



# Data Protection Policy 2020

Tysoe Parish Council

This Policy was adopted on 14/09/2020 and is reviewed annually.

## 1. Introduction

- a) Tysoe Parish Council recognises its responsibility to comply with legislation that protects personal data.
- b) Personal data means information about a particular living individual. This might be anyone; including a customer, client, employee, partner, member, supporter, business contact, public official or member of the public. Information doesn't need to be 'private' information – even information which is public knowledge or is about someone's professional life can be personal data.

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*Tysoe Parish Council is committed to handling personal data  
fairly and responsibly.*

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## 2. The Law

The UK data protection law is set out in the Data Protection Act 2018 (DPA) and the General Data Protection Regulations 2018 (GDPR).

The DPA sets out high standards for the handling of personal data and protecting individuals' rights for privacy. It also regulates how information can be collected, handled and used.

GDPR requires organisations to have a 'lawful basis' for processing data about an individual and that the information provided to people about how their personal data is processed must be *concise, transparent, intelligible and easily accessible, written in clear and plain language (particularly if addressed to a child) and free of charge.*

Tysoe Parish Council Privacy notice can be viewed [here](#).

## 3. Responsibilities

All persons involved with Tysoe Parish Council are responsible for compliance with data protection law, including Councillors, staff and members of committees and sub-committees. The Parish Clerk/RFO to the Parish Council, is required to manage the Council's records in such a way as to promote compliance with this policy so that information can be retrieved easily, appropriately and in a timely manner.

## 4. Processes

When dealing with personal data, the Parish Clerk and Councillors must ensure that it is:

- 1) processed fairly and lawfully. This means that information should only be collected from individuals if staff and councillors have been open and honest about why they want the information,
- 2) processed for specified purposes only,

- 3) relevant to what it is needed for. Data will be monitored so that too much or too little is not kept; only data that is needed should be held
- 4) accurate and kept up to date. Personal data should be accurate, if it is not it should be corrected
- 5) not kept longer than it is needed
- 6) processed in accordance with the rights of individuals. This means that individuals must be informed, upon request, of all the information held about them
- 7) kept securely. This means that only staff and Councillors can access the data and it should be stored securely so it cannot be accessed by members of the public.

## 5. Collecting data

Tysoe Parish Council recognises its responsibility to be open with people when taking personal details from them. This means that staff must be honest about why they want a particular piece of information.

If, for example, a member of the public gives their phone number to staff or a member of the Parish Council, this will only be used for the purpose it has been given and will not be disclosed to anyone else.

## 6. Storing and accessing data

The Parish Council may hold information about an individual e.g. such as their address and telephone number. This information is kept in a secure location at the Council's office or storage facility and are not available for the public to access.

All data stored on a computer is password protected.

Once data is no longer needed, if it is out of date or has served its use, it will be shredded or deleted from the computer.

## 7. Subject Rights

The Parish Council is aware that people have the right to access any information that is held about them. If a person requests to see any data that is being held about them:

- they must be sent all of the information that is being held about them
- there must be explanation about why it has been stored
- there must be a list of who has seen it
- it must be sent within one month.

Requests that are excessive may be refused or a charge made for the time taken to collate the data. If a request is refused, a reason must be given.

If an individual requests that their data is rectified or erased, this must be carried out.

## 8. Disclosure of information

If a member of the council needs to access information to help carry out their duties, this is acceptable. They are only able to access as much information as necessary and it should only be used for that specific purpose.

However, before they access any sensitive information about a person, they would need consent to do this from the Parish Clerk. Data should never be used for political reasons unless the data subjects have consented.

## 9. Other Confidentiality

Council staff must be aware that when complaints or queries are made, they must remain confidential unless the subject gives permission otherwise. When handling personal data, this must also remain confidential.

If a data breach is identified the ICO must be informed and an investigation will be conducted.

## 10. Data Retention

Under the Freedom of Information Act 2000, the Parish Council is required to maintain a retention schedule. The retention schedule:

- a) identifies the type of information records typically handled and
- b) lays down the length of time which the record will be retained and
- c) the action which should be taken when it is of no further administrative use.

The Parish Clerk is required to manage the current record keeping systems using the retention schedule and to take account of the different retention periods when creating new record keeping systems.

All Councillors and the Parish Clerk have a duty to implement the data retention schedule.

[See Appendix 1 - Retention of Documents Schedule.](#)

## Appendix 1 - Retention of Documents Schedule

This retention schedule refers to information records regardless of the media in which they are stored.

Document	Minimum Retention	Reason
Agendas	2 years	Management
Annual Accounts	Indefinite	Archive*
Annual Return	Indefinite	Archive
Assets register	Indefinite	Audit
Bank statements	7 years	Audit/management
Certificate of Employers Liability	Retain until renewed	Audit/legal
Certificate of Public Liability	Retain until renewed	Audit/legal
Cheque book stubs	7 years	Audit Management
Complaints	1 year	Management
Consultations	Retain until the legal/administrative purpose for its use has been fulfilled.	Management
Declarations of acceptance	Term of Office + 1 year	Management
Deeds, leases	Indefinite If 100 years + and no longer required to prove title move to archive.	Audit
Electoral Register	Retain until renewed	Management
Employee Files	7 years after leave date	Audit/legal
General information	3 months	Management
Grant Applications to PC	Successful – 7 years Unsuccessful – 2 years	Management
Insurance policies	Whilst valid	Audit
Members register of interests'	Term of office + 1 year	Management
Minute Books including Committees (draft minutes destroyed once minutes confirmed)	Indefinite	Archive
Paid invoices	7 years	Audit/VAT
Paying in books	7 years	Audit Management
Planning Applications	**see below	Management
Policy Documents	2 years or when no longer an administrative requirement	Management
Quotations/tenders	7 years	Audit

Recruitment data	Unsuccessful 9 Months after recruitment finalised  Successful 1 year after recruitment finalised plus current year	Sex Discrimination Acts 1975 and 1986, Race Relations Act 1976, Disability Discrimination Act 1995, Employment Equality (Sexual Orientation) Regulations, Employment Equality (Religion or Belief) Regulations
Reports and papers circulated with agendas for meeting	2 years or when no longer an administrative requirement	Management
Routine correspondence & e-mails	6 months	Management
Salary records	7 years	Audit
Tax & NI records	7 years	Audit
VAT records	7 years	Audit/VAT

\*Archive - means transfer to storage once inactive or at 6 years.

\*\*Planning Applications - All planning applications and relevant decision notices are available via the Stratford-upon-Avon District Council planning portal. There is no requirement to retain duplicates locally. All Parish Council recommendations in connection with these applications are recorded in the minutes and are retained indefinitely.

Correspondence received in connection with applications will be retained as stated in the above schedule.