

# BURSTWICK PARISH COUNCIL

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## GDPR Data Protection Policy

Burstwick Parish Council is committed to processing data in accordance with its responsibilities under the 2018 Data Protection Act (DPA) and the General Data Protection Regulations (GDPR).

This policy applies to council employees, councillors, contractors and members of the public who access council services or contact the council.

### What is the DPA 2018?

The DPA 2018 sets out the framework for data protection law in the UK. It replaces the Data Protection Act 1998 and came into effect on 25 May 2018.

The General Data Protection Regulation sets out the key principles, rights and obligations for processing of personal data.

### What is personal data?

This is any information about a living individual, which allows them to be identified by that data (e.g. name, photograph, email address or postal address).

### What is processing?

This includes almost anything the council does with the data. The parish council collects, stores, uses, discloses and deletes personal data it holds.

### What is a controller?

The controller decides how and why to collect and use the data. Burstwick Parish Council is the data controller and is registered with the Information Commissioners Office and pays an annual data protection fee.

### What is a processor?

The processor is a separate person who processes data on behalf of the controller in accordance with their instructions. The Parish Clerk is the data processor.

### GDPR seven principles

Personal data the councils holds must adhere to the seven principles as follows:

1. **Must be used in a lawfully, fair and transparent way** – when we ask you for your personal data will explain clearly why we need it
2. **Processed for specified purpose only** – personal data will be collected for a specific purpose e.g. your name and address to be added to the allotments waiting list

3. **Data is adequate, relevant and is limited to what is necessary** – we will make sure to process only data that is needed
4. **Data is accurate and kept up-to-date** – we will correct inaccurate or misleading data
5. **We will not keep personal data for longer than we need it** – data no longer needed will be deleted or securely shredded in line with our document retention schedule
6. **Data is kept securely** – protection in place against unauthorised or unlawful processing and against accidental loss, destruction or damage. Personal data is held securely on the council's password protected laptop and in a lockable filing cabinet.
7. **Accountable** – Burstwick Parish Council takes responsibility for complying with the GDPR and must be able to demonstrate this compliance

### **What is the legal basis for processing personal data?**

The parish council is a public authority and has certain powers and duties. Most of the personal data collected is processed for compliance with a legal obligation or public task, which includes the discharge of the council's statutory functions and powers. Other lawful bases that can be used for the collection of personal data are:

- Consent
- Contract
- Vital interest
- Legitimate Interest

The Parish Council maintains a Register of Systems that outlines types of data held, for what purpose, the legal basis and for how long.

### **Sharing personal data**

Occasionally the parish council may have to share personal data with other organisations including:

- East Riding of Yorkshire Council
- Humberside Police
- Local undertakers
- Glazik Kershaw Accountants (employees only)

### **Rights and personal data**

The GDPR provides the following rights for individuals:

1. The right to be informed – you will be given a relevant privacy notice
2. The right of access – you can access the personal data we store about you
3. The right to rectification – request personal data to be corrected or updated
4. The right to erasure – request personal data to be deleted (in certain circumstances)
5. The right to restrict processing – request limits to the way we use your data (in certain circumstances)
6. The right to data portability

## 7. The right to object – to the processing of personal data

You also have the right to complain to the Information Commissioners Office (ICO) if you feel there is a problem with the way the council is handling your data. Contact details for the ICO are:

Tel: 0303 123 1113

Email: via website <https://ico.org.uk/global/contact-us/>

Post: ICO, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

### **Subject Access Request**

You can request to see a copy of the personal data the parish council holds about you. This must be made in writing (email is acceptable) to the Parish Clerk. The Council has 30 days to respond to your request and there is no charge.

You can also contact the council, in writing, in respect of rights 3, 4, 5, 7. The Council has one month to respond.

### **Data Breach**

If a data breach occurs, the parish council will assess if the breach poses a risk to people's rights and freedoms. Where necessary, individuals will be informed and the breach reported to the Information Commissioners Office.

### **Contact Details**

Please contact us to:

- ask any questions about this Data Protection Policy
- request the personal data we hold about you (subject access request)
- exercise all relevant rights
- make a query
- make a complaint

The Data Controller, Burstwick Parish Council

Email: [burstwickpc@gmail.com](mailto:burstwickpc@gmail.com)

This policy was approved by Burstwick Parish Council on 22<sup>nd</sup> October 2020.

Minute Ref: 20/10/13

Chairman: *DJames*

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