

Document 6.7

DATA PROTECTION POLICY

(Includes the Policy Statement, Responsibilities and Guidance)

Adopted 27 March 2017

Review by March 2019

1 Introduction

- 1.1 The Data Protection Act requires all organisations, including Hertford Town Council, which handle personal information to comply with a number of important principles regarding privacy and disclosure.
- 1.2 The Act also allows people to find out what personal information is held about them by Hertford Town Council. This could be on computer or in some paper records. If members of the public think they're being prevented from seeing information they're entitled to, they can ask the Information Commissioner to help.

2 Statement of Policy

- 2.1 In order to operate efficiently, Hertford Town Council has to collect and use information about people with whom it works. These may include members of the public, current, past and prospective employees, clients and customers, and suppliers. In addition it may be required by law to collect and use information in order to comply with the requirements of central government.
- 2.2 This personal information must be handled and dealt with properly, however it is collected, recorded and used, and whether it is on paper, in computer records or recorded by any other means, and there are safeguards within the Act to ensure this.
- 2.3 Hertford Town Council regards the lawful and correct treatment of personal information as very important to its successful operations and to maintaining confidence between the Council and those with whom it carries out business.
- 2.4 The Council will ensure that it treats personal information lawfully and correctly.

3 The Principles of Data Protection

- 3.1 The Act stipulates that anyone processing personal data must comply with **Eight Principles** of good practice. These Principles are legally enforceable.
- 3.2 The Principles require that personal information shall:
1. Be processed fairly and lawfully and in particular, shall not be processed unless specific conditions are met
 2. Be obtained only for one or more specified and lawful purposes and shall not be further processed in any manner incompatible with that purpose or those purposes
 3. Be adequate, relevant and not excessive in relation to the purpose or purposes for which it is processed
 4. Be accurate and where necessary, kept up to date
 5. Not be kept for longer than is necessary for that purpose or those purposes;
 6. Be processed in accordance with the rights of data subjects under the Act
 7. Be kept secure i.e. protected by an appropriate degree of security
 8. Not be transferred to a country or territory outside the European Economic Area, unless that country or territory ensures adequate levels of data protection
- 3.3 The Act provides conditions for the processing of any personal data. It also makes a distinction between **personal data** and **“sensitive” personal data**.

3.4 Personal data is defined as, data relating to a living individual who can be identified from:

- ▶ That data
- ▶ That data and other information which is in the possession of, or is likely to come into the possession of the data controller and includes an expression of opinion about the individual and any indication of the intentions of the data controller, or any other person in respect of the individual

3.5 Sensitive personal data is defined as personal data consisting of information as to:

- ▶ Racial or ethnic origin
- ▶ Political opinion
- ▶ Religious or other beliefs
- ▶ Trade union membership
- ▶ Physical or mental health or condition
- ▶ Sexual orientation
- ▶ Criminal proceedings or convictions

4 Handling of Personal/Sensitive Information

4.1 Hertford Town Council will, through appropriate management and the use of guidance from the Information Commission:-

- ▶ Fully meet requirements regarding the collection and use of personal information
- ▶ Meet its legal obligations to specify the purpose for which information is used
- ▶ Collect and process appropriate information and only to the extent that it is needed to fulfil operational needs or to comply with any legal requirements
- ▶ Take appropriate technical and organisational security measures to safeguard personal information
- ▶ Ensure that personal information is not transferred abroad without suitable safeguards
- ▶ Ensure that the rights of people about whom the information is held can be fully exercised under the Act

These include:

- ▶ The right to be informed that processing is being undertaken
- ▶ The right of access to one's personal information within the statutory 40 days
- ▶ The right to prevent processing in certain circumstances
- ▶ The right to correct, rectify, block or erase information regarded as wrong information

4.2 In addition, Hertford Town Council will ensure that:

- ▶ The Town Clerk has specific responsibility for data protection in the organisation
- ▶ Everyone managing and handling personal information understands that they are contractually responsible for following good data protection practice
- ▶ Everyone managing and handling personal information is appropriately trained to do so
- ▶ Everyone managing and handling personal information is appropriately supervised
- ▶ Anyone wanting to make enquiries about handling personal information, whether a member of staff or a member of the public, knows what to do

- ▶ Queries about handling personal information are promptly and courteously dealt with
- ▶ Methods of handling personal information are periodically assessed and evaluated
- ▶ Data sharing is carried out under a written agreement, setting out the scope and limits of the sharing. Any disclosure of personal data will comply with approved procedures
- ▶ All elected members are to be made fully aware of this policy and of their duties and responsibilities under the Act
- ▶ All staff will take steps to ensure that personal data is kept secure at all times against unauthorised or unlawful loss or disclosure and in particular will ensure that
 - Paper files and other records or documents containing personal/sensitive data are kept in a secure environment
 - Personal data held on computers and computer systems is protected by the use of secure passwords, which where possible have forced changes periodically
 - Individual passwords should be such that they are not easily compromised
- ▶ All contractors, consultants, partners or other servants or agents of the Council must:
 - Ensure that they and all of their staff who have access to personal data held or processed for or on behalf of the council, are aware of this policy and are fully trained in and are aware of their duties and responsibilities under the Act. Any breach of any provision of the Act will be deemed as being a breach of any contract between the council and that individual, company, partner or firm
 - Allow data protection audits by the council of data held on its behalf (if requested)
 - Indemnify the council against any prosecutions, claims, proceedings, actions or payments of compensation or damages, without limitation
- ▶ All contractors who are users of personal information supplied by the council will be required to confirm that they will abide by the requirements of the Act with regard to information supplied by the council

5 Implementation

- 5.1 The council has identified the Town Clerk as the officer responsible for ensuring that the Policy is implemented. Implementation will be monitored by the Councillors via an annual report to the Council's Finance, Policy & Administration Committee.
- 5.2 The Town Clerk will also have overall responsibility for:
- ▶ The provision of data protection training, for staff within the council
 - ▶ For the development of appropriate best practice guidelines
 - ▶ For carrying out compliance checks to ensure adherence with the Data Protection Act

6. Notification to the Information Commissioner

- 6.1 The Information Commissioner maintains a public register of data controllers. Hertford Town Council is registered as a data controller¹.
- 6.2 The Data Protection Act 1998 requires every data controller who is processing personal data, to notify and renew their notification, on an annual basis. Failure to do so is a criminal offence.
- 6.3 To this end, the Town Clerk will be responsible for notifying and updating the Information Commissioner.

For further advice or guidance, please refer to the Information Commissioner's Website at:

www.ico.gov.uk/for_organisations/data_protection_guide.aspx

¹ The Data Controller is a person who (either alone or jointly or in common with other persons – i.e. the Council) determines the purposes for which and the manner in which any personal data are, or are to be, processed.