



## **Downend and Bromley Heath Parish Council**

### **INFORMATION, DATA PROTECTION AND PRIVACY POLICY INCLUDING THE MANAGEMENT OF TRANSFERABLE DATA POLICY.**

#### **Introduction**

- 1.1. In order to conduct its business, services and duties, the Parish Council processes a wide range of data, relating to its own operations and some which it handles on behalf of partners. In broad terms, this data can be classified as:
  - 1.1.1. data shared in the public arena about the services it offers, its mode of operations and other information it is required to make available to the public.
  - 1.1.2. confidential information and data not yet in the public arena such as ideas or policies that are being worked up.
  - 1.1.3. confidential information about other organisations because of commercial sensitivity.
  - 1.1.4. personal data concerning its current, past and potential employees, Councillors, and volunteers.
  - 1.1.5. personal data concerning individuals who contact it for information, to access its services or facilities or to make a complaint.
- 1.2. The Parish Council will adopt procedures and manage responsibly, all data which it handles and will respect the confidentiality of both its own data and that belonging to partner organisations it works with and members of the public. In some cases, it will have contractual obligations towards confidential data, but

in addition will have specific legal responsibilities for personal and sensitive information under data protection legislation.

- 1.3. The Parish Council will periodically review and revise this policy in the light of experience, comments from data subjects and guidance from the Information Commissioner's Office.
- 1.4. The Parish Council will be as transparent as possible about its operations and will work closely with public, community and voluntary organisations. Therefore, in the case of all information which is not personal or confidential, it will be prepared to make it available to partners and members of the parish communities. Details of information which is routinely available is contained in the Parish Council's Publication Scheme which is based on the statutory model publication scheme for local councils.

### **Protecting Confidential or Sensitive Information**

- 1.5. The Parish Council recognises it must at times, keep and process sensitive and personal information about both Employees, councilors and the public, it has therefore adopted this policy not only to meet its legal obligations but to ensure high standards.
- 1.6. The General Data Protection Regulation (GDPR) which become law on 25 May 2018 and will like the Data Protection Act 1998 before then, seek to strike a balance between the rights of individuals and the sometimes competing interests of those such as the Parish Council with legitimate reasons for using personal information.
- 1.7. **The policy is based on the premise that Personal Data must be:**
  - 1.7.1. processed fairly, lawfully and in a transparent manner in relation to the data subject.
  - 1.7.2. collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes.
  - 1.7.3. adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.

- 1.7.4. accurate and, where necessary, kept up to date.
- 1.7.5. 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.
- 1.7.6. 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.

### **Data Protection Terminology**

**Data subject** - means the person whose personal data is being processed. That may be an Employee, prospective Employee, associate or prospective associate of the Parish Council or someone transacting with it in some way, or an Employee, Councillor or volunteer with one of our clients, or persons transacting or contracting with one of our clients when we process data for them.

**Personal data** - means any information relating to a natural person or data subject that can be used directly or indirectly to identify the person. It can be anything from a name, a photo, and an address, date of birth, an email address, bank details, and posts on social networking sites or a computer IP address.

**Sensitive personal data** - includes information about racial or ethnic origin, political opinions, and religious or other beliefs, trade union membership, medical information, sexual orientation, genetic and biometric data or information related to offences or alleged offences where it is used to uniquely identify an individual.

**Data controller** - means a person who (either alone or jointly or in common with other persons) (e.g. the Parish Council, employer) determines the purposes for which and the manner in which any personal data is to be processed.

**Data processor** - in relation to personal data, means any person (other than an Employee of the data controller) who processes the data on behalf of the data controller.

**Processing information or data** - means obtaining, recording or holding the information or data or carrying out any operation or set of operations on the information or data, including:

- organising, adapting or altering it
- retrieving, consulting or using the information or data
- disclosing the information or data by transmission, dissemination or otherwise making it available; or
- aligning, combining, blocking, erasing or destroying the information or data. regardless of the Technology used.

