**NARBERTH TOWN COUNCIL**

INFORMATION & DATA PROTECTION POLICY.

**Introduction**

In order to conduct its business, services and duties, Narberth Town Council processes a wide

range of data, relating to its own operations and some which it handles on behalf of partners. In

broad terms, this data can be classified as:

• Data shared in the public arena about the services it offers, its mode of operations and other

information it is required to make available to the public.

• Confidential information and data not yet in the public arena such as ideas or policies that are

being worked up.

• Confidential information about other organisations because of commercial sensitivity.

• Personal data concerning its current ,past and potential employees, Councillors, and

volunteers.

• Personal data concerning individuals who contact it for information, to access its services or

facilities or to make a complaint.

Narberth Town Council will adopt procedures and manage responsibly, all data which it handles

and will respect the confidentiality of both its own data and that belonging to partner

organisations it works with and members of the public. In some cases, it will have contractual

obligations towards confidential data, but in addition will have specific legal responsibilities for

personal and sensitive information under data protection legislation.

This Policy is linked to our Quality Policy and ICT Policy which will ensure information

considerations are central to the ethos of the organisation.

The Town Council will periodically review and revise this policy in the light of experience,

comments from data subjects and guidance from the Information Commissioners Office.

The Council will be as transparent as possible about its operations and will work closely with

public, community and voluntary organisations. Therefore, in the case of all information which is

not personal or confidential, it will be prepared to make it available to partners and members of

the Town’s communities. Details of information which is routinely available is contained in the

Council’s Publication Scheme which is based on the statutory model publication scheme for

local councils.

**Protecting Confidential or Sensitive Information**

Narberth Town Council recognises it must at times, keep and process sensitive and personal

information about both employees and the public, it has therefore adopted this policy not only to

meet its legal obligations but to ensure high standards.

The General Data Protection Regulation (GDPR) which become law on 25th May 2018 and will

like the Data Protection Act 1998 before them, seek to strike a balance between the rights of

individuals and the sometimes, competing interests of those such as the Town Council with

legitimate reasons for using personal information.

The policy is based on the premise that Personal Data must be:

• Processed fairly, lawfully and in a transparent manner in relation to the data subject.

• Collected for specified, explicit and legitimate purposes and not further processed in a manner

that is incompatible with those purposes.

• Adequate, relevant and limited to what is necessary in relation to the purposes for which they

are processed.

• Accurate and, where necessary, kept up to date.

• Kept in a form that permits identification of data subjects for no longer than is necessary for

the purposes for which the personal data are processed.

• 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.

**Data Protection Terminology**

Data subject - means the person whose personal data is being processed.

That may be an employee, prospective employee, associate or prospective associate of BTC or

someone transacting with it in some way, or an employee, Member or volunteer with one of our

clients, or persons transacting or contracting with one of our clients when we process data for

them.

Personal data - means any information relating to a natural person or data subject that can be

used directly or indirectly to identify the person.

It can be anything from a name, a photo, and an address, date of birth, an email address, bank

details, and posts on social networking sites or a computer IP address.

Sensitive personal data - includes information about racial or ethnic origin, political opinions,

and religious or other beliefs, trade union membership, medical information, sexual orientation,

genetic and biometric data or information related to offences or alleged offences where it is

used to uniquely identify an individual.

Data controller - means a person who (either alone or jointly or in common with other persons)

(e.g. Town Council, employer, council) determines the purposes for which and the manner in

which any personal data is to be processed.

Data processor - in relation to personal data, means any person (other than an employee of

the data controller) who processes the data on behalf of the data controller.

Processing information or data - means obtaining, recording or holding the information or

data or carrying out any operation or set of operations on the information or data, including:

• organising, adapting or altering it

• retrieving, consulting or using the information or data

• disclosing the information or data by transmission, dissemination or otherwise making it

available

• aligning, combining, blocking, erasing or destroying the information or data. regardless of the

Technology used.

**Narberth Town Council processes personal data in order to:**

• fulfil its duties as an employer by complying with the terms of contracts of employment,

safeguarding the employee and maintaining information required by law.

• pursue the legitimate interests of its business and its duties as a public body, by fulfilling

contractual terms with other organisations, and maintaining information required by law.

• monitor its activities including the equality and diversity of its activities

• fulfil its duties in operating the business premises including security

• assist regulatory and law enforcement agencies

• process information including the recording and updating details about its Councillors,

employees, partners and volunteers.

