



# Wellingborough Town Council

## DATA PROTECTION AND USE OF PERSONAL DATA

### Introduction

Wellingborough Town Council is committed to the protection of personal data and always comply with our obligations under applicable data protection law including the Data Protection Act (DPA)2018 and the General Data Protection Regulation (GDPR) 2018. This document sets out our officer data protection policy to assist you in handling data correctly in carrying out your duties. Councillors computers and phones which hold data relating to council business are also subject to this policy. Officers are not permitted to store any data on their personal pcs or phones.

This Policy is not intended to be a fully comprehensive guide to the Data Protection Act and any specific data protection issues should be referred to the Town Council, for advice.

The purpose of this Policy is to outline fundamentals of the Data Protection Act so that all officer and councillors are aware of them and can identify questions or issues that must be referred to the Town Clerk.

### Definitions used in this Policy

**“Personal Data”** is any information that can identify a living individual. This includes Sensitive Data (see below), names, addresses, photographs, National Insurance numbers, bank account details – these are just a few examples, and the list is endless.

**“Sensitive Data”** is Personal Data relating to an individual’s racial or ethnic origin, political opinions, religious or other beliefs, trade union councillorship, health, sex life, criminal proceedings or convictions.

**“Processing”** means any operation carried out by the Town Council or its officer on Personal Data e.g. collection, storage, disclosure to anyone, transfer to anyone and deletion. **NB. The Data Protection Act covers both electronic data and data held on manual records.**

## The rules of fair Processing – Key Principles

GDPR contains 8 **Principles** that apply to all Personal Data Processing. Personal Data must always be:

1. Shall be processed fairly and lawfully and, in particular, shall not be processed unless consent has been obtained
2. Shall be obtained only for one or more of the purposes specified in the Act, and shall not be processed in any manner incompatible with that purpose or those purposes,
3. Shall be adequate, relevant and not excessive in relation to those purpose(s)
4. Shall be accurate and, where necessary, kept up to date,
5. Shall not be kept for longer than is necessary
6. Shall be processed in accordance with the rights of data subjects under the Act,
7. Shall be kept secure by the Data Controller who takes appropriate technical and other measures to prevent unauthorised or unlawful processing or accidental loss or destruction of, or damage to, personal information,
8. Shall not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of Individuals/Service Users in relation to the processing of personal information.

## Officer Responsibility

**Principles 1/2/3** - The Data Protection Act requires that Personal Data be Processed "fairly and lawfully". Personal Data will not be Processed fairly and lawfully unless one of the following conditions are met:

- *The individual has consented to the Processing*

We will mainly rely on this condition in respect of Personal Data requested from a councillor of public via a marketing activity. When requesting data we must tell the individual what we will do with the information and ask them for their consent.

To facilitate this where appropriate we will incorporate a Privacy Policy in our marketing materials.

Sensitive Data will not be processed unless it is with explicit consent or where required, under one of the following circumstances:

- for the administration of justice or legal proceedings.

As a source of public information, the Town Council maintains a public information file. Only the public contact details of organizations and individuals should be recorded on this file, which is available to the public.

**Principle 4** – All officer and councillors must make every effort to ensure that any Personal Data entered onto their computers, is recorded accurately. Officer will also be responsible for updating records as and when we receive notification from the individual/contractor/agency/or other of a change in their personal details. NB. When we are notified of bereavement the individual's details must be deleted immediately and replaced accordingly.

**Principle 7** - We take security measures to safeguard Personal Data. This includes technical measures (e.g. password protection on the computer system) or organisational measures (e.g. burglar alarms and door locks). The measures are designed to prevent any unauthorised access to or disclosure of Personal Data. In particular, you must take care to do the following:-

- PCs are password protected with secure passwords containing numbers and letters. PC to be locked when not in use.
- Our IT support contractors have remote access to our computers by permission only and when used, officer should watch to ensure that access is not permitted to confidential information.
- Computer passwords are safe and are not disclosed/passed to anyone other than a fellow Officer.
- Do not disclose Personal Data to anyone who is not a fellow Officer unless the disclosure is allowed by the Town Clerk. This includes disclosures to the police, other clients and third parties. *(NB. If in doubt, take the name and address of the person seeking the disclosure and then contact the individual concerned to seek their consent to disclose or facilitate their direct contact).*
- Report all security breaches or suspected breaches.
- Always shred any paperwork that shows Personal Data
- Password protect any sensitive documents.
- Calls to be made within a secure environment to protect any possible transfer of data.