1.8. The Parish Council processes **personal data** in order to:

- 1.8.1. fulfil its duties as an employer by complying with the terms of contracts of employment, safeguarding the Employee and maintaining information required by law;
- 1.8.2. pursue the legitimate interests of its business and its duties as a public body, by fulfilling contractual terms with other organisations, and maintaining information required by law;
- 1.8.3. monitor its activities including the equality and diversity of its activities;
- 1.8.4. fulfil its duties in operating the business premises including security;
- 1.8.5. assist regulatory and law enforcement agencies;
- 1.8.6. process information including the recording and updating details about its Councillors, Employees, partners and volunteers;
- 1.8.7. process information including the recording and updating details about individuals who contact it for information, or to access a service, or make a complaint;
- 1.8.8. undertake surveys, censuses and questionnaires to fulfil the objectives and purposes of the Parish Council;

1.8.9. undertake research, audit and quality improvement work to fulfil its objects and purposes; and

1.8.10. carry out Parish Council administration.

1.9. Where appropriate and governed by necessary safeguards we will carry out the above processing jointly with other appropriate bodies from time to time.

#### **When will the Parish Council Process Personal Information?**

1.10. The Parish Council will ensure that at least one of the following conditions is met for personal information to be considered fairly processed:

1.10.1. the individual has consented to the processing;

1.10.2. processing is necessary for the performance of a contract or agreement with the individual;

1.10.3. processing is required under a legal obligation;

1.10.4. processing is necessary to protect the vital interests of the individual;

1.10.5. processing is necessary to carry out public functions; or

1.10.6. processing is necessary in order to pursue the legitimate interests of the data controller or third parties.

#### **Sensitive Personal Information**

1.11. Particular attention is paid to the processing of any **sensitive personal information** and the Parish Council will ensure that at least one of the following conditions is met: As per Parish Council Diversity and equality Policy found on Parish council website..

1.11.1. explicit consent of the individual;

1.11.2. required by law to process the data for employment purposes; or

- 1.11.3. a requirement in order to protect the vital interests of the individual or another person.

**Who is responsible for protecting a person's personal data?**

Downend & Bromley Heath has a duty to ensure the security of personal data.

The Parish Council as a corporate body has ultimate responsibility for ensuring We make sure that your information is protected from unauthorised access, loss, manipulation, falsification, destruction, or unauthorised disclosure. This is done through appropriate technical measures and appropriate policies. Copies of these policies can be requested. We will only keep your data for the purpose it was collected for and only for as long as is necessary. After which it will be deleted. (You may request the deletion of your data held by Downend & Bromley Heath at any time.

The Parish Council has delegated this responsibility day to day to the Clerk.

- Email: clerk@dbhparishcouncil.co.uk
- Phone: 0117 9567001
- Correspondence: The Parish Clerk, Parish Office, King George Pavilion, Sutherland Avenue, Downend, Bristol BS16 6QW

The Parish Council may, in the future, appoint an external Data Protection Officer to ensure compliance with Data Protection legislation.

**Diversity Monitoring**

- 1.12. The Parish Council monitors the diversity of its employees, and Councillors, in order to ensure that there is no inappropriate or unlawful discrimination in the way it conducts its activities. It undertakes similar data handling in respect of prospective Employees. This data will always be treated as confidential. It will only be accessed by authorised individuals within the Parish Council and will not be disclosed to any other bodies or individuals. Diversity information will never be used as selection criteria and will not be made available to others involved in the recruitment process. Anonymised data derived from diversity monitoring will be used for monitoring purposes and may be published and passed to other bodies.

- 1.13. The Parish Council will always give guidance on personnel data to Employees, Councillors, partners and volunteers through a this document and ensure that

individuals on whom personal information is kept are aware of their rights and have easy access to that information on request via the Parish Clerk

- 1.14. Appropriate technical and organisational measures will be taken against Unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.