• process information including the recording and updating details about individuals who

contact it for information, or to access a service, or make a complaint.

• undertake surveys, censuses and questionnaires to fulfil the objectives and purposes of the

Council.

• undertake research, audit and quality improvement work to fulfil its objects and purposes.

• carry out Council administration.

Where appropriate and governed by necessary safeguards we will carry out the above

processing jointly with other appropriate bodies from time to time.

The Council will ensure that at least one of the following conditions is met for personal

information to be considered fairly processed:

• The individual has consented to the processing

• Processing is necessary for the performance of a contract or agreement with the

individual

• Processing is required under a legal obligation

• Processing is necessary to protect the vital interests of the individual

• Processing is necessary to carry out public functions

• Processing is necessary in order to pursue the legitimate interests of the data controller

or third parties.

Particular attention is paid to the processing of any sensitive personal information and the

Town Council will ensure that at least one of the following conditions is met:

• Explicit consent of the individual

• Required by law to process the data for employment purposes

• A requirement in order to protect the vital interests of the individual or another person

**Diversity Monitoring**

Narberth Town Council monitors the diversity of its employees, and Councillors, in order to ensure

that there is no inappropriate or unlawful discrimination in the way it conducts its activities. It

undertakes similar data handling in respect of prospective employees. This data will always be

treated as confidential. It will only be accessed by authorised individuals within the Council and

will not be disclosed to any other bodies or individuals. Diversity information will never be used

as selection criteria and will not be made available to others involved in the recruitment process.

Anonymised data derived from diversity monitoring will be used for monitoring purposes and

may be published and passed to other bodies.

The Council will always give guidance on personnel data to employees, councillors, partners

and volunteers through a Privacy Notice and ensure that individuals on whom personal

information is kept are aware of their rights and have easy access to that information on

request.

Appropriate technical and organisational measures will be taken against Unauthorised or

unlawful processing of personal data and against accidental loss or destruction of, or damage

to, personal data.

Personal data shall not be transferred to a country or territory outside the European Economic

Areas unless that country or territory ensures an adequate level of protection for the rights and

freedoms of data subjects in relation to the processing of personal data.

**Information provided to us**

The information provided (personal information such as name, address, email address, phone

number) will be processed and stored so that it is possible for us to contact, respond to or

conduct the transaction requested by the individual. By transacting with Narberth Town Council,

individuals are deemed to be giving consent for their personal data provided to be used and

transferred in accordance with this policy, however where ever possible specific written consent

will be sought. It is the responsibility of those individuals to ensure that the Town Council is able

to keep their personal data accurate and up-to-date. The personal information will be not shared

or provided to any other third party or be used for any purpose other than that for which it was

provided.

**The Councils Right to Process Information**

Who is responsible for protecting a person’s personal data?

The Town Council as a corporate body has ultimate responsibility for ensuring compliance with

the Data Protection legislation. The Council has delegated this responsibility day to day to the

Town Clerk.

• Email: clerk@narberthtowncouncil.co.uk

• Phone: 01834 861924

• Correspondence: The Town Clerk, Sunnyhill, Woodford Lane, Narberth, Pembrokeshire SA67 8EN

**General Data Protection Regulations (and Data Protection Act) Article 6 (1) (a) (b) and (e)**

Processing is with consent of the data subject, or

Processing is necessary for compliance with a legal obligation.

Processing is necessary for the legitimate interests of the Council.

**Information Security**

The Town Council cares to ensure the security of personal data. We make sure that your

information is protected from unauthorised access, loss, manipulation, falsification, destruction

or unauthorised disclosure. This is done through appropriate technical measures and

appropriate policies.

We will only keep your data for the purpose it was collected for and only for as long as is

necessary, after which it will be deleted.

**Children**

We will not process any data relating to a child (under 13) without the express parental/

guardian consent of the child concerned.

**Rights of a Data Subject**

Access to Information: an individual has the right to request access to the information we

have on them. They can do this by contacting our Town Clerk or Data Protection Officer:

Information Correction: If they believe that the information we have about them is incorrect,

they may contact us so that we can update it and keep their data accurate. Please contact:

Town Clerk.

Information Deletion: If the individual wishes the Town Council to delete the information about

them, they can do so by contacting the Town Clerk.

