

Clerk's Report /Briefing Note from HALC GDPR Training 6th March 2018

Current data protection legislation principles:

- Personal data shall be processed fairly and lawfully
- Personal data shall be obtained for only one or more specified and lawful purposes and shall not be processed in any manner incompatible with that purpose or those purposes.
- Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed.
- Personal data shall be accurate and, where necessary, kept up to date.
- Personal data processed for any purpose shall not be kept for longer than is necessary for that purpose.
- Personal data shall be processed in accordance with the rights of data subjects under the Act.
- Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.
- Personal data shall not be transferred to a country or territory outside the European Economic Area unless that country ensures an adequate level of protection for the rights and freedoms of data subjects.

The GDPR replaces this from 25th May 2018. The GDPR is similar but slightly broader. Additional factors are:

- Accountability – introduction of Data protection Officers and Data Protection Impact Assessments.
- Broader definition of data.
- Data privacy includes other factors that could be used to identify an individual.
- New rules surrounding data protection breaches.
- Tightening of rules concerning consent and children's personal data.

The Parish Council holds very little 'personal data'. I believe that this is limited to:

- Councillors' personal e-mail addresses
- Personal e-mail addresses of some villagers (e.g. contractors, members of the Village Hall Committee, members of the PCC)
- Employment-related data pertaining to past employees.

Note 1: 'Official' e-mail addresses such as clerk.easttisted@parish.hants.gov.uk and Charles.louisson@easthants.gov.uk are not considered 'personal data'.

Note 2: The Clerk has a copy of the Electoral Roll but has been advised that, as this is collected and provided by HCC, it is not 'our' data. Similarly, 'planning' data is not 'our' data.

The Parish Council is entitled to hold the personal data listed above as it has a 'legitimate interest' the data being required to meet a justifiable business need. However, there are a number of things we are recommended, and in some cases **required**, to do.

1. Agree and implement a Data Protection Policy (refer HALC model)
2. **Register the Chairman or a sub-committee of the Parish Council as a 'Data Controller' with the ICO (cost attached, probably £35)**
(The Data Controller decides the Data protection Policy, what data to collect and how to use it.)
3. Complete a 'data mapping' (i.e. identify what we hold and why)
4. **Obtain positive consent/issue 'fair processing' notices for the data we hold**
5. **Keep data secure**
6. **Delete it when it is no longer required**
7. **Report any breaches within 72 hours**
8. **'Hire' a Data Protection Officer** (The DPO advises the Data Controller of their legal obligations, monitors compliance, is responsible for the implementation of policies and is the point of contact for the regulator)(HCC and the ICO say it is okay for the clerk to be the DPO. The issue we have is that the legislation says 'hire' a DPO, suggesting that this has to be a paid post. Perhaps the Parish Council could address this in a 'Risk assessment'?)
9. If available use .gov.uk e-mail addresses. If not use a separate personal e-mail, e.g. CllrCutts@ (If you use personal e-mails and there is a request for information all your personal e-mail records can be called in.)
10. Have a separate laptop for the Clerk for Council business.