

# Bradford on Avon Town Council



## Data Protection Policy

2020



**BRADFORD  
ON AVON**  
TOWN COUNCIL

# Version Control

<b>Action:</b>	<b>Who:</b>	<b>Date:</b>	<b>Comments:</b>
Draft to Resources Committee	Town Clerk	17.12.2019	As a 94-page agenda sent out, members were given more time to consider these policies and discuss them at the next Resources Committee on the 19 <sup>th</sup> February 2020. This meeting was subsequently cancelled.
Draft to Full Council	Town Clerk	04.02.2020	Ask members for their comments by 9 <sup>th</sup> April 2020 then take to Full Council on the 5 <sup>th</sup> May 2020 for adoption
Mark-up from qualified DPO	D. Newton (Cllr)	27.07.2020	Without prejudice or assurance, comments made by Member to clarify certain elements.  Comments accepted by Virtual Extraordinary Full Council



## 1. Introduction

In order to conduct its business, services and duties, Bradford on Avon Town Council processes a wide range of data relating to its own operations and some which it handles on behalf of partners.

In broad terms, this data can be classified as:

- **Public Information:** Data shared in the public arena about the services the Town Council offers, its mode of operations and other information it is required to make available to the public
- **Confidential information:** data not yet in the public arena such as ideas or policies that are being progressed, or other organisations because of commercial sensitivity.
- **Personal data:** data concerning current, past and potential employees, Councillors and volunteers, or individuals who contact the Town Council for information, access its services or facilities or to make a complaint.

The scope of this policy is all data, however held, which is processed by the Town Council.

Applicable law includes, but is not limited to:

- UK Data Protection Act 2018 (DPA 2018);
- UK Freedom of Information Act 2000 (FOIA);
- Other statutory regulations arising from the above.

## 2. Protecting Confidential or Sensitive Information

Bradford on Avon Town Council will adopt procedures and manage responsibly, all data which it handles and will respect the confidentiality of both its own data, that belonging to partner organisations it works with, and members of the public.

The Council may have contractual obligations towards confidential data. In addition it has specific legal and ethical responsibilities for personal and sensitive information under data protection legislation.

The Town Council will periodically review and revise this policy in the light of experience, comments from data subjects and guidance from the Information Commissioners Office. The Council will be as transparent as possible about its operations and will work closely with public, community and voluntary organisations.

Details of information which is routinely available is contained in the Council's Publication Scheme which is based on the statutory model publication scheme for local councils under FOIA.



Where data subject to FOIA also contains data which relate to individuals or which is subject to commercial confidentiality, a balance of interest test will be applied, to ensure transparency while also protecting confidential information about other parties.

### **3. Data Protection Principles**

Under the DPA 2018, personal data must be:

- Processed fairly, lawfully and in a transparent manner in relation to the data subject.
- Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes.
- Adequate, relevant and limited to what is necessary in relation to the purposes for which it is processed
- Accurate and, where necessary, kept up to date.
- Kept in a form that permits identification of data subjects for no longer than is necessary for the purposes for which the personal data is processed.
- Processed in a manner that ensures appropriate security of the personal data including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.



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### **Data Protection Terminology**

**Data subject-** The person whose personal data is being processed. That may be an employee, prospective employee, associate or prospective associate of Bradford on Avon Town Councillor someone transacting with it in some way, or an employee, member or volunteer with one of our customers, or persons transacting or contracting with one of our customers when we process data for them.

**Personal data-** Any information relating to a natural person or data subject that can be used directly or indirectly to identify the person. It can be anything from a name, a photo, an address, date of birth, an email address, bank details, and posts on social networking sites or a computer IP address.

**Special Category data-** Includes information about racial or ethnic origin, political opinions, religious or other beliefs, trade union membership, medical information, sexual orientation, genetic and biometric data or information related to offences or alleged offences where it may be used to identify an individual, or can, in combination with other data held, be used to do so.

**Data controller-** A person who (either alone or jointly or in common with other persons) (e.g. Town Council, employer, other council) determines the purposes for which, and the way, any personal data is to be processed.

**Data processor-** in relation to personal data, means any person (other than an employee of the data controller) who processes the data on behalf of the data controller. Processing information or data-means obtaining, recording or holding the information or data or carrying out any operation or set of operations on the information or data, including:

- organising, adapting or altering it.
- holding, retrieving, consulting or using the information or data.
- disclosing the information or data by transmission, dissemination or otherwise making it available.
- aligning, combining, blocking, erasing or destroying the information or data, regardless of the technology used



#### **4. Purposes of processing personal data**

Bradford on Avon Town Council processes personal data in order to fulfil the purposes which are listed in its Published Privacy Notice, held on the Town Council website, and for other purposes which may from time-to-time, be notified to individuals through provision of additional notices.

