

# Hatley Parish Council

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## HATLEY PARISH COUNCIL – GENERAL PRIVACY POLICY

The privacy and security of personal information we hold about you is extremely important to us. However, as a smaller local authority we have a legal duty to ensure our decisions, actions and transactions are easily accessible and transparent, so that we can be held to account for scrutiny by our electors. This General Privacy Policy explains how and why we collect and use your personal data so you can be confident about providing us with your information. We may change this policy from time to time, so please check you are happy with any changes which may be made.

### Hatley website

The Hatley website ([www.hatley.info](http://www.hatley.info)) is provided by the Parish Council for a wider community benefit, to facilitate the sharing of information about our local history, our environment, as well as news and events. We do seek permission, where possible, for photographs and names to be included on the community pages. However, as much of the data precedes the various Acts of Parliament on data protection, we will not be seeking permission retrospectively. Therefore, if you find any personal data relating to you on the community pages which you would like to be redacted, please contact us with your request. (See also the penultimate paragraph on page five.)

### Who are 'we'?

In this policy the words 'we', 'us' and 'our' relate to Hatley Parish Council, both in its role and duties as a local public authority and/or as a community web service provider. Our activities include all aspects of local government and the provision of local information for the benefit of the Hatley community and those further afield who wish to discover more about Hatley and the surrounding area. The Parish Council includes the Parish Clerk and the Parish Councillors.

We are currently supported by the Hatley Website Group with the delivery and management of information held on the website, and the Hatley Village Hall caretakers, who at times will receive personal data relating to hall hirers. Therefore 'we', 'us' and 'our' may include, at times, any one of, or a combination of, the Parish Clerk, the Parish Councillors the Hatley Website Group and the Hatley Village Hall caretakers.

### What is your 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 home / business address). The processing of personal data is governed by legislation, including the General Data Protection Regulation (GDPR) and other legislation, relating to personal data and rights, such as the Human Rights Act.

### How do we collect information about you?

As a public authority we obtain information from you if you make contact with the Parish Council for enquiries or for business purposes. When you contact us the information you provide, which may include your name, email address, phone number, home address or organisation details, will be processed and stored so we can respond to your correspondence. This information will not be shared with third parties, unless there is a legal reason to do so, or if your permission has been sought in advance. Your data may also be provided to us for legitimate business purposes by other parties, such as the District or County Councils.

### **What are we doing with your data?**

We may need to share your personal data we hold with other parties so they can carry out their responsibilities to the Parish Council. This may include the District and County Councils, community groups, charities and contractors. Where each of the parties listed above are processing your data for their own independent purposes, then each of us will be independently responsible to you and if you have any questions, wish to exercise any of your rights (see below) or wish to raise a complaint, you should do so directly to the relevant party.

We will process some or all of the following personal data where necessary to perform our tasks:

- Names, titles, aliases and photographs.
- Contact details such as telephone numbers, addresses and email addresses.
- Where they are relevant to the services provided by a Parish Council, or where you provide them to us, we may process information such as gender, age, marital status, nationality, education, work history, academic or professional qualifications, hobbies, family composition and dependants.
- Where you pay for activities such as use of the Village Hall we may process and store financial identifiers such as bank account numbers, payment card numbers, payment transaction identifiers, policy numbers and claim numbers.
- The personal data we process may include (but is unlikely to include) sensitive or other special categories of personal data such as criminal convictions, racial or ethnic origin, mental and physical health, details of injuries, medication/treatment received, political beliefs, trade union affiliation, genetic data, biometric data, data concerning and sexual life or orientation.

### **How long will we hold your data?**

We will keep some records permanently if we are legally required to do so. Plus where it is considered best practice, we may keep some other records for an extended period of time (.e.g. financial records for a minimum period of eight years to support HMRC audits or provide tax information). We may have legal obligations to retain some data in connection duties as a public authority. We are 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 three years for personal injury claims or six 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.

Some personal data will only be held for as long as is necessary to complete the relevant activity or response, or for as long as is set out in any relevant contract that you hold with us. Personal information will be held on the community pages of the website indefinitely unless we are instructed by you to remove the information, and only if it does not in any way compromise our statutory duties as a public authority.

### **What are the requirements for the personal data that we hold about you?**

GDPR states the information must be:

- Used lawfully, fairly and in a transparent way.
- Collected only for valid purposes we have clearly explained to you and not used in any way that is incompatible with those purposes.
- Relevant to the purposes we have told you about and limited only to those purposes.
- Accurate and kept up to date.
- Kept only as long as necessary for the purposes we have told you about.

