Aust Parish Council
Serving the communities of Aust, Elberton & Littleton-upon-Severn

DATA PROTECTION POLICY

Version	Date adopted	Minute reference	Details / Key Changes	Review due
1.0	9/4/24	APC2024-04-8.3	First adoption. Based on NALC model policy.	April 2026

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Purpose

Aust Parish Council is committed to being transparent about how it collects and uses the personal data of staff, councillors and members of the public, and to meeting our data protection obligations. This policy sets out the council's commitment to data protection, and rights and obligations in relation to personal data in line with the General Data Protection Regulation (GDPR) and the Data Protection Act 2018 (DPA).

This policy applies to the personal data of current and former employees and councillors, and to members of the public who may contact or otherwise have dealings with the council.

Questions about this policy, or requests for further information, should be directed to the Clerk, Emma Pattullo, on austparishcouncil@gmail.com or 01454 837271.

Definitions

"*Personal data*" is any information that relates to a living person who can be identified from that data (a '*data subject*') on its own, or when taken together with other information. It does not include anonymised data.

"*Processing*" is any use that is made of data, including collecting, recording, organising, consulting, storing, amending, disclosing or destroying it.

"*Special categories of personal data*" means information about an individual's racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, health, sex life or sexual orientation and genetic or biometric data as well as criminal convictions and offences.

Data protection principles

The council processes personal data in accordance with the following data protection principles. The council will:

- process personal data lawfully, fairly and in a transparent manner;
- collect personal data only for specified, explicit and legitimate purposes;
- process personal data only where it is adequate, relevant and limited to what is necessary for the purposes of processing;
- keep accurate personal data and takes all reasonable steps to ensure that inaccurate personal data is rectified or deleted without delay;
- keep personal data only for the period necessary for processing;
- adopt appropriate measures to make sure that personal data is secure, and protected against unauthorised or unlawful processing, and accidental loss, destruction or damage.

The council will describe the personal data it processes, the reasons for processing, how such data is used, how long it is retained, and the legal basis for processing in our privacy notices.

The council will not use personal data for an unrelated purpose without informing the data subject about this and legal basis that we intend to rely on for processing it. The council will not process personal data if it does not have a legal basis for processing.

Processing personal data

The council will process personal data (that is not classed as special categories of personal data) where it is necessary:

- for the performance of a contract, e.g., a contract of employment or services;
- to comply with any legal obligation;
- for the council's legitimate interests, unless there is a good reason to protect your personal data which overrides those legitimate interests;
- to protect the vital interests of a data subject or another person;
- for the performance if a task carried out in the public interest or in the exercise of official authority vested in the council.

If the council processes personal data (excluding special categories of personal data) in line with one of the above bases, it does not require consent. Otherwise, the council is required to gain consent to process personal data. If the council asks for consent to process personal data, then we will explain the reason for the request. Consent can be withdrawn at a later date if the subject so wishes.

The council will not use personal data for an unrelated purpose without telling you about it and the legal basis that we intend to rely on for processing it.

The council will not use any form of automated decision making or the profiling of individual personal data.

Special categories of data

The council will only process special categories of personal data (see above) in accordance with legislation and where is it necessary:

- for carrying out rights and obligations under employment law or a collective agreement;
- to protect your vital interests or those of another person where you are physically or legally incapable of giving consent;
- for the establishment, exercise or defence of legal claims;
- for reasons for substantial public interest on the basis of law which is proportionate to the aim pursued and which contains appropriate safeguards.

If the council processes special categories of personal data in line with one of the above bases, it does not require consent. In other cases, the council is required to gain the consent of the data subject. Such consent can be withdrawn at a later data if the subject so wishes.

Data security & accuracy

The council takes the security of personal data seriously. Personal data may be held in hard copy or by electronic means. Hard copy papers are held in the Clerk's office. All electronic records are held securely in accordance with the council's risk register.

The council has internal policies and controls in place to protect personal data against loss, accidental destruction, misuse or disclosure, and to ensure that data is not accessed, except by employees in the proper performance of their duties.

The council will not engage any third parties to process data on our behalf.

The council will update personal data promptly if advised that information has changed or is inaccurate. Contact the Clerk as above.

Subject access requests

Individuals have the right to make a subject access request (SAR), to establish what personal data the council holds about themselves. When an SAR is received, the council will inform the individual:

- whether their data is processed and if so why, the categories of personal data concerned and the source of the data;
- to whom data is or may be disclosed;
- for how long personal data is stored (or how that period is decided);
- their rights to rectification or erasure of data, or to restrict or object to processing;
- their right to complain to the Information Commissioner if they believe the council has failed to comply with data protection rights

The council will also provide the individual with a copy of their personal data undergoing processing. This will normally be in electronic form if the request is received electronically, unless the individual requests otherwise. Any additional paper copies will be charged according to the council's Publication Scheme.

SARs must be sent to the Clerk or Chairman of the Council. The council may need to ask for proof of identification before the request can be processed.

The council will normally respond to a SAR within a period of one month from the date it is received. Where the council processes large amounts of personal data in relation to the

individual, this may not be possible within one month. The council will write within one month of receiving the original request to inform the individual if this is the case.

If a SAR is manifestly unfounded or excessive, the council is not obliged to comply with it. Alternatively, the council can agree to respond but may charge a fee, which will be based on the administrative cost of responding to the request. A SAR is likely to be manifestly unfounded or excessive where it repeats a request to which the council has already responded. The council will notify the individual that this is the case and whether or not we will respond to it.

Other rights

Individuals also have other rights in relation to their personal data. They can require the council to:

- rectify inaccurate data;
- stop processing or erase data that is no longer necessary for the purposes of processing;
- stop processing or erase data if personal interests override the council's legitimate grounds for processing data (where the council relies on our legitimate interests as a reason for processing data);
- stop processing or erase data if processing is unlawful, inaccurate or if there is a dispute about whether or not personal interests override the council's legitimate grounds for processing data.

Data breaches

The council have measures in place to minimise and prevent data breaches from taking place. Should a breach of personal data occur the council must take notes and keep evidence of that breach.

If you are aware of a data breach you must contact the Clerk or Chairman of the Council immediately and keep any evidence you have in relation to the breach.

If the council discovers that there has been a breach of personal data that poses a risk to the rights and freedoms of an individual, we will report it to the Information Commissioner within 72 hours of discovery. The council will record all data breaches regardless of their effect.

If the breach is likely to result in a high risk to the rights and freedoms of individuals, we will tell the individuals concerned that there has been a breach and provide them with information about its likely consequences and the mitigation measures we have taken.

Complaints

If the individual is not satisfied with the council's actions in relation to the processing of personal data, they can complain to the Information Commissioner's Office. They can be contacted on 0303 123 1113 or via their website www.ico.org.uk.

Review frequency

This policy and the associated Privacy Notices will be reviewed at every two years, or as required by changes in legislation or guidance.