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**TYSOE PARISH COUNCIL**

**Data Protection Policy**

**Date Adopted.. Feb 2023 Next review date.. Feb 2024**

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.

*Tysoe Parish Council is committed to handling personal data*

*fairly and responsibly.*

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,

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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.

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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 date.

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.

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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.

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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

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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.

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