



ANDOVER TOWN COUNCIL

DATA PROTECTION POLICY – 2019 (March 2019)

Contents	Subject	Page No
	GDPR Privacy Statement	1
1	Introduction	2
2	Statement of Policy	3
3	The Principles of Data Protection	3
4	Definition of Personal and Sensitive Information	4
5	Roles and Responsibilities	4
6	Councillors	6
7	The Information Commissioner	6
8	Document Information	6
9	Document Control	6

The General Data Protection Regulation (GDPR) standardizes data protection law across all 28 EU countries and imposes strict new rules on controlling and processing personally identifiable information (PII). It also extends the protection of personal data and data protection rights by giving control back to EU residents. GDPR replaces the 1995 EU Data Protection Directive and goes into force on May 25, 2018. It also supersedes the 1998 UK Data Protection Act.

GDPR PRIVACY STATEMENT

(General Data Protection Regulations)

This is a privacy statement of Andover Town Council. Our registered office address is 68b High Street, Andover, Hampshire, SP10 1NG.

INTRODUCTION

- This is a statement to inform you of our policy about all the information we record about you. It sets out the conditions under which we may process any information that we collect from you or that you provide to us. Any information that identifies you (“Personal Information”) is used to provide you with the services you require.
- We regret that if there are one or more points below that you are not happy with us holding, we have to hold this under General Data Protection Regulations (GDPR) law.
- We take seriously the protection of your privacy and confidentiality. We understand that all visitors to our websites, customers and clients are entitled to know that their personal data will not be used for any purpose other than the lawful basis upon which it was provided for.
- We undertake to preserve the confidentiality of all information that you provide to Andover Town Council.



Data Protection Policy 2019

- Our policy complies with UK law accordingly implemented including that required by the GDPR.
- The law requires us to tell you about your rights and our obligations to you in regards to the processing and control of your personal data. We do this now by requesting that you read the information provided at www.knowyourprivacyrights.org.
- Except as set out in our GDPR policies (which can be found at www.andover-tc.gov.uk we do not share, sell or disclose any personal data to any other organisation or third party.

THE BASIS ON WHICH WE PROCESS INFORMATION ABOUT YOU

The law requires us to determine under which of the six defined bases, we process different categories of your personal information. If a basis on which we process your personal information is no longer relevant, your personal information will be destroyed.

If the basis changes then as required by law, we will notify you of the change and of any new basis under which your personal data is being held.

ALLOTMENTS

Data is held on an internal Town Council database/software system and is used to send you Newsletters, Yearly Invoices, Receipts, Follow-Up letters and Terminations if necessary.

Tenancy Agreements are held for 1 year after the expiry of the agreement under the GDPR guidelines (subject to change).

EMAILS & WEBSITES

If you contact the Town Council via email or our website, your personal data i.e. email address, will be kept for the time it takes to answer your enquiry, unless another lawful reason becomes apparent, which we will notify you of, after which time it will be destroyed.

For details of our full Privacy Policy, please refer to www.andover-tc.gov.uk. Alternatively, you may write to us at Andover Town Council, 68b High Street, Andover, Hampshire, SP10 1NG and we will send you a hard copy.

1. Introduction

In order to carry out its duties, Andover Town Council has to collect and use information about the people with whom it works; members of the public; current, past and prospective employees; customers; suppliers and others. In addition, the Council sometimes have to collect and use information in order to comply with the requirements of central government.

Andover Town Council will ensure that it treats lawfully and correctly all personal information entrusted to it.



2. Statement of Policy

The Council fully endorses and adheres to the Principles set out in the Data Protection Act 1998. ('the Act'). The Council will therefore ensure that all employees, elected members, contractors, agents, consultants, partners or anyone else who has had access to any personal data held by or for the Council are fully aware of and abide by their duties and responsibilities under the Act.

This Policy and the procedures set down in it are reviewed as necessary to ensure that the Council continues to comply with all relevant statutory requirements.

The Council will ensure that all personal data is handled properly and confidentially at all times, irrespective of whether it is held on paper or by electronic means.

This includes:

- The obtaining of personal data.
- The storage and security of personal data.
- The use of personal data.
- The disposal of or destruction of personal data.

The Council will ensure that data subjects have appropriate access, upon written request, to personal information relating to them and the right to correct, rectify, block or erase any incorrect data.

3. The Principles of Data Protection

Whenever collecting or handling information about people the Council will:

- Ensure that personal data is collected and used fairly and lawfully.
- Ensure that the purposes for which personal data is obtained and processed are specified and that data is not used for any other purpose.
- Collect, process and retain personal data only when necessary.
- Ensure that any data used or kept is accurate and up to date.
- Ensure that data is disposed of properly as soon as it is no longer needed for the purpose specified when collected.
- Ensure that all personal data is processed in accordance with the rights of the individual concerned.
- Ensure that appropriate security measures are taken to protect all personal data against damage, loss or abuse.
- Ensure that the movement of personal data is done in a lawful way, both inside and outside the Council, and that suitable safeguards exist at all times.