These may include, but are not limited to:

- Fulfil its duties as an employer by complying with the terms of contracts of employment, safeguarding the employee and maintaining information required by law
- Pursue the legitimate interests of its business and its duties as a public body, by fulfilling contractual terms with other organisations, and maintaining information required by law.
- Monitor its activities including the equality and diversity of its activities
- Fulfil its duties in operating business premises including security.
- Assist regulatory and law enforcement agencies
- Process information including the recording and updating details about its Councillors, employees, partners and volunteers
- Process information including the recording and updating of details about individuals who contact it for information, or to access a service or make a complaint.
- Undertake surveys, censuses and questionnaires to fulfil the objectives and purposes of the Town Council.
- Undertake research, audit and quality improvement work to fulfil its objects and purposes
- Carry out town council administration

Where appropriate and governed by necessary safeguards we will carry out the above processing jointly with other appropriate bodies from time to time.

#### **5. Conditions for processing**

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

- Processing is necessary for the performance of a contract or agreement with the individual.
- Processing is required under a legal obligation.
- Processing is necessary to protect the vital interests of the individual
- Processing is necessary to carry out public functions
- Processing is necessary in order to pursue the legitimate interests of the data controller or third parties, subject to completion of a Legitimate Interest Assessment.
- The individual has consented to the processing.



Particular attention is paid to the processing of any Special Category data and the Town Council will ensure that at least one of the following conditions is met:

- Consent is gained from the individual which meets the standards set out in the DPA 2018.
- The processing is necessary for the performance of a contract to which the individual is a party;
- In order to undertake the responsibilities or rights pertaining to employment
- In order to protect the vital interests of any party;
- In order to promote public health;
- In defence of a legal claim or position

#### **Who is responsible for protecting a person's personal data?**

The Town Council, as a corporate, has ultimate responsibility for ensuring compliance with the Data Protection Legislation. The Town Council has delegated this responsibility day to day to the Town Clerk.

Email: [office@bradfordonavontowncouncil.gov.uk](mailto:office@bradfordonavontowncouncil.gov.uk)

Phone: 01225 864240

Correspondence: Bradford on Avon Town Council, St Margaret's Hall, St Margaret's Street, Bradford on Avon, Wiltshire, BA15 1DE

## **6. Diversity Monitoring**

Bradford on Avon Town Council may monitor the diversity of its employees and Councillors in order to ensure that there is no inappropriate or unlawful discrimination in the way it conducts its activities. It undertakes similar data handling in respect of prospective employees. This data will always be treated as confidential. It will only be accessed by authorised individuals within the Town Council and will not be disclosed to any other bodies or individuals. Diversity information will never be used as selection criteria and will not be made available to others involved in the recruitment process. Anonymised data derived from diversity monitoring will be used for monitoring purposes and may be published and passed to other bodies.



The Town Council will always give guidance on personnel data to employees, Councillors, partners and volunteers through a Privacy Notice and ensure that individuals on whom personal information is kept are aware of their rights and have easy access to that information on request.

### **7. Information Security**

Appropriate technical and organisational measures will be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.

### **8. Transfers of personal data outside of the UK/European Economic Area**

Personal data shall not be transferred to a country or territory outside the European Economic Areas unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

### **9. Information provided to us**

The information provided (personal information such as name, address, email address, phone number) will be processed and stored so that it is possible for us to contact, respond to or conduct the transaction requested by the individual. By transacting with Bradford on Avon Town Council, individuals are deemed to be giving consent for the personal data provided to be used and transferred in accordance with this policy, however, wherever possible, specific written consent will be sought. It is the responsibility of those individuals to ensure that the Town Council is able to keep their personal data accurate and up to date. The personal information will not be shared or provided to any other third party or be used for any purpose other than that for which it was provided.

### **10. The Town Council's Right to Process Information**

General Data Protection Regulations (and Data Protection Act) Article 6 (1) (a) (b) and (e). Processing is with consent of the data subject, or processing is necessary for compliance with a legal obligation, or processing is necessary for the legitimate interests of the Town Council

### **11. Information Security**

The Town Council cares to ensure the security of personal data. It will make sure that an individual's personal information is protected from unauthorised access, loss, manipulation, falsification, destruction or unauthorised disclosure. This is done through appropriate technical measures and appropriate policies. We will only keep data for the purpose for which it was collected and only for as long as is necessary, after which it will be deleted.





## 12. Children

We will not process any data relating to a child (under 16) without the express parental/guardian consent of the child concerned, subject to the Fraser Guidelines and any other relevant assessments.

## 13. Rights of a Data Subject

**Access to Information:** An individual has the right to request access to the information the Town Council has on them. This can be done by contacting the Town Clerk.

**Information Correction:** If it is believed that the information held about them is incorrect, individuals may contact the Town Clerk, Bradford on Avon Town Council, St Margaret's Hall, St Margaret's Street, Bradford on Avon, Wiltshire, BA15 1DE so that we can update it and keep their data accurate.