### **Information provided to the Parish Council**

- 1.15. The information provided (personal information such as name, address, email address, phone number) will be processed and stored so that it is possible for the Parish Council to contact, respond to or conduct the transaction requested by the individual. By transacting with the Parish Council, individuals are deemed to be giving consent for their personal data provided to be used and transferred in accordance with this policy (please also read the Privacy Notice on the Parish Council website), however wherever possible specific written consent will be sought (this will be by completing a form similar to the one shown in Appendix 1 of this document). It is the responsibility of those individuals to ensure that the Parish Council is able to keep their personal data accurate and up-to-date. The personal information will be not shared or provided to any other third party or be used for any purpose other than that for which it was provided.

### **The Parish Council's Right to Process Information**

- 1.16. There are various grounds that give the Parish Council the right to process information. This includes General Data Protection Regulations (and Data Protection Act) Article 6 (1) (a) (b) and (e) and where:
  - 1.16.1. processing is with consent of the data subject, or
  - 1.16.2. processing is necessary for compliance with a legal obligation; or
  - 1.16.3. processing is necessary for the legitimate interests of the Parish Council.

## **Information Security**

- 1.17. The Parish Council cares to ensure the security of personal data. We make sure that your information is protected from unauthorised access, loss, manipulation, falsification, destruction or unauthorised disclosure. This is done through appropriate technical measures and appropriate policies As per the IT policy on Parish Council website.
- 1.18. We will only keep your data for the purpose it was collected for and only for as long as is necessary, after which it will be deleted.

## **Children**

- 1.19. We will not process any data relating to a child (under 13) without the express parental/ guardian consent of the child concerned.

## **Rights of a Data Subject**

- 1.20. **Access to Information:** an individual has the right to request access to the information we have on them. They can do this by contacting our Clerk.
- 1.21. **Information Correction:** If they believe that the information we have about them is incorrect, they may contact us so that we can update it and keep their data accurate. Please contact the Clerk.
- 1.22. **Information Deletion:** If the individual wishes the Parish Council to delete the information about them, they can do so by contacting the Clerk.
- 1.23. **Right to Object:** If an individual believes their data is not being processed for the purpose it has been collected for, they may object by contacting the Clerk.
- 1.24. The Parish Council does not use automated decision making or profiling of individual personal data.

## **Complaints**

- 1.25. If an individual has a complaint regarding the way their personal data has been processed, they may make a complaint to the Clerk or the Information Commissioner's Office [casework@ico.org.uk](mailto:casework@ico.org.uk) Tel: 0303 123 1113.
- 1.26. The Parish Council will ensure that individuals on whom personal information is kept are aware of their rights and have easy access to that information on request.

### **Making Information Available**

- 1.27. The Publication Scheme is a means by which the Parish Council can make a significant amount of information available routinely, without waiting for someone to specifically request it. The scheme is intended to encourage local people to take an interest in the work of the Parish Council and its role within the community.
- 1.28. In accordance with the provisions of the Freedom of Information Act 2000, this Scheme specifies the classes of information which the Parish Council publishes or intends to publish. It is supplemented with an Information Guide which will give greater detail of what the Parish Council will make available and hopefully make it easier for people to access it.
- 1.29. All formal meetings of Parish Council and its Committees are subject to statutory notice being given on notice Website. The Parish Council publishes an annual programme yearly. All formal meetings are open to the public and press and reports to those meetings and relevant background papers are available for the public to see. The Parish Council welcomes public participation and has a public participation session on each Parish Council and Committee meeting. Details can be seen in the Parish Council's Standing Orders, which are available on its Website or at its Offices.
- 1.30. Occasionally, the Parish Council or Committees may need to consider matters in private. Examples of this are matters involving personal details of staff, or a particular member of the public, or where details of commercial/contractual sensitivity are to be discussed. This will only happen after a formal resolution has been passed to exclude the press and public and reasons for the decision

are stated. Minutes from all formal meetings, including the confidential parts are public documents. This would require a formal information request through the Parish Clerk.