4. Definition of Personal and Sensitive Information

The Act makes a distinction between 'personal data' and 'sensitive personal data':

Personal data is defined as data relating to a living individual who can be identified from that data, or from that data *and* other information which is in the possession of, or is likely to come into the possession of, the data controller. This will include any expression 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 personal data is defined as personal data consisting of information as to:

- Racial or ethnic origin
- Political opinions
- Religious or beliefs of a similar nature
- Trade union membership
- Physical or mental health or conditions
- Sex life and sexual orientation
- Criminal proceedings or convictions
- Generic data & biometric data

5. Roles and Responsibilities

Andover Town Council will ensure that:

- A member of staff is appointed who has specific responsibility for data protection within the Council.
- Any disclosure of personal data is in compliance with the law and with approved procedures.
- Anyone managing and handling personal information understands that they are legally bound to follow good data protection practice.
- Anyone managing and handling personal information is appropriately trained and supervised.
- Appropriate advice and guidance are available to anyone wanting to make enquiries about personal information held by the Council.
- Enquiries and requests regarding personal information are handled courteously and within the time limits set by the Act.
- All Councillors are to be made fully aware of this policy and of their duties and responsibilities under the Act.



Data Protection Policy 2019

- Where it is necessary to share data that this is done under a written agreement setting out what is to be shared and how it is to be kept secure.

The Town Clerk and Officers will ensure that:

- Paper files and other records or documents containing personal and or sensitive data are kept securely.
- Personal data held electronically is protected by the use of secure passwords which are changed regularly.
- All users must choose passwords which meet the security criteria specified by the Council.
- Staff working remotely from home or elsewhere must keep any Council owned equipment they use secure and prevent systems and data for which the Council is responsible being used or seen by members of their family or any other unauthorised person.

All contractors, consultants, partners or other servants or agents of the Council must:

- Confirm in writing that they will abide by the requirements of the Act with regard to information obtained from the Council.
- When requested, allow the Council to audit the protection of data held on its behalf.
- Ensure that they and all persons appointed by them who have access to personal data held or processed for or on behalf of the Council are aware of this Policy and are fully trained in their duties and responsibilities under the Act.
- Indemnify the Council without limitation against any prosecutions, claims, proceedings, actions or payments of compensation or damages arising from the loss or misuse of data. Any breach of any provision of the Act will be deemed as being in breach of any contract between the Council and that individual, company, partner or firm.

The Town Clerk (the Data Protection Officer), is responsible for:

- Ensuring the provision of cascade data protection training, for staff within the Council.
- The development of best practice guidelines.
- Ensuring compliance checks are undertaken to ensure adherence, throughout the authority, with the Data Protection Act.
- For conducting a review of this Data Protection Policy, as necessary and the practices and procedure pertaining to it to ensure continuing compliance with all relevant statutory provisions.

The Town Council's Chief Executive Officer (Town Clerk) is the Accountable Officer ultimately responsible for ensuring that all information is appropriately protected.



6. Councillors

This policy applies to all Town Councillors, and all councillors are made aware of the advice produced by the Information Commissioners Office, which can be read by clicking on the link below:

<https://ico.org.uk/media/for-organisations/documents/1432067/advice-for-elected-and-prospective-councillors.pdf>

7. The Information Commissioner

Andover Town Council is registered with The Information Commissioner as a data controller.

The Act requires every data controller who is processing personal data to notify and renew their notification on an annual basis. Failure to do this is a criminal offence. Any changes to the type of data held or for the purposes for which it is held must be notified to the Information Commissioner within 28 days.

The Town Clerk will review the Data Protection Register with designated Officers annually prior to notification to the Information Commissioner.

8. Document Information

Title:	Data Protection Policy
Status:	3 rd draft
Version:	14 March 2019
Consultation:	Policy & Resources Committee
Approved by:	Council
Approval Date:	14 March 2019
Review Frequency:	Every three years or if change occurs
Next Review:	March 2022

9. Document Control

Date	Version	Description	Sections Affected	Approved by
Mar 2018	1	1 st Draft	All	Policy & Resources Committee
May 2018	2	2 nd Draft	All	Council
Mar 2019	3	3 rd Draft	All	Council



Data Protection Policy 2019

Disclaimer:

A printed version may not be the current version.

A current version may be obtained in the required format from the Town Clerk's Office at Andover Town Council.

Source: Information Commissioner, Data Protection Act 1998, GDPR Regulations 2018