

SWANWICK PARISH COUNCIL
DATA PROTECTION & GDPR



Contents

Data protection.....	3
Personal information	3
Why do we need your personal information?.....	3
How the law allows us to use your personal information	3
We only use what we need.....	4
Your rights as a data subject - what you can do with your information.....	4
Subject access requests – the right of access	4
You can ask us to change information you think is inaccurate – The right of rectification.....	5
You can ask us to delete information – the right to erasure	5
You can ask to limit what we use your personal data for - the right to restrict processing.....	5
The right to object.....	6
Who do we share your information with?.....	6
How do we protect your information?	7
How long do we keep your personal information?	7
Where can I get advice?.....	7

Data protection

Your Privacy – Keeping your personal information safe

Swanwick Parish Council is committed to protecting your privacy when you use our services.

The privacy notice below explains how we use information about you and how we protect your privacy. We respect your rights and follow the law. If you have any concerns or questions about how we look after your personal information, please contact the Clerk to the Parish Council email clerk@swanwickparishcouncil.org.uk

Personal information

Personal information can be anything that identifies and relates to a living person. This can include information that when put together with other information can then identify a person. For example, this could be your name and contact details.

Some of your personal information is classed as 'special information'. Some information is 'special' and needs more protection due to its sensitivity. It is often information you would not want widely known and is very personal to you. This is likely to include anything that can reveal your:

- sexuality and sexual health
- religious or philosophical beliefs
- ethnicity
- physical or mental health
- trade union membership
- political opinion
- genetic/biometric data
- criminal history

Swanwick Parish Council does **not**, as a matter of routine, ask for, collect or hold such personal special information

Why do we need your personal information?

We may need to use some information about you to:

- deliver services and support to you
- manage those services we provide to you
- help investigate any worries or complaints you have about our services
- keep track of spending on services
- check the quality of services
- to help with research and planning of new services

How the law allows us to use your personal information

There are a number of legal reasons why we need to collect and use your personal information.

Generally we collect and use personal information where:

- you or your legal representative have given consent
- you have entered into a contract with us
- it is necessary to perform our statutory duties
- it is necessary to protect someone in an emergency
- it is required by law
- it is necessary for employment purposes
- you have made your information publicly available
- it is necessary for legal cases
- it is to the benefit of society as a whole
- it is necessary to protect public health
- it is necessary for archiving, research, or statistical purposes

If we have consent to use your personal information, you have the right to remove it at any time. If you want to remove your consent, please contact clerk@swanwickparishcouncil.org.uk so we can deal with your request.

We only use what we need

We will only collect from you and use personal information if we need it to communicate, deliver a service or meet a requirement.

Your rights as a data subject - what you can do with your information

The law gives you a number of rights to control what personal information is used by us and how it is used by us

Subject access requests – the right of access

If we are processing your personal information you can ask for a copy that information – this is known as a subject access request.

Requests should be made in writing and you will be asked to fill in a request form. The form is available on the Swanwick Parish Council website at

<http://www.swanwickparishcouncil.org.uk/GDPR/>

You are **only** entitled to your own personal data, and not to information about other people.

Before you are provided with your personal information you will be asked to provide two forms of identity to enable us to ensure that we are giving the information to the right person.

There is usually no charge for providing this information, however a reasonable fee to cover administrative costs may be charged if the work involved in providing the information is excessive.

In certain circumstances the law exempts organisations from providing personal data requested as part of a subject access request, for example if the data has been processed for the prevention and detection of crime, the prosecution of offenders or the assessment of tax then it may not be disclosed to you following a subject access request if disclosure is likely to prejudice any of the above purposes.

You can ask us to change information you think is inaccurate – The right of rectification

If you think that the information we hold about you is inaccurate or incomplete you can ask us to put things right or provide us with additional information to make the data complete – this is called the right of rectification.

We may not always be able to change or remove that information but we will correct factual inaccuracies and may include your comments in the record to show that you disagree with it.

