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**Baildon Town Council – Data Protection and Security Policy**

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| Approved by Governance Committee | GV1819/103.1 |
| Approved by Governance Committee | GOV2324/ |

**Introduction**

Baildon Town Council needs to collect and use certain types of information about people with whom it deals, in order to perform its functions. This information includes details of current, past and prospective employees, suppliers, clients, customers, service users and others with whom it communicates.

The Council is required by law to collect and use certain types of information to fulfil its statutory duties and also to comply with the requirements of the Government. This personal data must be dealt with properly however it is collected, recorded and used - whether on paper electronically or on other material - and there are safeguards to ensure this in compliance with the General Data Protection Regulations 2018.

Baildon Town Council regards the lawful and correct treatment of personal data as critical to successful operations and to maintaining confidence between those with whom we deal and ourselves. It is essential that it treats personal data lawfully and correctly.

To this end Baildon Town Council fully endorses and adheres to the Principles of data protection as enumerated in the General Data Protection Regulations 2018 and is registered with the Information Commissioners Office (ICO) as required by these regulations.

This Policy should also be read in conjunction with BTC’s Standing Orders (SO 12 Records Management and SO 21 responsibilities under the legislation.

**1.Lawful bases of processing information**

The lawful bases of processing are;

*1.1* ***Consent*:** the data subject has consented to the processing of data about him/her.

*1.2* ***Contract*:** the processing is necessary in accordance with a contract of employment between the data controller and data subject.

*1.3* ***Legal Obligation*:** the processing is required in pursuance of a legal obligation but not including a contractual obligation.

*1.4* ***Vital Interests:*** the processing is necessary to protect someone’s life.

*1.5* ***Public task:*** the processing is necessary for the carrying out of a task in the public interest or official functions and the exercise of functions of a public nature by a local council.

**2. Article 5 of the GDPR requires that personal data shall be:**

2.1 Processed lawfully, fairly and in a transparent manner in relation to individuals;

* 1. Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes;
  2. Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;

2.4 Accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay;

2.5 Kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals;

2.6 Processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

2.7 Data must not be transferred to any country outside the European Economic area, unless that country has an adequate level of protection of the rights and freedoms of data subjects.

**3.** **The handling of personal information**

Baildon Town Council will, through appropriate management, and strict application of criteria and controls:

3.1. Observe fully, conditions regarding the fair collection and use of information;

3.2. Meets its legal obligations to specify the purposes for which information is used.

3.3. Collect and process appropriate information only to the extent that it is needed to fulfil operational needs or comply with any legal requirements;

3.4. Ensure the quality of information used;

3.5. Apply strict checks to determine the length of time information is held;

3.6. Ensure that the rights of people, about whom 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 requiring the data controller to provide a description of the data held and the purposes for which it is being processed to a data subject on receipt of a written request.
* the right to rectification where the information is inaccurate or incomplete
* the right to erasure the data subject may require the controller to erase personal data known as the right to be forgotten.
* the right to restrict processing in certain circumstances including inaccuracy, unlawful processing and where the controller no longer needs the data
* the right to data portability a data subject can require a data controller to provide them with their personal data in a machine-readable portable format
* the right to object a data subject has the right to object to the processing on the grounds that it is not necessary in the public interest or in carrying out official duties or functions
* the right to not be subject to automatic decision making including profiling

3.7. Take appropriate technical and organisational security measures to safeguard personal information;

3.8. Ensure that any third-party processors contracted by Baildon Town Council adhere to appropriate controls.

**4. Responsibilities and roles**

Because the General Data Protection Regulations 2018 are regulations to make provision for the processing of information relating to, individuals including the obtaining, holding, use or disclosure of such information, it places obligations on those who record and use personal data.

**5**. **Data Controller**

In legal terms Baildon Town Council is a data controller and has responsibility for ensuring compliance with the General Data Protection Regulations. The Town Clerk is the designated data processor and is responsible for the processing of personal data in paper or electronic form, as defined in the General Data Protection Regulations.

**6. Implementation**

To achieve the position detailed in paragraphs 4 and 5 above, Baildon Town Council will ensure that:

6.1. There is someone with specific day to date responsibility for Data Protection matters in the organisation. Currently that person is the Town Clerk. Contact details for the Town Clerk can be found on the Baildon Town Council website www.baildontowncouncil.gov.uk

6.2. Everyone managing and handling personal data understands that they are contractually responsible for following good data protection practice;

6.3. Everyone managing and handling personal data is appropriately trained to do so;

6.4. Everyone managing and handling personal data is appropriately supervised;

6.5. Methods of handling personal data are clearly described;

6.6. A regular review and audit will be made of the way personal information is managed.

**7. Disposal of personal information**

7.1. Documents and any storage media containing input to and output from systems (paper or electronic) detailing personal information will be held, transported and disposed of with due regard to its sensitivity and in accordance with the Town Council’s Management of Records and Document Retention Policy.

7.2 Confidential paper output no longer required will be shredded before it is included in the recycling process. The disposal of confidential waste shall be arranged with firms who provide a certificated secure disposal service.

7.3 Individual departments will be responsible for ensuring appropriate arrangements are made subject to approval by the Town Clerk.

7.4 Where arrangements are made with external companies for paper data disposal, or other media holding personal data then checks will be made to ensure that the arrangements are secure and that disposal certificates are provided and recorded.

7.5 Where the information is particularly sensitive it may be appropriate to ensure that the information is shredded on site.

8. **Subject access requests**

8.1 An individual is entitled, on making a written request, to be supplied with a copy of all, with limited exceptions, information which forms the personal data held about them. A request for subject access must be responded to within one calendar month. If it is not, the individual is entitled to complain to the Information Commissioner.

8.2 All data subject access requests must be referred to the Town Clerk, who will co-ordinate the processing of the requests.

**9. Breaches of policy**

9.1 Any breach of the General Data Protection Regulations, whether deliberate or through negligence, may lead to disciplinary action being taken or even a criminal prosecution.

9.2 All persons are advised that any willful non-compliance with the data protection principles and this Policy Statement will be regarded as a serious disciplinary matter and may lead to dismissal.

**10. Review**

This policy will be reviewed every 3 years (or earlier if required by changes to legislation or additional documentation) and amended as necessary based on good practice or evidence taken forward.