate list of the ID numbers which give the corresponding names to identify the staff in the first list then the first list will also be treated as personal data). The processing of personal data is governed by legislation relating to personal data which applies in the United Kingdom including the General Data Protection Regulation (the “GDPR”) and other legislation relating to personal data and rights such as the Human Rights Act.

Who are we?

This Privacy Notice is provided to you by Downend & Bromley Heath Parish Council which is the data controller for your data.

Other data controllers the council works with:

- [e.g. other data controllers, such as local authorities
- Community groups
- Charities
- Other not for profit entities
- Contractors
- Credit reference agencies]

We may need to share your personal data we hold with them so that they can carry out their responsibilities to the council. If we and the other data controllers listed above are processing your data jointly for the same purposes, then the council and the other data controllers may be “joint data controllers” which mean we are all collectively responsible to you for your data. Where each of the parties listed above are processing your data for their own independent purposes then each of us will be independently responsible to you and if you have any questions, wish to exercise any of your rights (see below) or wish to raise a complaint, you should do so directly to the relevant data controller.

A description of what personal data the council processes and for what purposes is set out in this Privacy Notice.

The council will process some or all of the following personal data where necessary to perform its tasks:

- Names, titles, and aliases, photographs;
- Contact details such as telephone numbers, addresses, and email addresses;
- Where they are relevant to the services provided by a council, or where you provide them to us, we may process information such as gender, age, marital status, nationality, education/work history, academic/professional qualifications, hobbies, family composition, and dependants;

- Where you pay for activities such as use of a council hall, financial identifiers such as bank account numbers, payment card numbers, payment/transaction identifiers, policy numbers, and claim numbers;
- The personal data we process may include sensitive or other special categories of personal data such as criminal convictions, racial or ethnic origin, mental and physical health, details of injuries, medication/treatment received, political beliefs, trade union affiliation, genetic data, biometric data, data concerning and sexual life or orientation.

How we use sensitive personal data

- We may process sensitive personal data including, as appropriate:
 - information about your physical or mental health or condition in order to monitor sick leave and take decisions on your fitness for work;
 - your racial or ethnic origin or religious or similar information in order to monitor compliance with equal opportunities legislation;
 - in order to comply with legal requirements and obligations to third parties.
- These types of data are described in the GDPR as "Special categories of data" and require higher levels of protection. We need to have further justification for collecting, storing and using this type of personal data.
- We may process special categories of personal data in the following circumstances:
 - In limited circumstances, with your explicit written consent.
 - Where we need to carry out our legal obligations.
 - Where it is needed in the public interest.
- Less commonly, we may process this type of personal data where it is needed in relation to legal claims or where it is needed to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.

Do we need your consent to process your sensitive personal data?

- In limited circumstances, we may approach you for your written consent to allow us to process certain sensitive personal data. If we do so, we will provide you with full details of the personal data that we would like and the reason we need it, so that you can carefully consider whether you wish to consent.

The council will comply with data protection law. This says that the personal data we hold about you must be:

- Used lawfully, fairly and in a transparent way.
- Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.
- Relevant to the purposes we have told you about and limited only to those purposes.
- Accurate and kept up to date.
- Kept only as long as necessary for the purposes we have told you about.
- Kept and destroyed securely including ensuring that appropriate technical and security measures are in place to protect your personal data to protect personal data from loss, misuse, unauthorised access and disclosure.

We use your personal data for some or all of the following purposes:

- To deliver public services including to understand your needs to provide the services that you request and to understand what we can do for you and inform you of other relevant services;

- To confirm your identity to provide some services;
- To contact you by post, email, telephone or using social media (e.g., Facebook, Twitter, WhatsApp);
- To help us to build up 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 carry out comprehensive safeguarding procedures (including due diligence and complaints handling) in accordance with best safeguarding practice from time to time with the aim of ensuring that all children and adults-at-risk are provided with safe environments and generally as necessary to protect individuals from harm or injury;
- To promote the interests of the council;
- To maintain our own accounts and records;
- To seek your views, opinions or comments;
- To notify you of changes to our facilities, services, events and staff, councillors and other role holders;
- To send you communications which you have requested and that may be of interest to you. These may include information about campaigns, appeals, other new projects or initiatives;
- To process relevant financial transactions including grants and payments for goods and services supplied to 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.

