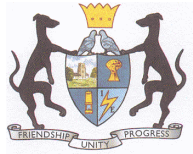


South Kirkby and Moorthorpe Town Council



Data Protection Policy

Scope

This policy must be complied with fully by all members, staff, agents, partners and contractors of South Kirkby and Moorthorpe Town Council who collect, keep, process or deal with personal data for or on behalf of South Kirkby and Moorthorpe Town Council.

South Kirkby and Moorthorpe Town Council supports the objectives of the Data Protection Act 1998 (the DPA) and intends to conform to the requirements of the Act at all times.

1. Processing Personal Data

- 1.1 Personal data must be processed fairly and lawfully in accordance with the provisions of the DPA.
- 1.2 Personal data may only be processed for notified purposes as stated with the DPA.
- 1.3 Anyone with responsibility for holding or collecting data must ensure that data kept and processed about any data subject is accurate and up to date. All due skill and care must be taken. Data must not be excessive to need and superfluous data must be destroyed or removed from the system.
- 1.4 South Kirkby and Moorthorpe Town Council is responsible for ensuring compliance with this policy and nominates the Town Clerk to ensure compliance with the Act and ensure that members of staff are aware of the provisions of the Act. In this role, The Town Clerk will be known as the Data Protection Act Representative. The nomination of such a person shall not release other members of staff from compliance with this Act and this policy.
- 1.5 Any processing of sensitive data must comply with the special and more stringent rules set out in the DPA.

2. Security and Registration

- 2.1 Each member, member of staff and data holder are responsible for ensuring that data cannot be accessed by unauthorised personnel and to

ensure that data cannot be tampered with, lost or damaged. All superfluous data must be disposed of in a secure manner.

- 2.2 The Information Commissioner enforces and oversees the DPA and the Freedom of Information Act 2000. The Information Commissioner keeps a register of all organisations which process data. The Council shall submit a notification to the Information Commissioner and pay the requisite fee at least once a year, which will be dealt with by the Town Clerk. Members and staff must furnish the Town Clerk with any information requested for this purpose. Members and staff must notify the Town Clerk if, during the course of any years, this information changes, and the Town Clerk must update the register entry accordingly. Members may have to register personally with the Information Commissioner with respect to constituency or party records.

3. Agents, Partner Organisations and Contractors

If a contractor, partner organisation or agent is appointed or engaged to collect, hold, process or deal with personal data for or on behalf of the Council or if they will do so as part of the services they are providing to Council, the Town Clerk must as part of the evaluation obtain confirmation that the agent, partner organisation or contractor is able, willing and does comply with the DPA. There must be specific obligations in every such partnership agreement and contract requiring the partner/contractor to comply with the DPA.

4. Disclosure of Personal Data

Personal data will only be disclosed in accordance with the provisions of the DPA.

5. Access Rights by Individuals

- 5.1 An individual may request a copy of any data held about them, or information about the reason it is kept and processed and the people to whom it is disclosed. The information must be provided, in clearly understandable terms within 40 days of a valid written request and the payment of the required fee.
- 5.2 A person seeking information shall be required to prove their identity in accordance with the DPA. The 40 days will run from the date the person provides this information and pays any commensurate fee.
- 5.3 Information may be withheld where the Council is not satisfied that the person requesting information about themselves are who they say they are, or when the requester is an organisation or body holding itself out as requesting information on behalf of a named individual and the Council is not satisfied that they have the authority to receive that information.

6. Disclosure to and about Third Parties

Personal data must not be disclosed about a third party except in accordance with the DPA. If it appears absolutely necessary to disclose information about a third party to a person requesting data about themselves advice must be sought from the Town Clerk.

7. Inaccurate Data

If an individual complains that the data held about them is wrong, incomplete or inaccurate, the position should be investigated thoroughly including checking with the source of the information. In the meantime a caution should be marked on the person's file that there is a question mark over the accuracy. An individual is entitled to apply to the court for a correcting order and it is obviously preferable to avoid legal proceedings by working with the person to correct the data or allay their concerns.

8. Requests by Individuals to Stop Processing Information

- 8.1 If data is properly held for communication purposes, an individual is entitled to require that this is ceased as soon as possible. Requests must be made in writing but generally all written or oral requests should be heeded as soon as they are made. The cessation must be confirmed in writing.
- 8.2 If data is held for any other purposes an individual may request that processing ceases if it is causing them unwarranted harm or distress. This does not apply if they have given their consent, if the data is held in connection with a contract with the person, if the Council is fulfilling a legal requirement or if the person's vital interests are being protected. Valid written requests must be heeded within 21 days. The cessation must be confirmed in writing.

9. Complaints

Any complaint or concern expressed by an individual in connection with the DPA must be reported to the Town Clerk immediately in case legal action is taken. The Town Clerk will ensure that there has been no breach of the DPA and, if so, take the necessary remedial action.

10. Exemptions

There are a number of purposes which are exempt from certain provisions of the DPA. Clarification on the scope of exemptions can be sought from the Town Clerk.

11. Violations of Rules and Procedures

- 11.1 It is the responsibility of all members of staff to report any suspected breaches of the DPA, or of this policy, to the Town Clerk.
- 11.2 It is the It is the responsibility of all members to report any suspected breaches of the DPA, or this policy, to the Town Clerk or the Deputy Town Clerk.
- 11.3 Failure to comply with this policy by employees of the Council may result in disciplinary action being taken. Failure to comply by members of the Council may constitute a breach of the Members' Code of Conduct. Failure to comply by partners, agents or contractors may constitute a breach of their agreements.

12. Further Information and Other Related Policies

- 12.1 If in doubt about any aspect of this policy, the Town Clerk should be consulted.
- 12.2 Other related policies include the Equal Opportunities Policy and the Freedom of Information Policy.