Kingston St Mary Parish Council

Privacy Policy

December 2020

Council information

This Privacy Policy was adopted by the Kingston St Mary Parish Council in order to comply with the requirements of the General Data Protection Regulations (GDPR), which took effect from 25 May 2018.

Personal data – what is it?

"Personal data" is any information about a living individual which allows them to be identified from that data (for example a name, photographs, videos, email address, or address). Identification can be directly using the data itself or by combining it with other information which helps to identify a living individual (e.g. a list of staff may contain personnel ID numbers rather than names but if you use a list a separate list of the ID numbers which give the corresponding names to identify the staff in the first list then the first list will also be treated as personal data). The processing of personal data is governed by legislation relating to personal data which applies in the United Kingdom including the General Data Protection Regulation (the "GDPR) and other legislation relating to personal data and rights such as the Human Rights Act.

Other data controllers the council works with:

- Somerset West and Taunton District Council;
- Somerset County Council;
- Community Groups;
- Charities;
- Other not for Profit Entities;
- Local Companies;
- Contractors.

The council may need to share the personal data it holds with other data controllers so that they can carry out their responsibilities to the council.

The council will process some or all of the following personal data where necessary to perform its tasks:

- Names, titles, and aliases, photographs;
- Contact details such as telephone numbers, addresses, and email addresses;
- Where they are relevant to the services provided by the council, we may process information such as gender, age, marital status, nationality, education/work history, academic/professional qualifications, hobbies, family composition, and dependants;
- Where activities are paid for, such as use of a council hall, financial identifiers such as bank account numbers, payment card numbers, payment/transaction identifiers, policy numbers, and claim numbers;
- The personal data we process may include sensitive or other special categories of personal data such as criminal convictions, racial or ethnic origin, mental and physical health, details of injuries, medication/treatment received, political beliefs, trade union affiliation, genetic data, biometric data, data concerning and sexual life or orientation.

The council will comply with data protection law. This says that the personal data we hold must be:

- Used lawfully, fairly and in a transparent way;
- Collected only for valid purposes that we have clearly explained and not used in any way that is incompatible with those purposes;
- Relevant to the purposes we have explained and limited only to those purposes.
- Accurate and kept up to date;
- Kept only as long as necessary for the purposes we have advised;
- Kept and destroyed securely including ensuring that appropriate technical and security measures are in place to protect personal data to protect personal data from loss, misuse, unauthorised access and disclosure.

The council uses personal data for some or all of the following purposes:

- To deliver public services including, to understand what is needed to provide the services and to understand what we can do to inform residents of relevant services;
- To confirm identities to provide some services;
- To make contact by post, email, telephone or using social media (e.g., Facebook, Twitter, WhatsApp);
- To help us to build up a picture of how we are performing;
- To prevent and detect fraud and corruption in the use of public funds and where necessary for the law enforcement functions;
- To enable us to meet all legal and statutory obligations and powers including any delegated functions;
- To carry out comprehensive safeguarding procedures (including due diligence and complaints handling) in accordance with best safeguarding practice from time to time with the aim of ensuring that all children and adults-at-risk are provided with safe environments and generally as necessary to protect individuals from harm or injury;
- To promote the interests of the council;
- To maintain our own accounts and records;
- To seek views, opinions or comments;
- To notify changes to our facilities, services, events and staff, councillors and other role holders;
- To send communications which have been requested and that may be of interest to residents. These may include information about campaigns, appeals, other new projects or initiatives;
- To process relevant financial transactions including grants and payments for goods and services supplied to the council;
- To allow the statistical analysis of data so we can plan the provision of services.

Our processing may also include the use of CCTV systems for the prevention and prosecution of crime.

What is the legal basis for processing personal data?

The council is a public authority and has certain powers and obligations. Most of personal data is processed for compliance with a legal obligation which includes the discharge of the council's statutory functions and powers. Sometimes when exercising these powers or duties it is necessary to process personal data of residents or people using the council's services. We will always take into account their interests and rights. This Privacy Notice sets out the publics rights and the council's obligations.