What is the legal basis for processing your personal data?

The council is a public authority and has certain powers and obligations. Most of your personal data is processed for compliance with a legal obligation which includes the discharge of the council's statutory functions and powers. Sometimes when exercising these powers or duties it is necessary to process personal data of residents or people using the council's services. We will always take into account your interests and rights. This Privacy Notice sets out your rights and the council's obligations to you.

We may process personal data if it is necessary for the performance of a contract with you, or to take steps to enter into a contract. An example of this would be processing your data in connection with the use of sports facilities, or the acceptance of an allotment garden tenancy

Sometimes the use of your personal data requires your consent. We will first obtain your consent to that use.

Sharing your personal data

This section provides information about the third parties with whom the council may share your personal data. These third parties have an obligation to put in place appropriate security measures and will be responsible to you directly for the manner in which they process and protect your personal data. It is likely that we will need to share your data with some or all of the following (but only where necessary):

- The data controllers listed above under the heading "Other data controllers the council works with";

- Our agents, suppliers and contractors. For example, we may ask a commercial provider to publish or distribute newsletters on our behalf, or to maintain our database software;
- On occasion, other local authorities or not for profit bodies with which we are carrying out joint ventures e.g. in relation to facilities or events for the community.

How long do we keep your personal data?

We will keep some records permanently if we are legally required to do so. We may keep some other records for an extended period of time. For example, it is currently best practice to keep financial records for a minimum period of 8 years to support HMRC audits or provide tax information. We may have legal obligations to retain some data in connection with our statutory obligations as a public authority. The council is permitted to retain data in order to defend or pursue claims. In some cases the law imposes a time limit for such claims (for example 3 years for personal injury claims or 6 years for contract claims). We will retain some personal data for this purpose as long as we believe it is necessary to be able to defend or pursue a claim. In general, we will endeavour to keep data only for as long as we need it. This means that we will delete it when it is no longer needed.

Your rights and your personal data

You have the following rights with respect to your personal data:

When exercising any of the rights listed below, in order to process your request, we may need to verify your identity for your security. In such cases we will need you to respond with proof of your identity before you can exercise these rights.

1) *The right to access personal data we hold on you*

- At any point you can contact us to request the personal data we hold on you as well as why we have that personal data, who has access to the personal data and where we obtained the personal data from. Once we have received your request we will respond within one month.
- There are no fees or charges for the first request but additional requests for the same personal data or requests which are manifestly unfounded or excessive may be subject to an administrative fee.

2) *The right to correct and update the personal data we hold on you*

- If the data we hold on you is out of date, incomplete or incorrect, you can inform us and your data will be updated.

3) *The right to have your personal data erased*

- If you feel that we should no longer be using your personal data or that we are unlawfully using your personal data, you can request that we erase the personal data we hold.
- When we receive your request we will confirm whether the personal data has been deleted or the reason why it cannot be deleted (for example because we need it for to comply with a legal obligation).

4) *The right to object to processing of your personal data or to restrict it to certain purposes only*

- You have the right to request that we stop processing your personal data or ask us to restrict processing. Upon receiving the request we will contact you and let you know if we are able to comply or if we have a legal obligation to continue to process your data.

5) *The right to data portability*

- You have the right to request that we transfer some of your data to another controller. We will comply with your request, where it is feasible to do so, within one month of receiving your request.

6) *The right to withdraw your consent to the processing at any time for any processing of data to which consent was obtained*

- You can withdraw your consent easily by telephone, email, or by post (see Contact Details below).

