



BRAUNSTONE TOWN COUNCIL

DATA PROTECTION **POLICY**

Adopted 30th APRIL 2018
(Revised 6th November 2023)

DATE ADOPTED	30th April 2018	FREQUENCY OF REVIEW	3 years or legislative changes
REVISED DATE/S	6th November 2023		

BRAUNSTONE TOWN COUNCIL

DATA PROTECTION POLICY

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BRAUNSTONE TOWN COUNCIL

DATA PROTECTION POLICY

General Data Protection Regulation and Data Protection Act 2018

This is the Data Protection Policy of Braunstone Town Council

1. PURPOSE AND SCOPE

This Policy provides a framework for ensuring that Braunstone Town Council meets its obligations under the UK General Data Protection Regulation and the Data Protection Act 2018.

The Policy applies to all processing of personal data carried out by Braunstone Town Council and its Councillors, employees, volunteers, joint controllers, contractors and processors.

The Policy applies both to holding and processing Braunstone Town Council data as well as data held and processed by individuals discharging their Town Council role and responsibilities.

1.2. PERSONAL DATA

“Personal data” is any information about a living individual which allows them to be identified from that data (for example a name, photographs, videos, email address, or address). Identification can be by the personal data alone or in conjunction with any other personal data. The processing of personal data is governed by legislation relating to personal data which applies in the United Kingdom including the General Data Protection Regulation (the GDPR) and other legislation relating to personal data and rights such as the Human Rights Act.

Pseudonymised personal data is covered by the legislation, however anonymised data is not regulated, providing the anonymisation is irreversible.

Some personal data is more sensitive and is afforded more protection, this is information relates to:

- Race or ethnic origin;
- Political opinions;
- Religious or philosophical beliefs;
- Trade union membership;
- Genetic data;
- Biometric ID data;
- Health data;
- Sexual life and/or sexual orientation; and
- Criminal data (convictions and offences)

2-3. COUNCIL DUTIES

Braunstone Town Council needs to collect and process data for the purposes of undertaking its duties and responsibilities and providing public services to customers, residents and hirers.

The Town Council also needs to collect and process data to operate as a body corporate and an employer; such data includes personal data relating to Councillors, staff and other role holders within the Town Council.

3-4. PERSONAL DATA COLLECTED

The following identified the personal data collected by the Town Council:

- Names, titles, and aliases, photographs;
- Contact details such as telephone numbers, addresses, and email addresses;
- Where they are relevant to the services provided by a council, we may process demographic information such as gender, age, marital status, nationality, education/work histories, academic/professional qualifications, hobbies, family composition, and dependants;
- Where hirers pay for activities, such as use of a community facility or sports pitch, financial identifiers such as bank account numbers, payment card numbers, payment/transaction identifiers, policy numbers, and claim numbers;
- Website data - activity information (including user behaviour data):
 - Information from synching with other software or services
 - Interaction with social media (functional and/or marketing) and what information is available?
 - Information about payments
 - Access to social media profiles
 - Demographic information
- Information collected automatically from use of the service? e.g.
 - Device information (nature of device and/ or identifiers)
 - Log information (including IP address)
 - Location information (how is location collected/inferred)
 - Device sensor information
 - Site visited before arriving
 - Browser type and or OS
 - Interaction with email messages
- Information from other sources?
 - Referral or recommendation programmes
 - Publicly accessible sources
- Information from cookies or similar technologies (incl. in-app codes) (including whether session or persistent)
 - Essential login/authentication or navigation
 - Functionality – remember settings
 - Performance & Analytics – user behaviour
 - Advertising/retargeting
 - Any third party software served on users

- Other
- Nature of any outbound communications with website users
 - Email
 - Telephone (voice)
 - Telephone (text)

4.5. PERSONAL DATA RECORDS

The council will comply with data protection law. This says that the personal data the Council holds must be:

- Used lawfully, fairly and in a transparent way.
- Collected only for valid purposes that we have clearly set out and not used in any way that is incompatible with those purposes.
- Relevant to the purposes identified and limited only to those purposes.
- Accurate and kept up to date.
- Kept only as long as necessary for the purposes required.
- Kept and destroyed securely including ensuring that appropriate technical and security measures are in place to protect personal data from loss, misuse, unauthorised access and disclosure.

5.6. PERSONAL DATA PROCESSING

We use personal data for some or all of the following purposes:

- To deliver public services including to understand customer/hirer needs to provide the services requested and to understand what we can do for our customers, hirers and residents and inform them of other relevant services;
- To confirm identity to provide some services;
- To contact the customer by post, email, telephone or using social media;
- To help us to build up a picture of how we are performing;
- To prevent and detect fraud and corruption in the use of public funds and where necessary for the law enforcement functions;
- To enable us to meet all legal and statutory obligations and powers including any delegated functions;
- To carry out comprehensive safeguarding procedures (including due diligence and complaints handling) in accordance with best safeguarding practice from time to time with the aim of ensuring that all children and adults-at-risk are provided with safe environments and generally as necessary to protect individuals from harm or injury;
- To promote the interests of the council;
- To maintain our own accounts and records;
- To seek views, opinions or comments;
- To notify residents and stakeholders of changes to our facilities, services, events and staff, councillors and role holders;
- To send communications which have been requested and that may be of interest to the individual concerned. These may include information about campaigns, appeals, other new projects or initiatives;
- To process relevant financial transactions including grants and payments for goods and services supplied to the council

- To allow the statistical analysis of data so we can plan the provision of services.

