



Brixham Town Council

Data Protection Policy 2018

Date of Adoption	October 2018
Reviewed	May 2023
Next Review Date	May 2024
Written by	Tracy Hallett, Town Clerk

Brixham Town 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.

THE 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.

THE GENERAL DATA PROTECTION REGULATION:

The General Data Protection Regulation 2018 (GDPR) 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 Brixham Town Council has a number of procedures in place to ensure that it complies with the General Data Protection Regulation 2018 when holding personal information.

When dealing with personal data, Brixham Town Council staff and Councillors must ensure that:

- **IT IS PROCESSED FAIRLY AND 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.
- **IT IS PROCESSED FOR SPECIFIED PURPOSES ONLY**
- **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.
- **IT IS ACCURATE AND KEPT UP TO DATE** Personal data should be accurate, if it is not it should be corrected. - **IT IS NOT KEPT LONGER THAN IT IS NEEDED** in accordance with the terms set out in the GDPR.
- **IT IS PROCESSED IN ACCORDANCE WITH THE RIGHTS OF INDIVIDUALS** This means that individuals must be informed, upon request, of all the information held about them.
- **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

Brixham Town 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 Brixham Town Council, this will only be used for the purpose it has been given and will not be disclosed to anyone else.

STORING AND ACCESSING DATA

Brixham Town Council may hold information about individuals such as their addresses and telephone numbers. These are kept in a secure location at the Town Council offices 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

- They must be sent all of the information that is being held about them
- There must be explanation for why it has been stored
- There must be a list of who has seen it
- It must be sent within one month
- Requests that are manifestly unfounded or excessive may be refused or a charge made
- 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 an elected member of the council, 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 Town Clerk. Data should never be used for political reasons unless the data subjects have consented.

CONFIDENTIALITY

Brixham Town 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.

YOUR RIGHT TO LODGE A COMPLAINT WITH THE INFORMATION COMMISSIONS OFFICER (ICO)

You can contact the ICO on 0303 123 1113 or at the ICO office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

CONTACT DETAILS

Please contact us if you have any questions about this Privacy Notice or the personal data we hold about you or to exercise all relevant rights, queries or complaints at:

The Data Controller, Brixham Town Council, Town Hall, New Road, Brixham, TQ5 8TA.
Tel 01803 859678, email info@brixhamtowncouncil.gov.uk

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