



Ventnor
Town Council

Created date – August 2023

Draft 1

General Data Protection Policy

Review date – December 2024



Purpose of the policy

This policy and supporting procedures are designed to promote and maintain compliance with the General Data Protection Regulation (GDPR) and the UK Data Protection Act 2018 (DPA). These two pieces of legislation work in tandem, with the principles and requirements for handling personal data set out in the GDPR, and the exemptions, enforcement and penalties contained within the DPA. The DPA also includes out obligations if we process personal data for law enforcement purposes.

Principles

This policy applies to information held by Ventnor Town Council (VTC) about living, identifiable individuals; examples are their contact information, details of the services provided to them, recordings, and photographs (known as “personal data”).

Personal data may be automatically processed, such as on computer, smartphone, recording device or closed-circuit TV system, or in manual paper records such as hand-written meeting notes, or computer printouts. It includes information that has been anonymised, for example by giving it a reference number or code so that an individual cannot be identified and the identifiable information is kept separately.

The GDPR consists of principles that require personal data to be:

- Processed lawfully, fairly, and in a transparent manner;
- Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes (‘purpose limitation’);
- Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed (‘data minimisation’);
- Accurate and, where necessary, kept up to date;
- Kept in a form that permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed (‘storage limitation’);
- 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 (‘integrity and confidentiality’);
- Not transferred to other countries or international organisations unless there are adequate protections in place, or under specific conditions.

The data controller – usually the Town Clerk, or line manager(s) of staff with delegated powers of managing data governed by this policy - will be responsible for, and must be able to demonstrate, compliance with these principles.



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Individuals have a right to be informed about what we do with their information, to access the data we hold on them (provided in a structured commonly-used machine-readable format if possible), to request erasure ('right to be forgotten') or rectification, to make objections, to restrict further processing, and not to be subject to a decision based on automated individual decision-making or profiling.

Scope

The acts and this policy apply to any councillor, member of staff, or volunteer working with the Council, who has access to, uses, or passes on personal data as part of their day-to-day work.

Breaches of the principles or other requirements may result in the Council facing prosecution, being publicly named-and-shamed, and result in a loss of trust from the people we serve.

Breaches

Criminal offences include:

- To obtain, procure, handle, disclose or retain personal data without the Council's authorisation or consent;
- To sell, or offer to sell, personal data that has been unlawfully obtained (which includes advertising it for sale);
- To re-identify personal data that has been de-identified;
- To obstruct, alter, deface, block, erase, destroy or conceal personal data, with the intention of preventing disclosure of all or part of the information after a subject access or portability request is received.

Disciplinary action, up to and including dismissal, may be taken against any member of staff who contravenes this policy and supporting procedures. The Town Clerk, in consultation with the Mayor, has authority to take such immediate steps as considered necessary.

Aims and objectives

VTC aims to make every effort to ensure that:

- Compliance with the GDPR and DPA is maintained;
- Personal data is well managed, held securely, and that the rights of individuals are respected;



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- Data protection is integrated into the Council's working practices and information systems from the moment that information is collected or received, through to its destruction;
- Data protection impact assessments are conducted where appropriate;
- There is compliance with the accountability principle, being responsible for and able to demonstrate compliance with the other principles by implementing appropriate technical and organisational measures, such as:
 - Internal data protection policies and procedures;
 - Staff reporting (for example, data breaches);
 - Staff training;
 - Internal audits;
 - Reviews of internal Human Resources policies;
 - Maintaining documentation of our processing activities
 - Implementing measures that include data minimisation, anonymisation, transparency, allowing individuals to monitor processing where possible, and/or creating and improving security features on an ongoing basis.

This policy commits the Council to providing the necessary resources and support to ensure that these aims and objectives can be achieved.

Procedures that describe the arrangements and processes for implementing this policy, and guidance for the public on how we handle your data, will be available on the Council's website.

Responsibilities

The *Town Clerk* reports to the Council and is responsible for:

- Ensuring the objectives of the GDPR and related legislation are achieved, assisting the Council with its compliance, and maintaining standards of good practice;
- Providing advice to the Council for the resolution of queries, and maintaining the accuracy of the Council's internal record of processing activities and keeping this up to date;
- Managing data protection and security policies, procedures and documentation;
- Arranging training opportunities for relevant councillors and staff;
- Constructing and reviewing compliance monitoring programmes, ensuring their completion and reporting findings.

The *Council's officers* are responsible for ensuring that personal data held within their area is managed in a way that meets the aims of this policy and complies with the requirements of the GDPR and DPA. They should ensure that all staff responsible for managing personal data are appropriately briefed, trained or experienced, and understand the need for data protection compliance. They must



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ensure that anyone who is sub-contracted or employed on a temporary or voluntary basis is made aware of this policy and relevant supporting procedures.

Where personal data are disclosed to our service providers (or anyone else acting on our behalf), there must be a written contract in place that includes the requirement for them to comply with the GDPR and DPA (in particular the security principle).

All *councillors and staff* who create, receive, use or disclose personal data while working (paid or otherwise) are responsible for compliance with the requirements of the GDPR, DPA and related legislation.

Guidance and additional information

For guidance and enquiries relating to this policy, contact the Town Clerk, at Ventnor Town Council, 1 Salisbury Gardens, Dudley Road, Ventnor PO38 1EJ, telephone 01983 853775 or via www.ventnortowncouncil.gov.uk

Further guidance on data protection and related legislation is available on the Information Commissioner's website: www.ico.gov.uk. Telephone 0303 123 1113 or write to them at:

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