We may process personal data if it is necessary for the performance of a contract or to take steps to enter into a contract. An example of this would be processing data in connection with the use of sports facilities, or the acceptance of an allotment garden tenancy.

Sometimes the use of personal data requires consent, which we will obtain before using the personal data.

Sharing personal data.

This section provides information about the third parties with whom the council may share personal data. These third parties have an obligation to put in place appropriate security measures and will be responsible to directly for the manner in which they process and protect personal data. It is likely that we will need to share data with some or all of the following (but only where necessary):

- The data controllers listed above under the heading "Other data controllers the council works with";
- Our agents, suppliers and contractors. For example, we may ask a commercial provider to publish or distribute newsletters on our behalf, or to maintain our database software;
- On occasion, other local authorities or not for profit bodies with which we are carrying out joint ventures e.g. in relation to facilities or events for the community.

How long do we keep personal data?

We will keep some records permanently if we are legally required to do so. We may keep some other records for an extended period of time. For example, it is currently best practice to keep financial records for a minimum period of 8 years to support HMRC audits or provide tax information. We may have legal obligations to retain some data in connection with our statutory obligations as a public authority. The council is permitted to retain data in order to defend or pursue claims. In some cases the law imposes a time limit for such claims (for example 3 years for personal injury claims or 6 years for contract claims). We will retain some personal data for this purpose as long as we believe it is necessary to be able to defend or pursue a claim. In general, we will endeavour to keep data only for as long as we need it. This means that we will delete it when it is no longer needed.

Rights to personal data.

The public have the following rights with respect to personal data:

When exercising any of the rights listed below, in order to process a request, we may need to verify the identity of the requestor for their security. In such cases we will need proof of identity before processing a request.

1) **The right to access personal data we hold.**
    - At any point we can be contacted to request the personal data we hold as well as why we have that personal data, who has access to the personal data and where we obtained the personal data from. Once we have received a request we will respond within one month.
    - There are no fees or charges for the first request but additional requests for the same personal data or requests which are manifestly unfounded or excessive may be subject to an administrative fee.
2) **The right to correct and update the personal data we hold.**
    - If the data we hold is out of date, incomplete or incorrect and we are informed, the data will be updated.
3) **The right to have personal data erased.**
    - If we are informed that we should no longer be using personal data or that we are unlawfully using personal data, we can be requested to erase the personal data we hold.
    - When we receive a request we will confirm whether the personal data has been deleted or the reason why it cannot be deleted (for example because we need it for to comply with a legal obligation).
4) **The right to object to processing of personal data or to restrict it to certain purposes only.**
    - When we receive a request to stop processing personal data or to restrict processing. Upon receiving the request we will contact the requestor and let them know if we are able to comply or if we have a legal obligation to continue to process the data.
5) **The right to data portability.**
    - When we receive a request to transfer some personal data to another controller. We will comply with the request, where it is feasible to do so, within one month of receiving the request.
6) **The right to withdraw consent to the processing at any time for any processing of data to which consent was obtained.**
    - When we receive a withdrawal of consent by telephone, email, or by post it will be actioned appropriately.
7) **The right to lodge a complaint with the Information Commissioner's Office.**
    - The public can contact the Information Commissioners Office on 0303 123 1113 or via email https://ico.org.uk/global/contact-us/email/ or at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF if they have complaint concerning the processing of their personal data.

Transfer of Data Abroad

Any personal data transferred to countries or territories outside the European Economic Area ("EEA") will only be placed on systems complying with measures giving equivalent protection of personal rights either through international agreements or contracts approved by the European Union.

Further processing

If we wish to use personal data for a new purpose, not covered by this Privacy Policy, we will provide a new Privacy Notice explaining this new use prior to commencing the processing and setting out the relevant purposes and processing conditions. Where and whenever necessary, we will seek prior consent to the new processing.

Changes to this policy

We keep this Privacy Policy under regular review and we will place any updates on this web page https://www.kstm.uk/#. This Policy was last updated in December 2020.

Contact Details

Please forward any questions about this Privacy Policy, the personal data we hold, the rights to personal data, queries or complaints to:

The Data Controller: Kingston St Mary Parish Council
Email: clerk@ksmpc.org.uk