7) *The right to lodge a complaint with the Information Commissioner's Office.*

- You can contact the Information Commissioners Office on 0303 123 1113 or via email <https://ico.org.uk/global/contact-us/email/> or at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

Transfer of Data Abroad

Any personal data transferred to countries or territories outside the European Economic Area ("EEA") will only be placed on systems complying with measures giving equivalent protection of personal rights either through international agreements or contracts approved by the European Union. Our website is also accessible from overseas so on occasion some personal data (for example in a newsletter) may be accessed from overseas.

Further processing

If we wish to use your personal data for a new purpose, not covered by this Privacy Notice, then we will provide you with a new notice explaining this new use prior to commencing the processing and setting out the relevant purposes and processing conditions. Where and whenever necessary, we will seek your prior consent to the new processing.

Changes to this notice

We keep this Privacy Notice under regular review and we will place any updates on our website – www.dbhparishcouncil.uk. This Notice was last updated in March 2018.

Contact Details

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

The Data Controller, Downend & Bromley Heath Parish Council,
Parish Office, Downend Library, Buckingham Gardens, Downend, Bristol BS16 5TW
Email: clerk@dbhparishcouncil.co.uk

APPENDIX 3:

CONSENT FORM



DOWNEND & BROMLEY HEATH PARISH COUNCIL CONSENT FORM

"Your privacy is important to us and we would like to communicate with you about the council and its activities. To do so we need your consent. Please fill in your name and address and other contact information and confirm your consent by ticking the boxes below."

If you are aged 13 or under your parent or guardian should fill in their details below to confirm their consent

Name
Address
.....
Signature
Date

Please confirm your consent below. You can grant consent to any or all of the purposes listed. You can find out more about how we use your data from our "Privacy Notice" which is available from our website or from the Parish Council Office.

You can withdraw or change your consent at any time by contacting the council office.

- We may contact you to keep you informed about what is going on in the council's area or other local authority areas including news, events, meetings, clubs, groups and activities. These communications may also sometimes appear on our website, or in printed or electronic form (including social media).
- We may contact you about groups and activities you may be interested in participating in.
- We may use your name and photo in our newsletters, bulletins or on our website, or our social media accounts (for example our Facebook page).

Keeping in touch:

- Yes please, I would like to receive communications by email
- Yes please, I would like to receive communications by telephone
- Yes please, I would like to receive communications by social media (for example Facebook)
- Yes please, I would like to receive communications by post

Downend & Bromley Heath Parish Council
Parish Office, Downend Library
Buckingham Gardens
Downend, Bristol BS16 5TW
Tel. 0117 9567001
Email clerk@dbhparishcouncil.co.uk
www.dbhparishcouncil.uk

APPENDIX 4:

SUBJECT ACCESS REQUEST FORM

Downend & Bromley Heath Parish Council
Subject Access Request Form

Process to Action		
Name of requester (Method of communication) Email Address Phone number Postal Address		
Date Subject Access Request made		
Is the request made under the Data Protection Legislation	Yes	No
Date Subject Access Request action to be completed by (One month after receipt time limit)		
Extension to the date of reply requested (An extension of another two months is permissible provided it is communicated to the subject within the one month period)	Yes	No
Extension date advised to the Subject Requester and method of contact		
Identification must be proven from the below list: Current UK/EEA Passport UK Photo card Driving Licence (Full or Provisional) EEA National Identity Card Full UK Paper Driving Licence State Benefits Entitlement Document State Pension Entitlement Document HMRC Tax Credit Document Local Authority Benefit Document State/Local Authority Educational Grant Document HMRC Tax Notification Document Disabled Driver's Pass Financial Statement issued by bank, building society or credit card company Utility bill for supply of gas, electric, water or telephone landline A recent Mortgage Statement A recent council Tax Bill/Demand or Statement Tenancy Agreement Building Society Passbook which shows a transaction in the last 3 months and their address		
Verification sought that the Subject Access request is substantiated	Yes	No
Verification received	Yes	No
Verification if the Council cannot provide the information requested	Yes	No
Is the request excessive or unfounded?	Yes	No
Request to be actioned	Yes	No
Fee to be charged		