**Deletion:** If an individual wishes the Town Council to delete the information about them, they can do so by contacting: Town Clerk, Bradford on Avon Town Council, St Margaret's Hall, St Margaret's Street, Bradford on Avon, Wiltshire, BA15 1DE

**Right to Object:** If an individual believes their data is not being processed for the purpose it has been collected for, they may object by contacting: Town Clerk, Bradford on Avon Town Council, St Margaret's Hall, St Margaret's Street, Bradford on Avon, Wiltshire, BA15 1DE

The Town Council does not use automated decision making or profiling of individual personal data.

**Complaints:** If an individual has a complaint regarding the way their personal data has been processed, they may make a complaint to: Town Clerk, Bradford on Avon Town Council, St Margaret's Hall, St Margaret's Street, Bradford on Avon, Wiltshire, BA15 1DE

The Town Council will always give guidance on personal data to employees through the Employee Handbook. The Town Council will ensure that individuals on whom personal information is kept are aware of their rights and have easy access to that information on request.

## 14. Making Information Available

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

In accordance with the provisions of the Freedom of Information Act 2000, this Scheme specifies the classes of information which the Town Council publishes or intends to publish.



All formal meetings of the Town Council and its Committees are subject to statutory notice being given on noticeboards, the website and sent to local media. The Town Council publishes an annual Calendar of Meetings. All formal meetings are open to the public and press and reports to those meetings and relevant background papers are available for the public to see. The Town Council welcomes public participation and has a public participation session at each Council and committee meeting. Details can be seen in the Town Council's Standing Orders, which are available on its website or at Bradford on Avon Town Council, St Margaret's Hall, St Margaret's Street, Bradford on Avon, BA15 1DE.

Occasionally, the Town Council or its committees may need to consider matters in private. Examples of this are matters involving personal details of staff, or a member of the public, or where details of commercial/contractual sensitivity are to be discussed. This will only happen after a formal resolution has been passed to exclude the press and public and reasons for the decision are stated.

The Openness of Local Government Bodies Regulations 2014 requires written records to be made of certain decisions taken by Officers under delegated powers. These are not routine operational and administrative decisions such as giving instructions to the workforce or paying an invoice approved by the Town Council but would include urgent action taken after consultation with the Chairman, such as responding to a planning application in advance of a Council meeting. In other words, decisions which would have been made by the Town Council or Committee had the delegation not been in place.

The 2014 Regulations also amend the Public Bodies (Admission to Meetings) Act 1960 to allow the public or press to film, photograph or make an audio recording of Council and Committee meetings normally open to the public. The Council will, where possible, facilitate such recording unless it is being disruptive. It will also take steps to ensure that children, the vulnerable members of the public who object to being filmed are protected without undermining the broader purpose of the meeting.

The Town Council will be pleased to make special arrangements on request for persons who do not have English as their first language or those with hearing or sight difficulties.

## **15. Disclosure Information**

The Town Council will, as necessary, undertake checks on both staff 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. It will include an appropriate operating procedure in its integrated quality management system.

## 16. Data Transparency

The Town Council has resolved to act in accordance with the Code of Recommended Practice for Local Authorities on Data Transparency (September 2011). This sets out the key principles for local authorities in creating greater transparency through the publication of public data and is intended to help them meet obligations of the legislative framework concerning information.

“Public data” means the objective, factual data on which policy decisions are based and on which public services are assessed, or which is collected or generated in the course of public service delivery. See Data Production Terminology—Page 2.

The Code will therefore underpin the Town Council’s decisions on the release of public data and ensure it is proactive in pursuing higher standards and responding to best practice as it develops.

The principles of the Code are:

- **Demand led:** New technologies and publication of data should support transparency and accountability
- **Open:** The provision of public data will be integral to the Town Council’s engagement with residents so that it drives accountability to them.
- **Timely:** Data will be published as soon as possible following production.

The Government has also issued a further Code of Recommended Practice on Transparency, compliance of which is compulsory for parish councils with turnover (gross income or gross expenditure) not exceeding £25,000 per annum. These Councils will be exempt from the requirement to have an external audit from April 2017. Bradford on Avon Town Council exceeds this turnover but will nevertheless ensure the following information is published on its website for ease of access:

- All transactions above £500.
- Annual Governance Statements
- List of Councillor or Member responsibilities
- Details of public land and building assets
- Draft Minutes of Town Council and Committees
- Agendas and associated papers no later than three clear days before the meeting



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### Related Documents

- Risk Management Strategy
- Standing Orders
- Financial Regulations
- Business Continuity Plan
- Corporate Governance Policy
- Grievance Procedure for employees
- Code of Conduct for members
- Code of Conduct for volunteers