- 1.31. The Openness of Local Government Bodies Regulations 2014 requires written records to be made of certain decisions taken by officers under delegated powers. These are not routine operational and administrative decisions such as giving instructions to the workforce or paying an invoice approved by Parish Council, but would include urgent action taken after consultation with the Chair, such as responding to a planning application in advance of the Parish Council. In other words, decisions which would have been made by the Parish Council or Committee had the delegation not been in place.
- 1.32. The 2014 Regulations also amend the Public Bodies (Admission to Meetings) Act 1960 to allow the public or press to film, photograph or make an audio recording of the Parish Council and Committee meetings normally open to the public. The Parish Council will where possible facilitate such recording unless it is being disruptive. It will also take steps to ensure that children, the vulnerable and members of the public who object to being filmed are protected without undermining the broader purpose of the meeting. Please see IT usage Policy & Filming and recordings policy published on Parish Council Website
- 1.33. The Parish Council will be pleased to make special arrangements on request for persons who do not have English as their first language or those with hearing or sight difficulties.

#### **Disclosure Information**

- 1.34. The Parish Council will as necessary undertake checks on both staff and Councillors with the Disclosure and Barring Service and will comply with their Code of Conduct (Code of conduct published on Parish Council website) relating to the secure storage, handling, use, retention and disposal of Disclosures and Disclosure Information. It will include an appropriate operating procedure in its integrated quality management system.

## Data Transparency

- 1.35. "Public data" means the objective, factual data on which policy decisions are based and on which public services are assessed, or which is collected or generated in the course of public service delivery.
- 1.36. The Code will therefore underpin the Parish Council's decisions on the release of public data and ensure it is proactive in pursuing higher standards and responding to best practice as it develops.
- 1.37. The principles of the Code are:
  - 1.37.1. **Demand led:** new technologies and publication of data should support transparency and accountability.
  - 1.37.2. **Open:** the provision of public data will be integral to the Parish Council's engagement with residents so that it drives accountability to them.
  - 1.37.3. **Timely:** data will be published as soon as possible following production.
- 1.38. Government has also issued a further Code of Recommended Practice on Transparency, compliance of which is compulsory for parish councils with turnover (gross income or gross expenditure) not exceeding £25,000 per annum. These councils will be exempt from the requirement to have an external audit from April 2017. The Parish Council exceeds this turnover but will nevertheless ensure the following information is published on its website for ease of access:
  - 1.38.1. all transactions above £500
  - 1.38.2. end of year accounts;
  - 1.38.3. Annual Governance Statements;
  - 1.38.4. Internal Audit Reports;

- 1.38.5. list of Councillors' responsibilities;
- 1.38.6. details of public land and building assets (data is held on Parish Council asset register available on request);
- 1.38.7. draft minutes of Parish Council and Committees within one month; and
- 1.38.8. agendas and associated papers no later than three clear days before the meeting.

## FREEDOM OF INFORMATION AND PUBLICATION

### Overview

1.39. The Parish Council has been recognised with the Bronze Award as part of the Local Council Award Scheme. The Parish Council was awarded on the 8<sup>th</sup> of October 2025. This recognition demonstrates that the Parish Council meets established minimum standards required to deliver effective services for its community. In achieving this award, the Parish Council has evidenced that the necessary documentation, policies, and information are in place to ensure lawful operation and adherence to standard practice.

1.40. The Parish Council also had to demonstrate it had policies for training for its Councillors and officers (and so has the foundations for improvement and development in place).

1.41. The following information is available from the Parish Council under the model publication scheme:

| INFORMATION TO BE PUBLISHED                                      | HOW THE INFORMATION CAN BE OBTAINED | COST  |
|--|-------------------------------------|---|
| <b>Class 1 – who we are and what we do</b>                       |                                     |   |
| Who's who on the Parish Council and its Committees               | Website/hard copy contact Clerk     | Free to download.<br>Hard copy will incur charge (see schedule of charges). |
| Contact details for Clerk and Councillors                        | Website/hard copy contact Clerk     | Free to download.<br>Hard copy will incur charge (see schedule of charges). |
| Location of main Parish Council office and accessibility details | Website/hard copy contact Clerk     | Free to download.<br>Hard copy will incur charge (see schedule of charges). |
| Staffing structure   | Website/hard copy contact Clerk     | Free to download.<br>Hard copy will incur charge (see schedule of charges). |
| <b>Class 2 – what we spend and how we spend it</b>               |                                     |   |
| Annual return form and report by auditor                         | Hard copy contact Clerk             | Hard copy will incur charge (see schedule of charges).                      |

