

WITTERING PARISH COUNCIL

Privacy Compliance
Framework - POL-02

Contents

Introduction	2
Privacy Policy Statement.....	2
General Data Protection Regulations (GDPR)	3
What is personal data?	3
Examples of personal data.....	4
Data protection officer (DPO).....	4
Legal basis for processing.....	5
Individuals Rights.....	5
Right to be informed	5
Right of access	6
Right to rectification	6
Right to erasure	6
Right to restrict processing	6
Right to data portability	6
Right to object	7
Rights in relation to automated decision making and profiling	7
Subject Access Requests.....	7
Revision History.....	8

Introduction

The Wittering Parish Council comprises nine voluntary Councillors who represent a resident population of around 2,000 and they are supported by representatives of the Royal Air Force.

Our Policies and procedures have been developed to ensure that we provide full assurance on the integrity and conduct of our Parish Council, and its councillors.

Privacy Policy Statement

Privacy is very important to us. Accordingly, we have developed this Policy for our parish members to understand how we collect, use, communicate and disclose and make use of personal information.

The following outlines our privacy policy.

- Before or at the time of collecting personal information, we will identify the purposes for which information is being collected.
- If we collect and use personal information, we will do so solely with the objective of fulfilling those purposes specified by us and for other compatible purposes, unless we obtain the consent of the individual concerned or as required by law.
- We will only retain personal information as long as necessary for the fulfilment of those purposes.
- We will collect personal information by lawful and fair means and, where appropriate, with the knowledge or consent of the individual concerned.
- Personal data should be relevant to the purposes for which it is to be used, and, to the extent necessary for those purposes, should be accurate, complete, and up to date.
- We will protect personal information by reasonable security safeguards against loss or theft, as well as unauthorized access, disclosure, copying, use or modification.
- We will make readily available to customers (via our website) information about our policies and practices relating to the management of personal information.

We are committed to conducting our activities in accordance with these principles in order to ensure that the confidentiality of personal information is protected and maintained.

General Data Protection Regulations (GDPR)

GDPR stands for General Data Protection Regulation.

The GDPR is a regulation of the European Union which replaces the Data Protection Directive 95/46/EC. It is designed to harmonise data privacy laws across Europe, to protect the data of all EU citizens, and to reshape the way organisations across the region approach data privacy.

The information to which the GDPR applies is 'personal data'. This is any information that can directly or indirectly identify a natural person and can be in any format.

The regulation came into force on 25 May 2018. Heavy fines may be applied to organisations that do not comply.

The GDPR applies to both data controllers and data processors. Wittering Parish Council is both; therefore, we need to understand the distinct obligations imposed upon each type of data user.

The regulation has extra-territorial effect, which means that even though the UK is currently in negotiation to leave the EU, we will still have to comply. All international companies whose customers include EU citizens will have to be aware of the new obligations and will need to abide by the regulation to avoid fines.

The Information Commissioner's Office (ICO) is responsible for enforcing the GDPR in the United Kingdom.

What is personal data?

The definition of personal data is critical because the GDPR doesn't apply to data that doesn't fall within this definition. According to the European Commission, personal data is:

"any information relating to an individual, whether it relates to his or her private, professional or public life. It can be anything from a name, a home address, a photo, an email address, bank details, posts on social networking websites, medical information, or a computer's IP address".

The GDPR applies to both automatically processed personal data and to manual filing systems.

Personal data that has been pseudonymised – e.g. key-coded – can fall within the scope of the GDPR depending on how difficult it is to attribute the pseudonym to an individual.

Examples of personal data

Some examples of personal data are:

- Name
- Address
- Email address
- Photo
- Online identifiers (e.g. IP address, cookies)

In addition, there are special categories of personal data. Where these are processed or stored, additional conditions and safeguards must be put in place:

- Race
- Ethnic origin
- Religion
- Political opinions
- Trade union membership
- Sexual orientation
- Sex life
- Health information
- Biometric information (new in the GDPR)
- Genetic data (new in the GDPR)

Data protection officer (DPO)

Wittering Parish Council will gain access (as required) to a fully trained Data Protection Officer (DPO), whose duties are to advise where required in the following:

- Inform and advise the parish council about their obligations to comply with the GDPR and other data protection laws.
- Be the first point of contact for supervisory authorities and for individuals whose data is processed (employees, customers etc.).

