

# ASHURST WOOD VILLAGE COUNCIL DATA PROTECTION & GDPR AUDIT NOTES MARCH 2018 – UPDATED 15-OCT-2018

## DATA PROTECTION ACT 2018

### 1. BACKGROUND AND RELEVANCE

The Act came into force 25th May 2018 and the Office of the Information Commissioner expected data controllers and Councils to be compliant before that date.

- This Act replaced the Data Protection Act 1998.
- The Act applies to 'personal data' that is data relating to a living person who can be identified from that data.
- 'Processing data' means any operation performed on that personal data such as collection, recording, etc.
- The Village Council does have data that relates to living individuals and does process data.
- New or replacement policies have been considered and adopted as necessary – see end notes.

### 2. INFORMATION AUDIT

An Audit of all data held and its uses was conducted by the Clerk to the Council in the months leading up to the Act. This report records the outcomes from the Clerk's audit which has been recorded here along with Council actions and the review carried out by Councillor Derek Wailes.

The type of information the Council holds tends to be limited to name, address, telephone number and email addresses.

More detailed information is held for employees and councillors, (e.g. staff employment details & contracts, councillors' election registration forms & Registers of Interests – these Registers are published in full on the Village Council Website).

In the normal course of business the Village Council will receive personal data in connection with the following:

- Administration of the Council Business - correspondence, email, telephone, letter, voicemail
- Administration of the Council Newsletters
- Administration of the John Pears Recreation Ground – user groups
- Administration of employment matters – data shared with HMRC and West Sussex Pension Fund
- Contact details for local organisations
- Contact details for user groups eg for John Pears Recreation Ground hire
- Contact details and information relevant to Leases and user agreements – data shared with council solicitor, sometimes Land Registry
- Information supplied for the Council website
- Information supplied for inclusion in Local Newspapers
- Data relating to professional or business details in connection with the following:
  - Auditing – data shared with external & internal auditors
  - Insurance
  - Contact details & business information from suppliers and contractors
- Recordings of Village Council meetings – Meetings are recorded as required by Standing Orders and deleted by a motion at a subsequent meeting. No recordings are copied to members of the public.

Note: the Data Protection Act does not apply to the records of those who deceased.

The Council is sent a copy of the electoral roll with updates through the year. The Data Protection issues associated with the electoral roll are the responsibility of Mid Sussex District Council.

The Council does allow any third party to view the document, but only under supervision and no photocopies or photographs can be taken.

Services relating to children: the Council employs a youth worker and supports a Youth Club. The Youth Club is run by a Management Committee who are responsible for its policies, but the youth members details are held at the Council office as this is considered the most secure place. There are also Council supported events which involve children. All relevant protection measures are in place and are administered by the Clerk to the Council. The Council regularly reviews such protections as required by law. Personal Data is only used with permissions in accordance with the Data Privacy Notice.

### 3. SENSITIVE DATA

The Act requires 'sensitive data' to be treated differently. Categories of sensitive data include racial or ethnic origins, political opinions, religious beliefs, health issues. The Village Council does not collect such data.

Where the Council carries out village wide surveys, such as in the Neighbourhood Plan or a Parish Plan, the responses are anonymous and questions are not generally asked on a topic that is classified as sensitive.

### 4. STORAGE OF DATA

All council paper documents are stored in office cabinets; personnel records are stored in a locked filing cabinet, in the Council Office.

A clear desk policy has been adopted by the Clerk to the Council and the Office is secured.

All computer records are stored on a password protected desktop computer with anti-virus software. Any laptops are password protected with anti-virus software; and do not hold personal data.

The Village Council does not currently utilise cloud storage as such, but documents are published on the Website. No personal data is published. Photographs published do have the necessary consent. This is due for review.

### 5. HOW THE DATA IS USED

- Data is only used for the purpose it has been supplied.
- Data is not passed onto a third party without the express consent of the data subject.
- The Council does not routinely share data. It does not sell data.

### 6. SUBJECT ACCESS REQUESTS

A request for a copy of information held can be made. There is a prescribed process. Response time is reduced to one month under the new GDPR.

### 7. DATA PROTECTION OFFICER

A DPO is not required for small councils

## ACTION REQUIRED

Council will need to carry out a data audit at regular intervals and begin keeping a record of data processing activities. The audit should consider and review Information Systems Security given the associated risks.

Relevant Staff and councillors to attend GDPR awareness training – Council and Clerk awareness training has been completed

Clerk to check the Council's lawful basis for processing data – Clerk has completed a checklist of actions.

The Council will need to set up

- Data Protection/Privacy/Data Subject Access and Subject Access Requests/Data Retention and Disposal/Data Sharing/Data Breach Policies and cybersecurity checks: Existing policies and ICO procedure are in use already.
- Data Privacy Notice: A full and comprehensive Data Privacy Notice has been adopted and is published on the Council Website.
- Consent forms: this may include items for inclusion in Newsletters, including photos (NB: Parental consent will be required for any information on children under 13). These will be prepared as required for specifically for the event/purpose and not stored longer than required.
- Written contracts with suppliers: Council will need to decide how long to keep key data for each contract. Note that historic records should not be destroyed – contact information may be required for many years for some projects. GDPR does not require wholesale destruction of a Council's Archives.

## AUDIT DETAILS

Audit carried out by the Clerk to the Council, Miss Caroline Leet and Councillor Derek Wailes