



## Item 22

Council - 8 December 2022

### Data Protection Policy

#### 1. Introduction

- 1.1 The Data Protection Act 2018 controls how your personal information is used by organisations, businesses, or the government. The Act is the UK's implementation of the General Data Protection Regulation (GDPR).
- 1.2 Everyone responsible for using personal data must follow strict rules called 'Data Protection Principles'. They must make sure the information is:
  - 1) Used fairly, lawfully, and transparently.
  - 2) Used for specified, explicit purposes.
  - 3) Used in a way that is adequate, relevant, and limited to only what is necessary.
  - 4) Accurate and, where necessary, kept up to date.
  - 5) Kept for no longer than is necessary.
  - 6) Handled in a way that ensures appropriate security, including protection against unlawful or unauthorised processing, access, loss, destruction, or damage.
- 1.3 There is stronger legal protection for more sensitive information, such as:
  - 1) Race.
  - 2) Ethnic background.
  - 3) Political opinions.
  - 4) Religious beliefs.
  - 5) Trade union membership.
  - 6) Genetics.
  - 7) Biometrics (where used for identification).
  - 8) Health.
  - 9) Sex life or orientation.
- 1.4 There are separate safeguards for personal data relating to criminal convictions and offences.

#### 2. Data Protection Policy

- 2.1 A draft Data Protection Policy is attached at **Appendix A**.
- 2.2 Council is asked to consider the Policy and adopt it.

3. **Recommended** that the Data Protection Policy be adopted.

**Background Papers:** None

**Appendices:**

<b>Appendix A</b>	Data Protection Policy
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**Huw Evans**  
**Clerk to Llangyfelach Community Council**

## Data Protection Policy

Llangyfelach Community Council recognises its responsibility to comply with the 2018 General Data Protection Regulation. The General Data Protection Regulation retains the existing legal principles of the 1998 Data Protection Act and adds some additional protections as to how personal data and sensitive personal data can be used.

### Data Protection Act

The Data Protection Act 1998 set out high standards for the handling of personal information and protecting individuals' rights for privacy. It also regulated how information can be collected, handled, and used. The Data Protection Act applies to anyone holding information about people electronically or on paper.

### General Data Protection Regulation (GDPR)

The General Data Protection Regulation 2018 says that the information provided to people about how we process their personal data must be concise, transparent, intelligible, and easily accessible, written in clear and plain language, particularly if addressed to a child and free of charge. As a local authority Llangyfelach Community Council has several procedures in place to ensure that it complies with the General Data Protection Regulation 2018 when holding personal information.

When dealing with personal data Llangyfelach Community Council staff and Councillors must ensure that:

- 1. It is processed fairly & lawfully**  
This means that information should only be collected from individuals if staff and Councillors have been open and honest about why they want the information.
- 2. It is processed for specified purposes only**
- 3. It is relevant to what it is needed for**  
Data will be monitored so that too much or too little is not kept; only data that is needed should be held.
- 4. It is accurate and kept up to date**  
Personal data should be accurate, if it is not, it should be corrected.
- 5. It is not kept longer that it is needed.**
- 6. It is processed in accordance with the rights of the individual**  
This means that individuals must be informed, upon request, of all the information held about them.
- 7. It is kept securely**  
This means that only staff and Councillors can access the data, it should be stored securely so it cannot be accessed by members of the public.

### Collecting Data

Llangyfelach Community Council recognises its responsibility to be open with people when taking personal details from them. This means that staff must be honest about why they want a particular piece of information. If, for example, a member of the public gives their phone number to staff or a member of Llangyfelach Community Council, this will only be used for the purpose it has been given and will not be

disclosed to anyone else. The contact us webpage contains a privacy statement about how the data will be stored and used.

### **Storing & Accessing Data**

Llangyfelach Community Council may hold information about individuals such as their addresses and telephone numbers. These are kept in a secure location at the Clerk's place of residence and are not available for the public to access. All data stored on a computer is password protected. Once data is not needed anymore, if it is out of date or has served its use, it will be shredded or deleted from the computer.

The Council is aware that people have the right to access any information that is held about them. If a person requests to see any data that is being held about them:

- 1) They must be sent all the information that is being held about them.
- 2) There must be explanation for why it has been stored.
- 3) There must be a list of who has seen it.
- 4) It must be sent within one month.
- 5) Requests that are manifestly unfounded or excessive may be refused or a charge made.
- 6) If a request is refused, a reason must be given. If an individual requests that their data is rectified or erased, this will be carried out.

### **Disclosure of Information**

If a Councillor needs to access information to help carry out their duties, this is acceptable. They are only able to access as much information as necessary and it should only be used for that specific purpose. If for instance someone has made a complaint about over hanging bushes in a garden, a Councillor may access an address and telephone number of the person who has made the complaint so they can help with the enquiry.

However, before they access any sensitive information about a person, they would need consent to do this from the Clerk. Data should never be used for political reasons unless the data subjects have consented.

### **Confidentiality**

Llangyfelach Community Council staff must be aware that when complaints or queries are made, they must remain confidential unless the subject gives permission otherwise. When handling personal data, this must also remain confidential.

If a data breach is identified the ICO must be informed within 72 hours and an investigation will be conducted.

This policy will be reviewed annually, as well as an annual review of the compliance and effectiveness of the policy.

<b>Adopted by the Council:</b>	8 December 2022
<b>Review Date:</b>	October 2023