|   |                                 |   |
|---|---------------------------------|---|
| Finalised budget  | Hard copy contact Clerk         | Hard copy will incur charge (see schedule of charges).                      |
| Precept   | Hard copy contact Clerk         | Hard copy will incur charge (see schedule of charges).                      |
| Borrowing Approval Letter                                     | Hard copy contact Clerk         | Hard copy will incur charge (see schedule of charges).                      |
| Financial Standing Orders and Regulations                     | Website/hard copy contact Clerk | Free to download.<br>Hard copy will incur charge (see schedule of charges). |
| Grants given and received                                     | Hard copy contact Clerk         | Hard copy will incur charge (see schedule of charges).                      |
| List of current contracts awarded and value of contract       | Hard copy contact Clerk         | Hard copy will incur charge (see schedule of charges).                      |
| Members allowances and expenses                               | Hard copy contact Clerk         | Hard copy will incur charge (see schedule of charges).                      |
| <b>Class 3 – what our priorities are and how we are doing</b> |                                 |   |
| Community Led Plan/Parish Plan                                | Contact Clerk                   | Hard copy will incur charge (see schedule of charges).                      |
| Annual Report to Parish or Community Meeting                  | Hard copy contact Clerk         | Hard copy will incur charge (see schedule of charges).                      |
| Quality Status  | N/A to this Parish Council      |   |
| Local charters drawn up in accordance with DCLG guidelines    | N/A to this Parish Council      |   |
| <b>Class 4 – how we make decisions</b>                        |                                 |   |
| Timetable of meetings   | Website/hard copy contact Clerk | Free to download.<br>Hard copy will incur charge (see schedule of charges). |
| Agenda of meetings  | Website/hard copy contact Clerk | Free to download.<br>Hard copy will incur charge (see schedule of charges). |
| Minutes of meetings   | Website/hard copy contact Clerk | Free to download.<br>Hard copy will incur charge (see schedule of charges). |

|  |  |   |
|--|--|---|
| Reports presented to council meetings  | Hard copy contact Clerk  | Hard copy will incur charge (see schedule of charges).                      |
| Responses to consultation papers   | Hard copy contact Clerk  | Hard copy will incur charge (see schedule of charges).                      |
| Responses to planning applications   | Hard copy contact Clerk or visit South Glos. Council website   | Free to download.<br>Hard copy will incur charge (see schedule of charges). |
| Bye-laws   | N/A to this Council  |   |
| <b>Class 5 – our policies and procedures</b>   |  |   |
| Policies and procedures for the conduct of council business: <ul style="list-style-type: none"> <li>• Procedural standing orders</li> <li>• Committee and sub-committee terms of reference</li> <li>• Delegated authority in respect of officers</li> <li>• Code of Conduct</li> <li>• Policy statements</li> </ul>  | Website/hard copy contact Clerk<br>Hard copy contact Clerk<br><br>N/A to this Council<br>Website/hard copy contact Clerk<br>Website/hard copy contact Clerk  | Free to download.<br>Hard copy will incur charge (see schedule of charges). |
| Policies and procedures for the provision of services and about the employment of staff: <ul style="list-style-type: none"> <li>• Internal policies relating to the delivery of services</li> <li>• Equality and Diversity Policy</li> <li>• Health and Safety Policy</li> <li>• Recruitment Policies (including current vacancies)</li> <li>• Policies and procedures for handling requests for information</li> <li>• Complaints procedures</li> <li>• Information security policy</li> <li>• Records management policies (record retention, destruction and archive)</li> <li>• Data Protection Policies</li> <li>• Schedule of charges (for the publication of information)</li> </ul> | N/A to this Council<br><br>Website/hard copy contact Clerk<br>N/A to this Council<br><br>Contact Clerk for information<br><br>Website/hard copy contact Clerk<br><br>Hard copy contact Clerk<br>Website/hard copy contact Clerk<br><br>Hard copy contact Clerk<br><br>Hard copy contact Clerk<br>Website/Hard copy contact Clerk | Free to download.<br>Hard copy will incur charge (see schedule of charges). |
| <b>Class 6 – lists and registers</b>   |  |   |
| Any publicly available register or list  | Hard copy contact Clerk  | Hard copy will incur charge (see schedule of charges).                      |

