



MOBBERLEY PARISH COUNCIL

DATA PROTECTION & RETENTION POLICY

Last Review June 2023. Next Review June 2025

The Parish Council recognises it must at times, keep and process sensitive and personal information concerning both employees and the public. It has adopted this policy to not only meet the legal obligations, but to ensure high standards of practice. The Parish Council is open about its operations and works closely with the community. In the case of information that is not personal or confidential, the Parish Council is prepared to make information available to the public. Details of information which is available is contained in the Council's Publication Scheme which is based on the statutory model publication scheme for local councils.

DEFINITIONS

1.1 For the purposes of this policy, "record" shall be interpreted to mean any papers, files, books, photographs, tapes, films, recordings or other documentary materials or any copies thereof, regardless of physical form, made, produced, executed or received by any employee in connection with the transaction of Mobberley Parish Council's business.

1.2 The term "electronic record" means any record which is created, received, maintained or stored on local workstations or central servers. Examples include, but are not limited to: email, word processing documents, spreadsheets and databases – including but not limited to file records, investigation reports, financial accounting records and payroll records.

1.3 "Official Records" are records maintained but not limited to Accounts (all financial records, VAT records, payroll records, bank accounts etc.), electronic records, HR records (personnel records, insurance records etc.) and Council Operation records (minutes, correspondence etc.).

DATA RETENTION

2.1 The purpose of this policy is to ensure that necessary records and documents are adequately protected and maintained and to ensure that records which are no longer needed or of no value are discarded at the appropriate time.

2.2 This policy relates to electronic records as well as physical "hard copies".

2.3 Individuals responsible for the retention of records are also responsible for their destruction following the retention period.

2.4 Sensitive or confidential documents must be disposed of by shredding or other means to ensure that the material can no longer be read or interpreted.

2.5 Record retention periods may be increased by government regulation, judicial or administrative constraint order, private or government contract, pending litigation or audit requirements.

2.6 In the event of a government audit, investigation or pending litigation, record disposition may be suspended at the direction of the Parish Clerk and subsequently ratified by the Finance Sub Group namely Councillor Kendall and Chairman Cookson.

2.7 When litigation, complaints or investigations against the Parish Council or its employees are filed or threatened, the law imposes a duty upon the Council to preserve all documents and records pertaining to the issues. In this instance the Parish Clerk will notify appropriate employees of a 'hold' directive.

2.8 Electronic records such as emails and computer accounts will be immediately maintained until the hold is released. No employee who has been notified of a hold may alter or delete any electronic records that fall within the scope of that hold.

2.13 Violation of the hold may subject the individual to disciplinary action, up to and including dismissal as well as personal liability for civil and criminal sanctions by the courts or enforcement agencies.

2.14 No document list can be exhaustive. Questions regarding the retention period for any specific document or class of documents not included in the below table should be addressed to the Parish Clerk who will consult with the relevant committee chair.

MAKING INFORMATION AVAILABLE

3.1 The Parish Council Publication Scheme is a means by which the Parish Council can make a significant amount of information routinely available without waiting for someone to specifically request it. The scheme is intended to encourage local people to take an interest in the work of the Council and its role within the community.

3.2 In accordance with the Freedom of Information Act 2000, this scheme specifies the classes of information which the Council publishes or intends to publish, as well as an information guide giving greater detail of what the Council will make available. This aims to make it easier for the public to access information.

3.3 All formal meetings of the Parish Council and its sub groups are subject to statutory notice given on the noticeboards in the parish. The agenda will also be published on the Parish Council website, and circulated by e-mail to members of the public who request copies via the Parish Clerk.

3.4 The Parish Council welcomes public participation and has a public speaking time at each Council meeting.

3.5 Occasionally the Council may need to consider matters in private. This may include matters involving personal details of employees or where details of commercial sensitivity are to be discussed. This can only happen after a formal resolution to exclude the public and press has been passed, and will specify the reasons for the decision.

3.6 Minutes from all formal meetings, including the confidential parts are public documents.

DATA PROTECTION

The Data Protection Act 2018 seeks to strike a balance between the rights of individuals and the sometimes competing interests of those with legitimate reasons for using personal information. The policy is based on these principles:

4.1 The Council will make any notifications required to the Information Commissioner’s Office under the Data Protection Act 2018 and periodically update the information.

4.2 The Council will comply with the eight principles for processing sensitive data:

- 4.3.1. Fairly and lawfully process
- 4.3.2. Processed for limited purposes
- 4.3.3. Adequate, relevant and not excessive
- 4.3.4. Accurate and up to date
- 4.3.5. Not kept longer than necessary
- 4.3.6. Secure

4.3.7. Not transferred to countries outside the EU unless the country has adequate protection for the individual.

4.3 The Council will ensure that at least one of the following conditions is met for personal information to be considered fairly processed:

- 4.3.1. The individual has consented to the processing
- 4.3.2. Processing is necessary for the performance of a contract with the individual
- 4.3.3. Processing is required under a legal obligation
- 4.3.4. Processing is necessary to protect the vital interests of the individual
- 4.3.5. Processing is necessary to carry out public functions
- 4.3.6. Processing is necessary in order to pursue the legitimate interests of the data controller or third parties.

4.4 Particular attention is paid to the processing of any sensitive personal information and the Council will ensure that at least one of the following conditions is met:

- 4.4.1. Explicit consent of the individual
- 4.4.2. Required by law to process the data for employment purposes
- 4.4.3. A requirement in order to protect the vital interests of the individual or another person

4.5 The Council will provide information on personnel data to employees through the Employee handbook.

4.6 The Council will ensure that individuals on whom personal information is kept are aware of their rights and have access to that information on request.

DISCLOSURE INFORMATION

5.1 The Council will as necessary undertake checks on both employees and members with the Disclosure and Barring Service and will comply with their Code of Conduct relating to the secure storage, handling, use, retention and disposal of Disclosures and Disclosure information.

Signed.....

Date.....