Our processing may also include the use of CCTV systems for the prevention and prosecution of crime.

6.7. LEGAL REQUIREMENTS

The council is a public authority and has certain powers and duties. Most personal data is processed for compliance with a legal obligation which includes the discharge of the council's statutory functions and powers. Sometime when exercising these powers or duties it is necessary to process personal data of residents or people using the council's services.

We will always take into account the individual's interests and rights. Our Privacy Policies set out individual rights and the council's obligations in detail.

We may also process personal data if it is necessary for the performance of a contract, or to take steps to enter into a contract. An example of this would be processing data in connection with the hire of a room at a community centre or the use of sports facilities.

Sometimes the use of your personal data requires the individual's consent and we will first obtain that consent for the proposed use.

7.8. SHARING PERSONAL DATA

The Town Council will implement appropriate security measures to protect personal data.

Our Privacy Policy provides information about the third parties with whom the Council will share personal data. These third parties also have an obligation to put in place appropriate security measures and will be responsible directly for the manner in which they process and protect your personal data.

It is likely that we will need to share personal data with some or all of the following (but only where necessary):

- Our agents, suppliers and contractors.
- Other local authorities, statutory bodies or public service providers.

8.9. IDENTIFYING HOW LONG PERSONAL DATA IS KEPT

We will keep some records permanently if we are legally required to do so. We may keep some other records for an extended period of time. For example, it is current best practice to keep financial records for a minimum period of 8 years to support HMRC audits or provide tax information. We may have legal obligations to retain some data in connection with our statutory obligations as a public authority. The Town Council is permitted to retain data in order to defend or pursue claims. In some cases the law imposes a time limit for such claims (for

example 3 years for personal injury claims or 6 years for contract claims). We will retain some personal data for this purpose as long as we believe it is necessary to be able to defend or pursue a claim. In general, we will endeavour to keep data only for as long as we need it. This means that we will delete it when it is no longer needed.

9-10. INDIVIDUAL RIGHTS

Individuals have the following rights with respect to their own personal data:

- i. The right to access personal data the Council holds
- ii. The right to correct and update the personal data
- iii. The right to have personal data erased
- iv. The right to object to processing of personal data or to restrict it to certain purposes only
- v. The right to data portability
- vi. The right to withdraw consent to the processing at any time for any processing of data to which consent was obtained
- vii. The right to lodge a complaint with the Information Commissioner's Office.

Individuals have the right to make a subject access request. To make a subject access request, individuals should contact the Council using the Contact Details set out below.

~~When exercising any of the rights listed below, i~~In order to process the request, the Town Council may need to verify the individual's identity for security reasons. In such cases the Council will ask for proof of identity before these rights can be exercised.

In response to a subject access request, the Council will inform the individual:

- whether or not his/her data is processed and if so why, the categories of personal data concerned and the source of the data if it is not collected from the individual themselves;
- to whom his/her data is or may be disclosed, including to recipients located outside the European Economic Area (EEA) and the safeguards that apply to such transfers;
- for how long the personal data is stored (or how that period is decided);
- the individual's rights to rectification or erasure of data, or to restrict or object to processing;
- details of the right to complain to the Information Commissioner where the individual believes the Council has failed to comply with data protection regulations; and
- whether or not the Council carries out automated decision-making and the logic involved in any such decision-making.

In response to a Subject Access Request, the Council will provide the individual with a copy of his/her personal data undergoing processing. This will normally be

in electronic form if the request was made electronically, unless agreed otherwise.

Where additional copies are requested, the Council may charge a fee, which will be based on the administrative cost to the Council of providing the additional copies.

The Council will normally respond to a request within a period of one month from the date it is received. Where the Council processes large amounts of data, this may not be possible within one month. The Council will write to the individual making the Subject Access Request within one month of receiving the original request to tell him/her if this is the case.

If a subject access request is manifestly unfounded or excessive, the Council is not obliged to comply with it. A subject access request 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 the Council intends to respond to it.

Where an individual is unhappy with the Council's response, a Complaint can be made using the Council's Complaints Procedure; this process includes the opportunity to appeal the outcome of the initial investigation into the complaint.

Individuals can also contact the Information Commissioners Office on 0303 123 1113 or via email <https://ico.org.uk/global/contact-us/email/> or at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

10-11. TRANSFER OF DATA ABROAD

Any personal data transferred to countries or territories outside the European Economic Area (EEA) will only be placed on systems complying with measures giving equivalent protection of personal rights either through international agreements or contracts approved by the European Union. Our website is also accessible from overseas so on occasion some personal data (for example in a newsletter) may be accessed from overseas.

12. MONITORING

The application of this policy is overseen by the Council's Chief Executive & Town Clerk, the Council's Officer Management Team and the Policy & Resources Committee.

The Corporate Governance Sub-Committee receive an annual report on reasonable steps taken to ensure that there were no matters of actual or potential non-compliance with laws, regulations and proper practices that could have a significant financial effect on the ability of the Council to conduct its business or manage its finances.

11.13. CHANGES TO THIS POLICY

The Town Council we keep this Policy under regular review and it will be reviewed at least every 3 years.

12.14. CONTACT DETAILS

Please contact us if you have any questions about our Data Protection Policy or the personal data we hold about you or to exercise all relevant rights, queries or complaints at:

Customer Services, Braunstone Civic Centre, Kingsway, Braunstone Town, Leicester, LE3 2PP.

Tel: 0116 289 0045

Email: enquiries@braunstonetowncouncil.org.uk

Proposed Draft