|  |                                 |   |
|--|---------------------------------|---|
| Assets Register  | Hard copy contact Clerk         | Hard copy will incur charge (see schedule of charges).                      |
| Disclosure log   | Hard copy contact Clerk         | Hard copy will incur charge (see schedule of charges).                      |
| Register of members interests  | Website/hard copy contact Clerk | Free to download.<br>Hard copy will incur charge (see schedule of charges). |
| Register of gifts and hospitality  | Hard copy contact Clerk         | Hard copy will incur charge (see schedule of charges).                      |
| <b>Class 7 – the services we offer</b>   |                                 |   |
| Allotments   | N/A to this Council             |   |
| Burial grounds and closed churchyards  | N/A to this Council             |   |
| Community centres and village halls  | N/A to this Council             |   |
| Parks, playing fields and recreation facilities  | Hard copy contact Clerk         | Hard copy will incur charge (see schedule of charges).                      |
| Seating, litter bins, clocks, memorials and lighting   | Hard copy contact Clerk         | Hard copy will incur charge (see schedule of charges).                      |
| Markets  | N/A to this Council             |   |
| Public conveniences  | N/A to this Council             |   |
| Agency agreements  | N/A to this Council             |   |
| A summary of services for which the Council is entitled to recover a fee, together with those fees (eg. Burial fees) | N/A to this Council             |   |

## SCHEDULE OF CHARGES

- 1.42. Information can be downloaded free of charge from the Parish Council website. Where the provision of information incurs a cost to the Parish Council (i.e. postage, copying etc), the following costs shall be levied.

| TYPE OF CHARGE           | DESCRIPTION   | BASIS OF CHARGE   |
|--------------------------|---|---|
| <b>Disbursement cost</b> | Photocopying/printing @<br>10p per sheet (black &<br>white) | Estimated actual cost   |
|                          | Photocopying/printing @<br>30p per sheet (colour)           | Estimated actual cost   |
|                          |   |   |
|                          | Postage   | Actual cost of Royal Mail standard<br>2 <sup>nd</sup> class                 |
|                          |   |   |
| <b>Statutory Fee</b>     |   | In accordance with the relevant<br>legislation                              |
|                          |   |   |
| <b>Other</b>             | Clerk's time  | If considerable volume of work is<br>requested, charge made at<br>£25/hour. |

## 2. SUBJECT ACCESS REQUEST PROCEDURE

- 2.1. An individual can make a subject access request to the Parish Council through the Parish Clerk using the form in Appendix 1 at the end of this document.
- 2.2. This procedure is to be followed when an individual contacts the Parish Council to request access to their personal information held by the Parish Council. Requests must be completed within 1 month, so it should be actioned as soon as it is received. SAR's should be provided free of charge, however, a 'reasonable fee' may be charged when a request is manifestly unfounded or excessive, particularly if it is repetitive.
- 2.3. The steps below should be followed to action the request:

### 2.3.1. **Is it a valid subject access request?**

2.3.1.1. The request must be in writing (letter or email).

2.3.1.2. Has the person requesting the information provided you with sufficient information to allow you to search for the information? (You are allowed to request for more information from the person if the request is too broad.)

