

LYDIARD MILLICENT PARISH COUNCIL

DATA PROTECTION POLICY

Introduction

Lydiard Millicent Parish Council has a responsibility under the Data Protection Act 2018 and UK General Data Protection Regulations (UK GDPR) to hold, obtain, record, use and store all personal data relating to an identifiable individual in a secure and confidential manner. This policy is a statement of what the Council does to ensure its compliance with legislation.

Scope

The Council is registered with the Information Commissioner's Office (ICO) as a Data Controller (registration no. Z7767724) and this policy applies to the processing of all personal data including the collection, use and sharing of personal data where the Council is the Data Controller or the Data Processor.

The policy applies to all employees, councillors, volunteers and contractors. The Policy provides a framework which will ensure compliance with the requirements of legislation and will underpin any operational procedures and activities connected with the implementation of data protection.

Data Protection Principles

The Data Protection Act 2018 governs the handling of personal information that identifies living individuals directly or indirectly and covers both manual and computerised information. It provides a mechanism by which individuals about whom data is held (the 'data subjects') can have a certain amount of control over the way in which it is handled.

All data covered by the Act must be handled in accordance with the six data protection principles of Article 5 of UK GDPR. These are that personal data be:

- Processed **lawfully, fairly and in a transparent** manner in relation to data subjects.
- Collected for **specified, explicit and legitimate purposes** and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes.
- **Adequate, relevant and limited to what is necessary** in relation to the purposes for which they are processed.
- **Accurate and, where necessary, kept up to date**; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay.
- Kept in a form which permits **identification of data subjects for no longer than is necessary** for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by law in order to safeguard the rights and freedoms of data subjects.
- 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.

Data Protection Terminology

Data subject - means the person whose personal data is being processed. That may be an employee, prospective employee, associate or prospective associate of the Parish Council, or someone transacting with it in some way, or persons entering in to a contract for a service provided by the Council.

Personal data - means any information relating to a person or data subject that can be used directly or indirectly to identify the person. It can be anything from a name, a photo, and an

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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, and 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 is used to uniquely identify an individual.

Data controller - means a person who either alone or jointly or in common with other persons (e.g. Parish Council) determines the purposes for which and the manner in which 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
- 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.

Lawful Basis for Processing Personal Data

The grounds for processing personal data are:

- The data subject has given his or her consent
- It is necessary for the performance of a contract between the Council and the data subject
- It is necessary for the compliance with a legal obligation which the Council is subject
- It is necessary in order to protect the vital interests of the data subject or another person, to protect or save a data subject's life
- It is necessary for tasks carried out in the public interest or exercising official authority, including the Council's tasks, functions or duties which is laid down by law
- It is necessary for the purposes of the legitimate interests pursued by the Council or a third party.

Processing of Personal Data

The Council processes personal data in order 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.
- fulfil its duties in operating its premises including security
- assist regulatory and law enforcement agencies
- manage the cemetery records
- carry out Council administration.

If the Council processes your personal data (excluding special categories of personal data) in line with one of the above bases, it does not require your consent. Otherwise, the Council is required to gain your consent to process your personal data. If the Council asks for your consent to process personal data, then we will explain the reason for the request. You do not need to consent or can withdraw consent later.

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The Council will not use your personal data for an unrelated purpose without telling you about it and the legal basis that we intend to rely on for processing it.

Processing Special Category Personal Data

The Council will only process special category personal data on the following basis in accordance with legislation:

- where it is necessary for carrying out rights and obligations under employment law or a collective agreement;
- where it is necessary to protect an individual's vital interests;
- where an individual has made the data public;
- where it is necessary for the establishment, exercise or defence of legal claims;
- where it is necessary for the purposes of occupational medicine or for the assessment of an individual's working capacity;
- where it is carried out by a not-for-profit body with a political, philosophical, religious or trade union aim provided the processing relates to only members or former members provided there is no disclosure to a third party without consent;
- where it is necessary for reasons of substantial public interest on the basis of law which is proportionate to the aim pursued and which contains appropriate safeguards;
- where it is necessary for reasons of public interest in the area of public health; and
- where it is necessary for archiving purposes in the public interest or scientific and historical research purposes.

If the Council processes special categories of your personal data in line with one of the above bases, it does not require your consent. In other cases, the Council is required to gain your consent to process your special categories of personal data. If the Council asks for your consent to process a special category of personal data, we will explain the reason for the request. You do not have to consent or can withdraw consent later.

