



THORNABY **TOWN COUNCIL**

Data Protection Policy

1. Introduction

An essential activity within the Town Council is the requirement to gather and process information about its employees and people in the community in order to operate effectively. The Data Protection Act 1998 regulates the way in which certain information about employees and citizens is held and used. Thornaby Town Council is committed to the principles and requirements for data protection and handling identified within the Data Protection Act 1998 (the Act), and other related government legislation. All employees and elected members of the Council will be made fully aware of this policy and their duties and responsibilities under the Act.

The Act sets out rules for processing personal information (personal data), many paper records and computerised information. The Act covers:

- Any information held on a computer about a living individual who can be identified by or from that data
- Information held in manual filing systems where it is possible to access specific information about particular people
- Information collected with the intention of storing it on a computer

2. Definitions

Within the Act “**Personal Data**” is deemed as data which relates to a living individual who can be identified:

- from the data; or
- from the data and other information which is in the possession of the data controller and includes expressions of opinion about the individual and any indication of the intentions of the data controller or any other person in respect of the individual

Sensitive Data personal data is deemed as consisting of information as to:

- racial or ethnic origin
- political opinions
- religious or other beliefs
- trade union membership
- physical or mental health or condition
- sexual orientation
- criminal proceedings or convictions

3. Principles of the Act

The Act sets out principles for data processing and requires Thornaby Town Council and staff to comply with the rules of good information handling, known as the eight data protection principles. These principles state that data must be:

- processed fairly and lawfully
- obtained only for one or more specified and lawful purpose, and shall not be processed in any manner incompatible with the purpose or those purposes;
- adequate, relevant and not excessive in relation to the purpose or purposes for which it is processed;
- accurate and where necessary, kept up to date;

- not kept for longer than is necessary for the purpose or purposes for which it was processed;
- processed in line with the rights of data subjects under the Act;
- appropriate technical and organizational measures shall be taken against unauthorized or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data; and
- not transferred to a country or territory outside the European Economic Area (EEA) unless that country or territory ensures that adequate level of protection for the rights and freedoms of data subjects in relation to the process of personal data.

The Policy

This policy has been formally adopted by Thornaby Town Council and applies to all employees, elected members and those acting on the Councils behalf. The policy intends to protect the employee, colleagues, members of the public and the Town Council.

4. Implementation

Thornaby Town Council will ensure that in accordance with legislation relevant procedures and good practice are followed for processing, handling and storing personal data to safeguard against loss, destruction or unauthorised disclosure of data. To ensure compliance with the Data Protection Act 1998, the Town Council will ensure that:

- The Town Clerk will be responsible for the enforcement of data protection within Thornaby Town Council
- All employees and elected members of Thornaby Town Council managing and handling data will be appropriately trained
- That both the collection and use of personal data is done fairly and lawfully;
- That consent has been given from individuals prior to the processing of data
- Obtain and process information only to the extent needed to fulfil operational need or to comply under a legal obligation
- When holding data on individuals Thornaby Town Council will acknowledge the rights of individuals to whom data relates and ensure that these rights are exercised in accordance with the Act. Rights include:
 - a description of the data; and
 - a copy of the information in an intelligible form
 - the purposes for which the data is being held
 - the recipients or classes of recipients to whom it may be disclosed; and
 - the source of the data
 - to prevent processing in certain circumstances
 - to correct, block or erase incorrect information
 - written requests received from individuals to access data held about them will be dealt within the statutory 40 days' time frame
 - Manual files and documents containing personal/sensitive will be kept in a secure environment
 - Personal data held on computer systems will be protected by passwords changed periodically
 - Procedures for the handling and storing of data will be regularly assessed and evaluated
 - Treat all employee data with respect and will not obtain or disclose unauthorised, inappropriate or excessive information about individuals
 - Employees and elected members will undertake relevant training on Data Protection to keep up to date with legislation

5. Employee Information

Thornaby Town Council will need to keep information for purposes connected with an employee's employment, including recruitment and termination information. This information will be kept throughout the period of employment and for as long as is necessary following the termination of employment.

These records may include:

- Information gathered about an employee and any references obtained during recruitment
- Details of terms of employment
- Payroll, tax and National Insurance information
- Performance information
- Details of grade and job title duties
- Health records
- Absence records, including holiday records and self-certification forms
- Details of any disciplinary investigations and proceedings
- Training records
- Contact names and addresses
- Correspondence with the organisation and other information provided to the organisation

The Town Council believes these uses are consistent with our employment relationship and with the principles of the Act. Any information held within the Council is kept in the strictest of confidence.

The Town Council will ensure that information is not kept for longer than is necessary, and will only retain the minimum amount of information that it requires to carry out its functions and the provision of services, whilst adhering to any legal or statutory requirements.

Documents and information will be stored and disposed of in accordance with the guidelines laid down in the Act.

6. Aims and Scope of this Policy

This policy is intended to:

- Ensure everyone is aware of their responsibility regarding the Data Protection Act 1998
- Sets out the basic guidelines for employees
- Provide a list of definitions to assist in the understanding of the Act
- Provide information on the types of employee information held by the Council

7. Responsibilities

All Staff

The Town Council requires all employees to comply with the Data Protection Act in relation to the information about other employees.

The Town Council, acting as custodians of personal data, recognises its moral duty ensure that all such data is handled properly and confidentially at all times, irrespective of whether it is held on paper or by electronic means. This covers the whole lifecycle, including:

- The obtaining of personal data;
- The storage and security of personal data;
- The use of personal data
- The disposal/destruction of personal data

Members

Members are bound by this policy and must adhere to the guidelines.

Adopted by Full Council on: 6.8.2012 (FC/12/108)
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