**Personal Data Requests & Filing** – all requests by individuals or third parties to see their own or another persons' Personal Data held on our electronic or manual files must be received in writing with our response e.g. a letter from a councillor of the public requesting copies of any correspondence and information we hold on them. We will respond to this request within one month, to comply with the GDPR.

**Please also note:-** *If a third party requests 'sensitive data' on an individual, we must receive consent from the individual concerned to release that data..*

*If an individual requests information about themselves that contains 'sensitive data' recorded by a third party, we must receive consent from the third party to release said data.*

### **Complaints or queries**

The Town Council tries to meet the highest standards when collecting and using personal information. For this reason, we take any complaints we receive about this very seriously. We encourage people to bring it to our attention if they think that our collection or use of information is unfair, misleading or inappropriate. We would also welcome any suggestions for improving our procedures.

If you want to make a complaint about how your data has been handled you can contact us at [clerk@wellingboroughtowncouncil.gov.uk](mailto:clerk@wellingboroughtowncouncil.gov.uk)

## RETENTION OF DOCUMENTS

### Documents held for 6 months

Document Type	Reason held	Access	Shared with	Document Management
Job Applications	Dispute protection	Town Clerk	Staffing Committee	Deleted
Bank account details for employees (after employment ceased)	Audit/Inspection	Town Clerk	Unity Trust Bank/ Signatories/DCK Accounting	Deleted
Employee contact details (after employment ceased)	Payroll	Town Clerk	Pension provider/ DCK Accounting	Deleted
Complaints	Dispute resolution	Town Clerk	Council	Deleted
Social Media	Web admin	Town Clerk	Platform	Deleted
Enquiries	Dispute resolution	Town Clerk	Council	Deleted
Committee and council meeting papers	Reference	Town Clerk	Council	Deleted

### Documents held for 2 years

Document Type	Reason held	Access	Shared with	Document Management
Emails	Reference	Town Clerk	Platform	Deleted

**Documents held for 3 years**

<b>Document Type</b>	<b>Reason held</b>	<b>Access</b>	<b>Shared with</b>	<b>Document Management</b>
DBS Checks	Legal	Town Clerk		Deleted
Survey responses	Reference	Town Clerk	Council	Deleted
Press release	Management control	Town Clerk	Council	Deleted
Insurance Policy	Legal	Town Clerk	Council	Deleted
Freedom of Information requests	2 year statutory requirement	Town Clerk	Council	Deleted
Community groups/business/charities/religious groups/non profit group- contact details	Reference	Town Clerk		Deleted
Quotations and Tenders	Reference	Town Clerk	Council	Deleted
Planning applications	Reference	Town Clerk	Councillors	Deleted

**Documents held for 6 years**

<b>Document Type</b>	<b>Reason held</b>	<b>Access</b>	<b>Shared with</b>	<b>Document Management</b>
Health and Safety record	Health assessment	Town Clerk	Staffing Committee	Deleted
Leave record	Dispute protection	Town Clerk	N/a	Deleted
Next of kin	Emergency	Town Clerk		Deleted
Pension/ NE contribution	Inspection audit	Town Clerk		Deleted
Pay grades/Rates of pay	Inspection audit	Town Clerk		Deleted
Grant applications	Audit	Town Clerk	Council	Deleted
Invoices (Creditors and Debtors) inc. Bank details	Audit	Town Clerk	Council	Deleted

### Documents held for 25 years

Document Type	Reason held	Access	Shared with	Document Management
Accident record	Dispute protection	Town Clerk		Deleted
Insurance claims	Legal	Town Clerk	Council	Deleted
Risk Assessments	Legal	Town Clerk	Council	Deleted
Inspection records	Legal	Town Clerk	Council	Deleted
Health and Safety records	Legal	Town Clerk	Council	Deleted

### Documents held in definitely

Document Type	Reason held	Access	Shared with	Document Management
Covenants	Legal	Town Clerk	Council	Held electronically
Public Rights of way	Legal	Town Clerk	Council	Held electronically

### Case by case

Document Type	Reason held	Access	Shared with	Document Management
Disciplinary/Grievance record	Legal	Town Clerk	Staffing committee	Deleted
Employment references	Legal	Town Clerk	Staffing committee	Deleted
Property Leases and Licences	Legal	Town Clerk	Council	Deleted
Maintenance Schedules	Legal	Town Clerk	Council	Deleted
Contracts	Legal	Town Clerk	Council	Deleted
Declaration of Acceptance of Office for Councillors	Legal	Town Clerk	Elections at North Northants Council	Deleted

All documents are held electronically in Microsoft Office 365, based in the Cloud.