You can ask us to delete information – the right to erasure

In certain circumstances you may have the right to have your personal data erased. This is sometimes known as the “right to be forgotten.” This is not an automatic right. You cannot simply request that the council, or any other organisation, deletes all your personal data and expect it to automatically comply with your request as this right only applies in certain circumstances.

This right applies to information held by the council if:

- it is no longer needed for the purpose for which it was initially collected.
- you initially gave consent for your information to be used and you withdraw that consent.
- it did not have a legal basis for processing your information in the first place
- the law says that certain information should be erased

The right to have data erased will not apply in all cases. For example, it will not apply if there is a legal obligation to continue to process the data, if it is necessary for the collection of local taxation, or if it is needed for legal proceedings, or for certain other duties undertaken by a public authority.

You can ask to limit what we use your personal data for - the right to restrict processing

In addition to your right to ask for your data to be erased you also have the right to ask that the council stops processing your data on a temporary basis. Your data won't be erased, but instead we will not process it further until we have considered your request.

You can ask us to temporarily restrict processing if:

- you think that there may be an inaccuracy with the personal information the Council holds about you and you want the Council to check this out.
- the Council did not have a legal basis for processing your information in the first place, but you don't want us to erase your data.
- the Council no longer needs to keep your data, but you want us to as it is needed for legal proceedings.
- you have objected to the Council processing your data and it is investigating whether its legitimate grounds for doing so override your rights as an individual.

Like the right to erasure, the right to ask us to restrict processing will not be applied in all cases.

We may not comply with your request if we need to process your information as part of legal proceedings, to protect the rights of another person, or for reasons of important public interest, or if the request is unfounded or excessive.

The right to object

In certain circumstances you have the right to object to the council processing your personal data.

This right only applies in certain circumstances.

You should explain why you think processing of your personal information is causing you substantial damage or distress, giving as much information as possible to enable the council to make a decision on your request.

Your right to object will not be applied if your data is being processed as part of legal proceedings or if legitimate grounds for processing outweigh the rights and interest of you as an individual or if the request is unfounded or excessive.

Who do we share your information with?

We do not share your personal information with other organisations or people. The information we hold is not for sale.

We work with other organisations to help deliver our services to you. Where we have these arrangements, there is always an agreement in place to make sure that the organisation complies with data protection law.

Sometimes we have a legal duty to provide personal information to other organisations.

We may also share your personal information when we feel there is a good reason that is more important than protecting your privacy. This doesn't happen often, but we may share your information in order to find and stop crime and fraud; or if there are serious risks to the public, our

staff or to other professionals; to protect those who are thought to be at risk, for example if they are frail, confused or cannot understand what is happening to them.

For all of these reasons the risk must be serious before we can override your right to privacy.

How do we protect your information?

We make sure we hold records about you (on paper and electronically) in a secure way, and we will only make them available to those who have a right to see them. Examples of our security include:

- Encryption, meaning that information is hidden so that it can only be read with special knowledge (such as a password).
- Controlling access to systems and networks allows us to stop people who are not allowed to view your personal information from getting access to it
- Training for our staff allows us to make them aware of how to handle information and how and when to report when something goes wrong
- Regular testing of our technology and ways of working including keeping up to date on the latest security updates

How long do we keep your personal information?

There is often a legal reason for keeping your personal information for a set period of time, we include all of these in our retention schedule.

For each service the schedule lists how long your information may be kept for.

Where can I get advice?

If you have any worries or questions about how your personal information is handled please contact clerk@swanwickparishcouncil.org.uk.

For independent advice about data protection, privacy and data sharing issues, you can contact the Information Commissioner's Office (ICO) at:

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

Tel: 0303 123 1113 (local rate) or 01625 545 745 if you prefer to use a national rate number.

Alternatively, visit ico.org.uk or email casework@ico.org.uk.

Swanwick Parish Council Data Protection & GDPR	Adopted June 2019
---------------------------------------------------	-------------------