- Kept and destroyed securely including ensuring that appropriate technical and security measures are in place to protect your personal data to protect personal data from loss, misuse, unauthorised access and disclosure.

### **For what purposes are we using or holding your personal data?**

In our role as a public authority, your data is used:

- To deliver public services including to understand your needs to provide the services you request and to understand what we can do for you and inform you of other relevant services.
- To confirm your identity to provide some services.
- To contact you by post, email or telephone .
- 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 your views, opinions or comments.
- To notify you of changes to our facilities, services, events and staff, councillors and other role holders.
- To send you communications which you have requested and that may be of interest to you, which 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.

In our role as a community web page provider:

- To inform the public of local news and events.
- To provide a history of Hatley.
- To share parish newsletters and updates on local services.

### **What is our legal basis for processing your personal data?**

As a public authority we have certain powers and obligations. Most of your personal data is processed for compliance with a legal obligation which includes the discharge of the Council's statutory functions and powers. Sometimes 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 your interests and rights. This General Privacy Policy sets out your rights and the Council's obligations to you.

We may process personal data if it is necessary for the performance of a contract with you, or to take steps to enter into a contract. Sometimes the use of your personal data requires your consent. We will first obtain your consent to that use.

## Data Protection and the Transparency Code for Smaller Authorities

In 2014 the Government introduced the 'Transparency Code' to increase democratic accountability. The code made smaller authorities exempt from routine external audit if they provided the local electorate and rate payers with access to clear and relevant information about the authority's accounts and governance. The code was implemented in a way which would comply with the Data Protection Act 1998 – and as such the code **does not**:

- Restrict or inhibit information being published naming councillors as decision makers, to allow public scrutiny of decisions taken.
- Prohibit information being published naming the suppliers with whom the authority has contracts, including sole traders, because of public interest in accountability and spending of public money.

The code states the smaller authority should 'expect to publish details of contracts newly entered into – commercial confidentiality should not, in itself, be a reason for small authorities to not follow the provisions of this code'. Therefore, to comply with the code we will report new contracts at Council meetings, which are recorded on meeting agendas and minutes, as a record of decisions taken. We will also report all financial transactions relating to those contracts, as they must be approved at Council meetings and must be recorded as part of the annual financial audit.

## Your rights and your personal data

You have a number of rights with respect to your personal data. When exercising any of the rights listed below, in order to process your request, we may need to verify your identity for your security. In such cases we will need you to respond with proof of your identity before you can exercise these rights.

### 1) ***The right to access personal data we hold on you***

At any point you can contact us to request the personal data we hold on you as well as why we have that personal data, who has access to the personal data and where we obtained the personal data from. Once we have received your request we will respond within one month. There are no fees or charges for the first request but additional requests for the same personal data or requests which are manifestly unfounded or excessive may be subject to an administrative fee.

### 2) ***The right to correct and update the personal data we hold on you***

If the data we hold on you is out of date, incomplete or incorrect, you can inform us and your data will be updated.

### 3) ***The right to have your personal data erased***

If you feel we should no longer be using your personal data or we are unlawfully using your personal data, you can request we erase the personal data we hold. When we receive your request, we will confirm whether the personal data has been deleted or the reason why it cannot be deleted (for example because we need it to comply with a legal obligation).

### 4) ***The right to object to processing of your personal data or to restrict it to certain purposes only***

You have the right to request we stop processing your personal data or ask us to restrict processing. Upon receiving the request, we will contact you and let you know if we are able to comply or if we have a legal obligation to continue to process your data.

### 5) ***The right to data portability***

You have the right to request we transfer some of your data to another controller. We will comply with your request, where it is feasible to do so, within one month of receiving your request.

**6) *The right to withdraw your consent to the processing at any time for any processing of data to which consent was obtained***

You can withdraw your consent easily by telephone, email, or by post (see our contact details on page five).

**7) *The right to lodge a complaint with the Information Commissioner's Office.***

You can 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, SK9 5AF.

### **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.

### **Further processing**

If we wish to use your personal data for a new purpose, not covered by this General Privacy Policy, then we will provide you with a new policy explaining this new use prior to commencing the processing and setting out the relevant purposes and processing conditions. Where and whenever necessary, we will seek your prior consent to the new processing.

As the Council's website also serves as a community website for the Parish of Hatley, there is a wide range of historical documents, references, meeting agendas and minutes, news articles and photographs, all of which may include personal data. We will aim to seek consent for future submissions to the website, however should you find any personal information which you wish to be removed from the website please send your request to the contact details below.

### **Contact details**

Please contact us if you have any questions about this General Privacy Policy or the personal data we hold about you, or to exercise all relevant rights, or raise queries or complaints.

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