

## Thorney Parish Council Procedures Document 8

### DATA PROTECTION

The Data Protection Act 1998 came into effect on 1 March 2000. The Act regulates the use of personal data and gives effect in UK law to the European Directive on Data Protection.

The Act is concerned with "personal data", that is information about living, identifiable individuals. This need not be particularly sensitive information and can be as little as a name and address.

The Act gives individuals (data subjects) certain rights. It also requires those who record and use personal information (data controllers) to be open about their use of that information and to follow sound and proper practices (the Data Protection Principles).

**Data controllers** are those who control the purpose for which and the manner in which personal data is processed.

**Data subjects** are the individuals to whom the personal data relate.

The **Information Commissioner** is responsible for administering and enforcing the Data Protection Act

#### **Does Thorney Parish Council need to notify under the Data Protection Act?**

As we hold personal information about living individuals on paper and on computer (e.g. details of planning applications, grant applications, allotment holders, cemetery reservations, etc) we need to notify under the Data Protection Act 1998. There are a number of exemptions from notification under the requirements of the Act for individuals and organisations which make only limited use of personal data.

#### **The Data Protection Principles for Thorney Parish Council**

##### **1. Data will be obtained fairly and lawfully**

Information will be 'fairly processed' i.e. when we collect the information from individuals we will be honest and open about why we want it.

##### **2. Data will be held only for specific and lawful purposes and not processed in any matter incompatible with those purposes**

##### **3. Data will be relevant, adequate and not excessive for those purposes**

The Clerk will monitor the quantities of data held and ensure that we hold only the data which we actually need.

**4. Data will be accurate and where necessary kept up to date.**

Personal data will be accurate.

**5. Data will not be kept for longer than necessary**

Only in exceptional circumstances will data be kept indefinitely. In order to comply with the principle a system for the removal of different categories of data from our system after certain periods, for instance, when the information is no longer required for audit or Inland Revenue purposes (see policy document 3 Records Retention) has been established.

**6. Data will be processed in accordance with the rights of data subjects under this Act**

This means that individuals will be informed, upon request, of all the information held about them. They can prevent the processing of data for direct marketing purposes and are entitled to compensation if they have been caused damage by any contravention of the Act. Thorney Parish Council will not release any information for marketing purposes.

**7. Security precautions are in place to prevent the loss, destruction or unauthorised disclosure of the data**

The Data controller (Clerk) will ensure that he/she provides adequate security for the data taking into account the nature of the data, and the harm to the data subject which could arise from disclosure or loss of the data. A system of passwords is in use to ensure that authorised persons only can gain access to personal data. Passwords will be changed fairly frequently.

**8. Not to transfer data outside the European Economic Area unless Thorney Parish Council is satisfied that the country in question can provide an adequate level of security for that data**

Thorney Parish Council will not release any data to persons other than Councillors, auditors, Inland Revenue, Police or people with a legitimate reason for requiring the information.

**Sensitive Data**

The Act defines eight categories of sensitive personal data. These are:

- a) the racial or ethnic origin of data subjects;
- b) their political opinions,
- c) their religious beliefs or other beliefs of a similar nature,
- d) whether they are a member of a trade union,
- e) their physical or mental health or condition,
- f) their sexual life,

- g) the commission or alleged commission by them of any offence, or
- h) any proceedings for any offence committed or alleged to have been committed by them, the disposal of such proceedings or the sentence of any court in such proceedings.

If Thorney Parish Council hold personal data falling into these categories it is likely that we will need the explicit consent of the individual concerned. We will also ensure that our security is adequate for the protection of sensitive data. Thorney Parish Council does not hold any such data as of March 2009.

### **Manual Data**

The Data Protection Act 1998 also covers some records held in paper form. Such records need not be notified to the Commissioner, but should be handled in accordance with the data protection principles. Manual records are covered by the Act if they form part of a relevant filing system. It is for data controllers to assess their manual records.

It is important to note that individuals may seek **compensation** through the courts if they have suffered damage because of **any** contravention of the Act.

### **Dealing with subject access requests**

If Thorney Parish Council receives a written subject access request, we will deal with it promptly and in any case within 40 days from the date of receipt. If we need further information, the 40 days will begin when we receive this further information. We are entitled to ask for a fee of not more than £10 and the 40 days does not begin until this is received.

In response to a subject access request individuals are entitled to a copy of the information held about them, both on computer and as part of a relevant filing system. They also have the right to receive a description of why their information is processed, anyone it may be disclosed to, and any information available to Thorney Parish Council about the source of the data. .