2.3.2. **Verify the identity of the requestor:** You must be confident that the person requesting the information is indeed the person the information relates to. You should ask for the person to attend the office with their passport/photo driving license and confirmation of their address (utility bill/bank statement).

### 2.3.3. **Determine where the personal information will be found**

2.3.3.1. Consider the type of information requested and use the data processing map to determine where the records are stored. (Personal data is data which relates to a living individual who can be identified from the data (name, address, email address, database information) and can include expressions of opinion about the individual.)

2.3.3.2. If you do not hold any personal data, inform the requestor. If you do hold personal data, continue to the next step.

2.3.4. **Screen the information:** Some of the information you have retrieved may not be disclosable due to exemptions, however legal advice should be sought before applying exemptions. Examples of exemptions are:

2.3.4.1. references you have given;

2.3.4.2. publicly available information;

2.3.4.3. crime and taxation;

2.3.4.4. management information (restructuring/redundancies)

2.3.4.5. negotiations with the requestor;

2.3.4.6. regulatory activities (planning enforcement, noise nuisance);

2.3.4.7. legal advice and proceedings; and

2.3.4.8. personal data of third parties

2.3.5. **Are you able to disclose all the information?** In some cases, emails and documents may contain the personal information of other individuals who have not given their consent to share their personal information with others. If this is the case, the other individual's personal data must be redacted before the SAR is sent out.

2.3.6. **Prepare the SAR response** and make sure to include as a minimum the following information:

2.3.6.1. the purposes of the processing;

2.3.6.2. the categories of personal data concerned;

- 2.3.6.3. the recipients or categories of recipients to whom personal data has been or will be disclosed, in particular in third countries or international organisations, including any appropriate safeguards for transfer of data;
  - 2.3.6.4. where possible, the envisaged period for which personal data will be stored, or, if not possible, the criteria used to determine that period;
  - 2.3.6.5. the existence of the right to request rectification or erasure of personal data or restriction of processing of personal data concerning the data subject or to object to such processing;
  - 2.3.6.6. the right to lodge a complaint with the Information Commissioner's Office ("ICO");
  - 2.3.6.7. if the data has not been collected from the data subject: the source of such data;
  - 2.3.6.8. the existence of any automated decision-making, including profiling and any meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for the data subject.
  - 2.3.6.9. a copy of the personal data undergoing processing.
- 2.3.7. **Record Details:** All SAR's should be logged to include the date of receipt, identity of the data subject, summary of the request, indication of if the Council can comply, date information is sent to the data subject.

### 3. THE MANAGEMENT OF TRANSFERABLE DATA POLICY

#### Purpose

- 3.1. This Management of Transferable Data Policy (“**MTDP**”) supports the controlled storage and transfer of information by Councillors and all Employees, temporary staff and agents (contractors, consultants and others working on behalf of the Parish Council) who have access to and use of computing equipment that is owned or leased by the Parish Council.
- 3.2. Information is used throughout the Parish Council and is sometimes shared with external organisations and applicants. The use of removable media may result in the loss of the ability to access information, or interference with the integrity of information, which could have a significant effect on the efficient operation of the Parish Council and may result in financial loss and an inability to provide services to the public.
- 3.3. It is therefore essential for the continued operation of the Parish Council that the availability, integrity and confidentiality of all storage devices are maintained at a level which is appropriate to the Parish Council’s needs.
- 3.4. The aims of the MTDP are to ensure that the use of removable storage devices is accomplished with due regard to:
  - 3.4.1. enabling the correct data to be made available where it is required;
  - 3.4.2. maintaining the integrity of the data;
  - 3.4.3. preventing unintended consequences to the stability of the computer network;
  - 3.4.4. building confidence and trust in data that is being shared between systems;
  - 3.4.5. maintaining high standards of care towards data and information about individual parishioners, staff or information that is exempt from disclosure; and

- 3.4.6. compliance with legislation, policies or good practice requirements.

