Canvey Island Town Council

DATA PROTECTION POLICY

Contents

Introduction

The Data Protection Act 1998 regulates the processing of information relating to individuals. This includes the obtaining, holding, using or disclosing of such information, and covers computerised records as well as manual filing systems and card indexes. The Town Council will hold the minimum personal information necessary to enable it to perform its functions. All such information is confidential and needs to be treated with care, to comply with the law.

Summary of Data Protection Principles

Data users must comply with the Data Protection principles of good practice which underpin the Act. These state that personal data shall:

1. Be obtained and processed fairly and lawfully (that the subject of the data has consented to its collection and use)
2. Be held only for specified purposes
3. Be adequate, relevant but not excessive
4. Be accurate and kept up to date.
5. Be held for no longer than necessary
6. Be accessible to data subjects under the Act
7. Be subject to the appropriate security measures
8. Not be transferred outside the Town Council or to any country outside of the EEA unless it has adequate protection relating to the processing of data

The Town Council holds and processes information about its staff (past and present which includes employees, agency staff and consultants), Councillors, contractors and, where appropriate, members of the public. The Data Protection Act 1998 ("The Act") covers both computerised and manual records which contain personal data, and sets out a number of rights and principles which those who use personal information, such as the Town Council must follow.

The Town Council will keep some forms of information longer than others in line with Financial, Legal or Archival requirements.

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Responsibilities

All staff or councillors who process, have access to or use personal data must ensure that they familiarise themselves with this policy and any data security policy and abide by the principles set out above at all times. This policy has been developed to ensure this happens.

Staff and councillors owe a duty of confidence which extends to handling of personal data. If you record and or process personal data in any form you must ensure that you comply with this Policy and the requirements of the Act.

The Council has overall responsibility for the Data Protection Policy. The Clerk is responsible for making sure the policy and procedures for handling requests and complaints are followed.

It is the responsibility of the individual collectors, keepers and users of personal data to apply the provisions of the Data Protection Act. Therefore staff are required to be aware of the provisions of the Data Protection Act 1998, such as keeping records up to date and accurate, and its impact on the work they undertake on behalf of the Town Council.

Any breach of the Data Protection Policy, whether deliberate, or through negligence may lead to disciplinary action being taken.

All staff are responsible for ensuring that:-

- They comply with this policy and internal procedures for handling access requests.
- Any personal data held, electronic or paper format, is kept securely.
- Personal information is not disclosed deliberately or accidentally either orally or in writing to any unauthorised third party.
- They promptly forward all initial requests for personal data (known as subject access requests) to the Clerk; and when asked to do so, provide responses promptly to requests and reviews.
- The information provided to the Town Council in connection with their employment is accurate and as up to date as possible.

What does the Act apply to?

The Act applies to both manual and electronically held data. The Act applies to emails that contain personal data about individuals sent or received by Town Council staff or Councillors. Subject to certain objections, individual data subjects will be entitled to make a request and have access to emails containing personal data concerning them provided that they can provide sufficient information to us to locate the relevant emails.

Sensitive Personal Data

The Town Council may from time to time process sensitive personal data regarding employees or individuals that it deals with. "Personal data" relates to living individuals that could be identified by the information. "Sensitive personal data" is information as to a data subject's racial or ethnic origin, political opinion, religious beliefs, trade union membership, sexual orientation or marital status, physical or mental health, offences or alleged offences and information relating to criminal proceedings. This information may be processed for equal opportunity monitoring or to meet the needs of individuals with disabilities, or for disciplinary proceedings or other legal obligations. Any personal or sensitive data that the Town Council holds will only be held for the purposes for which it was gathered.

Data Subjects' consent

Certain types of personal data may be processed for particular purposes without the consent of the individual data subject.

The Act also allows for certain third parties to have access to personal data without the consent of the individual concerned. However, it is the Town Councils policy to seek express consent wherever practicable. This allows individuals an opportunity to raise any concerns or objections. The Town Council will consider any such objections but reserves the right to process personal data in order to carry out its functions as permitted by law.

Right to Access Personal Data

Councillors, staff (past and present), members of the public and individuals who have dealings with the Council have a right to access personal data that is being held about them in so far as it falls within the scope of the Act and to request the correction of such data where it is incorrect.

The Act gives rights to individuals in respect of personal data held about them by others. The rights are:-

a) Right to subject access;

b) Right to prevent processing likely to cause damage or distress;

c) Right to prevent processing for the purpose of direct marketing;

d) Right in relation to automated decision making;

e) Right to take action for compensation if the individual suffers damage or distress in contravention of the Act;

f) Right to take action to rectify, block, erase or destroy inaccurate data;

g) Right to make a request to the Information Commissioner's Office for an assessment to be made as to whether the provisions of the Act have been contravened; and

h) Right to compensation- compensation can be claimed by the data subject from a data controller for damage or damage and distress caused by any breach of the Act. Compensation for distress alone can only be claimed in limited circumstances.

How to make a Data Access Request

All requests for access to data held by the Town Council should be formally requested in writing to the Town Clerk, 11 High Street, Canvey Island, Essex, SS8 7RB.

Fee Charging

The Council publication scheme details the charge of 10p per sheet, on each occasion that access is requested. Before any information is disclosed, we require payment of the fee and will advise the requester in writing of the total cost.

Once full details of a request has been received with the relevant fee **and identity** has been confirmed, the Town Council will provide a response within 20 calendar days after the date of our receipt. The Town Council does not need to comply with a request where it has received an identical or similar request from the same individual unless a reasonable interval has elapsed between compliance with the original request and the current request.

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