

# Data Protection & Retention Policy

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## 1.0 Data Protection Principles

- 1.1 In complying with the Data Protection Act 2018 the parish council shall ensure that all data is:
- used fairly, lawfully and transparently
  - used for specified, explicit purposes
  - used in a way that is adequate, relevant and limited to only what is necessary
  - accurate and, where necessary, kept up to date
  - kept for no longer than is necessary
  - handled in a way that ensures appropriate security, including protection against unlawful or unauthorised processing, access, loss, destruction or damage
- 1.2 Where the lawful basis for processing data is consent, the parish council will ensure that consent is freely given, unconditional and explicit.
- 1.3 The Parish Clerk will take any reasonable necessary steps to ensure the security of council data; this shall include to ensure that access to data is limited and that data is disposed of securely.
- 1.4 The parish council does not use automated decision making or profiling of individual personal data.
- 1.5 Regardless of the legal requirement to do so, the parish council will appoint a Data Protection Officer.
- 1.6 The parish council will ensure that any third party which processes data on its behalf has sufficient data protection, security measures and breach reporting procedures in place and this shall form part of the terms and conditions of any contract entered into.
- 1.7 Data related to a child (under 13) will not be processed without the express parental/guardian consent of the child concerned.

1.8 Members and employees must abide by any procedures developed in accordance with this policy and failure to do may result in disciplinary proceedings or suspension of access to council resources.

1.9 The Parish Clerk shall ensure that a Data Audit is undertaken at least annually.

## **2.0 Training and Guidance**

2.1 All members and employees of the council shall receive an induction on Data Protection and training as required.

2.2 The Parish Clerk shall maintain a guidance note on Data Protection for both members and employees to provide easy to access guidance on Data Protection practices.

## **3.0 Privacy Notices**

3.1 The Parish Clerk shall prepare Privacy Notices as required which will be published on the parish council website. They shall be reviewed at least annually. Privacy Notices may vary depending on the data being collected/held.

3.2 The parish council will use a blended approach to provide privacy information to individuals; providing information at the point of collection and reference to the full Privacy Notice where it is not practical to provide the notice in full at the point of collection.

3.3 At collection sufficient information will be given to detail why the data is being collected, how it will be used, how long it will be kept for and whether it will be shared with any third party.

3.4 Privacy Notices will be prepared with reference to guidance from the Information Commissioner's Office and shall be provided in simple language in a clear font.

## **4.0 Breach Reporting**

4.1 A data breach is defined as a breach of security leading to 'accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data'

4.2 The Parish Clerk shall maintain procedures to safeguard against potential data breaches.

4.3 All data breaches shall be reported to the Parish Clerk who shall maintain a record of data breaches and determine, in accordance with Information Commissioner's Office guidance whether the breach must be notified.

## **5.0 Data Protection Impact Assessments**

- 5.1 A Data Protection Impact Assessment (DIPA) is a process to identify and minimize the data protection risks of a project. It is mandatory for certain types of data processing or processing which is likely to result in a high risk to individuals' interests.
- 5.2 The Parish Clerk shall prepare procedures for determining if a DIPA is required and the undertaking of the same

## **6.0 Data Retention**

- 6.1 The parish council will only keep data for as long as it is necessary to do so.
- 6.2 The council's standard data retention requirements are detailed in Annex A.
- 6.3 Data (electronic or physical) should only be disposed of if reviewed in accordance with the following:
  - a. Is retention required to fulfil a statutory or regulatory requirement?
  - b. Is retention required to meet the operational needs of a service?
  - c. Is retention required to evidence events in the case of dispute?
  - d. Is retention required because the document/record is of historic interest or intrinsic value?
- 6.4 All records containing personal information must be destroyed at the end of the retention period.
- 6.5 Where documents are of historical interest it may be appropriate that they are transmitted to the County Records Office or held in the Parish Office or local library.
- 6.6 Retention periods may be increased by government regulation, judicial or administrative constraint order, contract, pending litigation or audit requirements and such modifications shall supersede the requirements in Annex A.

## **7.0 Data Subject Rights**

- 7.1 Under the Data Protection Act 2018, a Data Subject has the right to find out what information the parish council stores about them. These include the right to:
  - a. be informed about how your data is being used
  - b. access personal data
  - c. have incorrect data updated
  - d. have data erased
  - e. stop or restrict the processing of their data

- f. data portability (allowing the subject to get and reuse their data for different services)
- g. object to how their data is processed in certain circumstances

7.2 A data subject wishing to exercise their rights may do so by contacting the Parish Clerk.

## **8.0 Review and Monitoring**

8.1 This policy shall be reviewed every three years.

## **Glossary**

<b>Privacy Notice</b>	Gives information to data subjects on what data is being held and why, how it will be processed and their rights.
<b>Data Protection Impact Assessment</b>	A process to help you identify and minimise the data protection risks of a project.
<b>Data Audit</b>	A process of recording what data is held and the lawful purposes for which it is held, who it is shared with etc.
<b>Data Controller</b>	The person in control of data, in most cases this is the parish council as a corporate body.
<b>Data Protection Officer</b>	Their role is to advise the council on Data Protection issues and have a role to play in Data Protection Impact Assessments.
<b>Data Subject</b>	An individual who is the subject of personal data.

## Annex A: Data retention Schedule

General		
Document	Minimum retention period	Reason
Signed Minutes	Indefinite	Archive, Public Inspection
Agendas	5 years	Management
Title Documents / Deeds	Indefinite	Audit, Management
Contracts / Leases	Indefinite	Management
E-mail (excluding SPAM)	2 years	Local Choice
Register of Members' Interests	1 year after end of service	Local Choice
Members' allowances register	6 years	Tax, Limitation Act
Strategic Plans, Annual Reports etc	Permanent Archive once superseded	Common Practice
Policies and Operational procedures	7 years after superseded	Local Choice
Project planning documents	2 years after project completion	Local Choice
Legal / Litigation Files	Active + 7 years	Local Choice
Commercial Debt Recovery Matters	Active + 2 years	Local Choice
Complaints Records	6 years	Common Practice
Accident / Incident Reports	20 years	Potential claims
Members' allowances register	6 years	Tax, Limitation Act

<b>Financial</b>		
Document	Minimum retention period	Reason
Audited Accounts	Indefinite	
Accounting Records (invoices, VAT records etc)	6 years	VAT
Bank Statements, Paying in / Cheque Book stubs	Last completed audit year	Audit
Insurance company names and policy numbers	Indefinite	Management
Insurance policies	Whilst valid	
Employer's Liability Certificates	40 years from commencement/renewal	Statute
Budgets	Indefinite	
Quotations and Tenders	6 years	Limitations Act
Payroll Records	12 years	Superannuation
VAT records	6 years	

<b>Employment</b>		
Document	Minimum retention period	Reason
Timesheets	7 years	Personal Injury
Recruitment Documents	5 years	Local Choice
Documents on Persons Not Hired	1 year	Equal Opportunities Claims
Accident or Injury at Work	7 years	Local Choice
Personnel Administration	6 years after person leaves council	Local Choice and Statutory
Personnel Service Record (Name, position, dates of employment, pay levels etc)	Indefinite	Local Choice

<b>Services</b>		
Document	Minimum retention period	Reason
Room Booking / Hire Records (paper)	3 years	Management
Play Area Inspection Reports	21 years	Potential claims
Fees and Charges	6 years	Management
Allotment tenancies	6 years from end of tenancy	Legal