Data Subject Rights

As a data subject, individuals have a number of rights as defined in law:

- The right to be informed in a clear, concise and transparent manner
- The right of access
- The right to rectification
- The right to erasure
- The right to restrict processing
- The right to data portability
- The right to object
- Rights related to automated decision making

To ask the Council to take any of these steps, you should send the request to the Clerk or Chairman of the Council.

Access Requests

As detailed above, a data subject has the right to request access to the information the Council holds on them. This will normally be in electronic form, however if additional copies are required, the Council may charge a fee, which will be based on the administrative cost to the Council of providing the additional copies.

To make a subject access request, you should send the request to the Clerk or Chairman of the Council. In some cases, the Council may need to ask for proof of identification before the request can be processed. The Council will inform you if we need to verify your identity and the documents we require.

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If a subject access request is manifestly unfounded or excessive, the council is not obliged to comply with it. Alternatively, the Council can agree to respond but will charge a fee, which will be based on the administrative cost of responding to the request. A subject access request is likely to be manifestly unfounded or excessive where it repeats a request to which the Council has already responded. If an individual submits a request that is unfounded or excessive, the Council will notify them that this is the case.

How Personal Data is Protected

There is a principle of accountability of data controllers to implement appropriate technical and organisational measures and controls protect personal data against loss, accidental destruction, misuse or disclosure, and to ensure that data is not accessed, except by employees in the proper performance of their duties. These measures will include:

- appointing a Data Protection Officer to have day to day responsibility for ensuring compliance with legislation
- data protection policies and procedures
- providing a privacy notice on the Council's website
- staff and councillor training and awareness of the requirements of the Act
- internal audits of processing activities
- maintaining relevant documentation on processing activities
- data protection impact assessments are conducted where appropriate
- data storage that is encrypted and access controlled where appropriate.

The Council has put in place appropriate security measures to prevent unauthorised processing of personal data and against the accidental loss of or damage to personal data from the point of collection to its destruction. These measures are periodically reviewed so that the Council maintains confidentiality, integrity and availability of personal data at all times.

Where the Council engages third parties to process personal data on our behalf, such parties do so on the basis of written instructions, are under a duty of confidentiality and are obliged to implement appropriate technical and organisational measures to ensure the security of data and compliance with data protection legislation.

Data audits for all personal data processed by the Council are conducted periodically to ensure that the data processed remains handled in accordance with legislation.

In all aspects of the Council's business, we will ensure that the rights of the data subject are protected by all reasonably practicable measures associated with the conduct of our work.

Data Retention

Good records management practice plays a pivotal role in ensuring that the Council is able to meet its obligations to provide information, and to retain it, in a timely and effective manner in order to meet the requirements of the Act. For further information. Please see the Council's Document Retention Policy.

Data Sharing

The Council is legally obliged to share certain data with other public bodies, such as central government departments and the police, when required to do so. It is also required to safeguard public funds to prevent fraud, and it may share data with other public bodies for this purpose. Outside of these legal requirements, the personal information will be not shared or provided to any other third party or be used for any purpose other than that for which it was provided.

Consent

Personal information such as name, address, email address, phone number that is provided to us 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 the Council, individuals are deemed to be giving consent for their personal data provided to be used and transferred in

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accordance with this policy, although specific written consent will be sought in certain circumstances. It is the responsibility of those individuals to ensure that the Council is able to keep their personal data accurate and up-to-date.

Data Breaches

Data breaches that are likely to result in a risk to the rights and freedoms of individuals must be reported to the Information Commissioner's Office within 72 hours of the Council becoming aware of the breach. Where a breach is likely to result in a high risk to the rights and freedoms of individuals, the Council will notify those individuals concerned directly.

Who is Responsible for Protecting Personal Data?

The Council as a corporate body has ultimate responsibility for ensuring compliance with the Data Protection legislation. The Council has appointed the Clerk as its Data Protection Officer who has day to day responsibility for ensuring compliance.

- Email: clerk@lydiardmillicent-pc.gov.uk
- Phone: 07999 641919
- Correspondence: The Parish Clerk, Jubilee Club House, Meadow Springs, Lydiard Millicent, Swindon, SN5 3NH

Complaints

If an individual has a complaint regarding the way their personal data has been processed, they may make a complaint to the Council's Data Protection Officer or the Information Commissioners Office.

Adopted by Lydiard Millicent Parish Council on 5 March 2026 (Minute Ref. 25.201c)