(Subject Access requests must be undertaken free of charge to a requester unless the legislation permits a reasonable charge)	Yes	No
If the request is to be refused, action to be taken and by whom.		
Changes requested to data/ or removal		
Complaint Process (Where a requestor is not satisfied with a response to a SAR, the council must manage this as a complaint)		
Completion date of request		
Date complaint received by requested and details of the complaint		
Date complaint completed and outcome		

Categories of Data to Check

Data	Filing Cabinet	Laptop	Checked	Corrected/Deleted	Actioned by
HR					
Democracy					
Statutory Function					
legal					
Business					
Legal requirement					
General Data					
Consultation Data					

APPENDIX 5:

DATA BREACH REPORTING FORM

Data Security Breach Reporting Form

A data security breach can happen for a number of reasons: Loss or theft of data or equipment on which data is Stored, Inappropriate access controls allowing unauthorised use, Equipment failure, Human error, Unforeseen circumstances such as a fire or flood, Hacking attack, 'Blagging' offences where information is obtained by deceiving the organisation who holds it. Use this form to report such breaches.

Example: Reportable Theft or loss of an unencrypted laptop computer or other unencrypted portable electronic/digital media holding names, addresses, dates of birth and National Insurance Numbers of individuals. A manual paper-based filing system (or unencrypted digital media) holding the personal data relating to named individuals and their financial records etc. More information can be found using the below link:

https://ico.org.uk/media/for-organisations/documents/1562/guidance_on_data_security_breach_management.pdf

Breach Containment and Recovery

Article 2(2) of the Notification Regulation states:

The provider shall notify the personal data breach to the competent national authority no later than 24 hours after the detection of the personal data breach, where feasible. The provider shall include in its notification to the competent national authority the information set out in Annex I. The Privacy and Electronic Communications (EC Directive) Regulations 2003 (PECR) provide rules about sending marketing and advertising by electronic means, such as by telephone, fax, email, text and picture or video message, or by using an automated calling system. PECR also include other rules relating to cookies, telephone directories, traffic data, location data and security breaches. Detection of a personal data breach shall be deemed to have taken place when the provider has acquired sufficient awareness that a security incident has occurred that led to personal data being compromised, in order to make a meaningful notification as required under this Regulation.

Date and time of Notification of Breach	
Notification of Breach to whom Name Contact Details	
Details of Breach	

Nature and content of Data Involved	
Number of individuals affected:	
Name of person investigating breach Name Job Title Contact details Email Phone number Address	
Information Commissioner informed Time and method of contact https://report.ico.org.uk/security-breach/	
Police Informed if relevant Time and method of contact Name of person contacted Contact details	
Individuals contacted How many individuals contacted? Method of contact used to contact? Does the breach affect individuals in other EU member states? What are the potential consequences and adverse effects on those individuals?	

<p>Confirm that details of the nature of the risk to the individuals affected: any measures they can take to safeguard against it; and the likely cost to them of taking those measures is relayed to the individuals involved.</p>	
<p>Staff briefed</p>	
<p>Assessment of ongoing risk</p>	
<p>Containment Actions: technical and organisational security measures have you applied (or were to be applied) to the affected personal data</p>	
<p>Recovery Plan</p>	
<p>Evaluation and response</p>	

CONTACT US:

YOUR PARISH COUNCIL

Clerk to the Parish Council: Angela Hocking

Downend & Bromley Heath Parish Council

Parish Office

Downend Library

Buckingham Gardens

Downend

Bristol

BS16 5TW

Tel: +44 (0) 117 9567001

clerk@dbhparishcouncil.co.uk

www.dbhparishcouncil.uk