Right to Object: If an individual believes their data is not being processed for the purpose it has

been collected for, they may object by contacting the Town Clerk or Data Protection Officer.

The Town Council does not use automated decision making or profiling of individual personal

data.

Complaints: If an individual has a complaint regarding the way their personal data has been

processed, they may make a complaint to the Town Clerk, Data Protection Officer or the

Information Commissioners Office [casework@ico.org.uk](mailto:casework@ico.org.uk) Tel: 0303 123 1113.

The Council will always give guidance on personnel data to employees through the Employee

handbook.

The Council will ensure that individuals on whom personal information is kept are aware of their

rights and have easy access to that information on request.

Making Information Available

The Publication Scheme is a means by which the Council can make a significant amount of

information available routinely, without waiting for someone to specifically request it.

In accordance with the provisions of the Freedom of Information Act 2000, this Scheme

specifies the classes of information which the Council publishes or intends to publish. It is

supplemented with an Information Guide which will give greater detail of what the Council will

make available and hopefully make it easier for people to access it.

All formal meetings of Council and its committees are subject to statutory notice being given on

notice boards, the Website and sent to the local media. The Council publishes an annual

programme in May each year. All formal meetings are open to the public and press and reports

to those meetings and relevant background papers are available for the public to see. The

Council welcomes public participation and has a public participation session on each Council

and committee meeting. Occasionally, Council or committees may need to consider matters in

private. Examples of this are matters involving personal details of staff, or a particular member of the

public, or where details of commercial/contractual sensitivity are to be discussed. This will only

happen after a formal resolution has been passed to exclude the press and public and reasons for the

decision are stated. Minutes from all formal meetings, including the confidential parts are public

documents.

The Openness of Local Government Bodies Regulations 2014 requires written records to be

made of certain decisions taken by officers under delegated powers. These are not routine

operational and administrative decisions such as giving instructions to the workforce or paying

an invoice approved by Council, but would include urgent action taken after consultation with

the Chairman, such as responding to a planning application in advance of Council. In other

words, decisions which would have been made by Council or committee had the delegation not

been in place.

The 2014 Regulations also amend the Public Bodies (Admission to Meetings) Act 1960 to allow

the public or press to film, photograph or make an audio recording of council and committee

meetings normally open to the public. The Council will where possible facilitate such recording

unless it is being disruptive. It will also take steps to ensure that children, the vulnerable and

members of the public who object to being filmed are protected without undermining the broader

purpose of the meeting.

The Council will be pleased to make special arrangements on request for persons who do not

have English as their first language or those with hearing or sight difficulties.

**Disclosure Information**

The Council will as necessary undertake checks on both staff and Members with the

Disclosure and Barring Service and will comply with their Code of Conduct relating to the secure

storage, handling, use, retention and disposal of Disclosures and Disclosure Information. It will

include an appropriate operating procedure in its integrated quality management system.

**Data Transparency**

The Council has resolved to act in accordance with the Code of Recommended Practice for

Local Authorities on Data Transparency (September 2011). This sets out the key principles for

local authorities in creating greater transparency through the publication of public data and is

intended to help them meet obligations of the legislative framework concerning information.

“Public data” means the objective, factual data on which policy decisions are based and on

which public services are assessed, or which is collected or generated in the course of public

service delivery.

The Code will therefore underpin the Council’s decisions on the release of public data and

ensure it is proactive in pursuing higher standards and responding to best practice as it

develops.

The principles of the Code are:

Demand led: new technologies and publication of data should support transparency and

accountability

Open: the provision of public data will be integral to the Council’s engagement with residents so

that it drives accountability to them.

Timely: data will be published as soon as possible following production.

Government has also issued a further Code of Recommended Practice on Transparency,

compliance of which is compulsory for parish councils with turnover (gross income or gross

expenditure) not exceeding £25,000 per annum. These councils will be exempt from the

requirement to have an external audit from April 2017. Narberth Town Council exceeds this

turnover but will never the less ensure the following information is published on its Website for

ease of access:

• All transactions

• End of year accounts

• Annual Governance Statements

• Internal Audit Reports

• List of Councillor or Member responsibilities

• Details of public land and building assets

• Draft minutes of Council and committees within one month

• Agendas and associated papers no later than three clear days before the meeting.

Adopted by Council: Narberth Town Council.