Under the GDPR, organisations will be provided with a 'one stop shop' when dealing with international data protection matters. This 'one stop shop' is officially known as the lead supervisory authority (LSA).

Legal basis for processing

Under the GDPR, Wittering Parish Council needs to identify a legal basis before processing personal data.

Any of the following are considered legal reasons for processing personal data:

- Direct consent from the individual.
- The necessity to perform a contract.
- The legal obligations of the organisation.
- Protecting the vital interests of the individual.
- Necessity for the public interest.
- The legitimate interests of the organisation.

Privacy information must be provided (as per the Wittering Parish Council privacy notice).

Individuals Rights

An individual's legal rights to their personal data is at the heart of the GDPR.

The GDPR recognises that the legal owner of personal data is the person to whom it refers. As a result, the regulation provides the following rights for individuals in relation to their own personal data:

- The right to be informed
- The right of access
- The right to rectification
- The right to erasure
- The right to restrict processing
- The right to data portability
- The right to object
- Rights in relation to automated decision making and profiling

The following sections explain these rights in more detail.

Right to be informed

This refers to the obligation to provide processing information to individuals whose personal data that is processed. This obligation emphasises the need for transparency regarding what personal data is held and how it is used.

Right of access

This is the right of individuals to access their personal data and supplementary information, allowing individuals to themselves verify the lawfulness of the processing.

Right to rectification

This is the right of individuals to have personal data about them rectified, if it is incomplete or inaccurate.

Right to erasure

Also known as 'the right to be forgotten', this refers to the right of an individual to request the deletion of their personal data when there is no compelling reason for its continued processing.

This is not an absolute right, and the request may be refused for several reasons. These include the:

- Right to free expression.
- Public interest.
Exercise or defence of legal claims.

Right to restrict processing

This is the right of individuals to 'block' or suppress the processing of their personal data. Where this right is upheld, the individual's personal data continues to be stored but is not processed any further.

Thereafter, just enough information can be stored about the individual to ensure that the restriction is respected in future.

Right to data portability

This is the right of an individual to obtain and reuse their personal data for their own purposes across different services. The right to data portability only applies:

- To personal data that an individual has provided to a data controller.
- Where the processing is based on the individual's consent or for the performance of a contract.
- When processing is carried out by automated means.

Where this right applies, the personal data must be provided free of charge, within one month of the request in a structured, commonly used, and machine-readable form, e.g. as CSV files.

Right to object

Individuals have the right to object to:

- Processing based on legitimate interests or the performance of a task in the public interest / exercise of official authority (including profiling).
- Direct marketing (including profiling).
- Processing for purposes of scientific / historical research and statistics.
- Where this right applies, it must be brought to the attention of individuals at the point of first communication and in privacy notices.
- The right to object is not an absolute right, and the request may be refused for several reasons, e.g.:
- Compelling legitimate reasons for processing that override the individual's rights.
- Public interest.

Rights in relation to automated decision making and profiling

This refers to the right of an individual not to be subject to a decision when it is based on automated processing and produces a legal, or similarly significant, effect upon the individual.

The GDPR gives individuals the right to access the personal data which has been collected about them. This is so that individuals can be aware of, and verify, the lawfulness of the processing of their personal data. They should be able to exercise this right easily and at reasonable intervals.

Subject Access Requests

Individuals can exercise this right through Subject Access Requests (SARs), which allows them to find out:

- What personal data has been collected about them.
- The purposes for which the personal data are processed.
- Where possible, the period for which the personal data are processed (e.g. the retention period).
- The recipients of the personal data.

The parish council clerk is responsible to responding to SARs and providing this information.

Revision History

Version	Date	Changes	Author
Version 1.0	07/06/19	Privacy Compliance Framework	WPC
Version			