### **Principles**

- 3.5. This MTDP sets out the principles that will be adopted by the Parish Council in order for material to be safely stored on removable media so that the risk of loss or corruption to work data is low.
- 3.6. Removable media includes but is not limited to: USB memory sticks, memory cards, portable memory devices, CD / DVDs, diskettes and any other device that transfers data between systems, or stores electronic data separately from email or other applications.
- 3.7. Any person who intends to store Parish Council data on removable media must abide by this MTDP. This requirement devolves to Councillors, Employees and agents of the Parish Council, who may be held personally liable for any breach of the requirements of the MTDP.
- 3.8. Failure to comply with this MTDP could result in disciplinary action.

### **Advice and Assistance**

- 3.9. The Clerk will ensure that everyone that is authorised to access the Parish Councils information systems is aware of their obligations arising from this MDTP. Please see IT usage Policy as per Parish Council Website.
- 3.10. A competent person should be consulted over any hardware or system issues. Advice and guidance on using software packages should be also sort from a competent person.

### **Responsibilities**

- 3.11. The Clerk are responsible for enforcing this policy and for having arrangements in place to identify the location of all data used in connection with Parish Council business.

- 3.12. Users of removable media must have adequate Records Management / Information Security training so that relevant policies are implemented. Please see IT usage policy published on Parish council website.

### **Incident Management**

- 3.13. It is the duty of all Employees and agents of the Parish Council to not allow storage media to be compromised in any way whilst in their care or under their control. There must be immediate reporting of any misuse or irresponsible actions that affect work data or information, any loss of material, or actual, or suspected breaches in information security to the Clerk.
- 3.14. It is the duty of all Councillors/Employees to report any actual or suspected breaches in information security to the Clerk.

### **Data Administration**

- 3.15. Removable media should not be the only place where data created or obtained for work purposes is held, as data that is only held in one place and in one format is at much higher risk of being unavailable through loss, destruction or malfunction of equipment, than data which is routinely backed up.
- 3.16. Where removable media is used to transfer material between systems then copies of the data should also remain on the source system or computer, until the data is successfully transferred to another computer or system.
- 3.17. Where there is a business requirement to distribute information to third parties, then removable media must only be used when the file cannot be sent or is too large to be sent by email or other secure electronic means.
- 3.18. Transferring material to removable media is a snapshot of the data at the time it was saved to the media. Adequate labelling must be undertaken so as to easily identify the version of the data, as well as its content.
- 3.19. Files must be deleted from removable media, or the removable media destroyed, when the operational use of the material has been completed. The

Parish Council's retention and disposition schedule must be implemented by Councillors, Employees, contractors and agents for all removable media.

### **Security**

- 3.20. All storage media must be kept in an appropriately secure and safe environment that avoids physical risk, loss or electrical corruption of the business asset. Due to their small size there is a high risk of the removable media being mislaid lost or damaged, therefore special care is required to physically protect the device and the data. Anyone using removable media to transfer data must consider the most appropriate way to transport the device and be able to demonstrate that they took reasonable care to avoid damage or loss.
- 3.21. Virus Infections must be prevented from damaging the Parish Council's network and computers. Virus and malware checking software approved by the Parish Council, must be operational on both the machine from which the data is taken and the machine on to which the data is to be loaded. The data must be scanned by the virus checking software, before the media is loaded on to the receiving machine.
- 3.22. Any memory stick used in connection with Parish Council equipment or to store Parish Council material should usually be Parish Council owned. However work related data from external sources can be transferred to the Council network using memory sticks that are from trusted sources and have been checked using current anti-virus software.
- 3.23. The Parish Council will not provide support or administrator access for any non-Parish Council memory stick.

### **Use of Removable Media**

- 3.24. Care must be taken over what data or information is transferred onto removable media. Only the data that is authorised and necessary to be transferred should be saved on to the device.

- 3.25. Parish Council material belongs to the Parish Council and any equipment on which it is held should be under the control of the Parish Council and not available to be used for other purposes that may compromise the data.
- 3.26. All data transferred to removable media should be in accordance with an agreed process established by the Parish Council so that material can be traced.
- 3.27. The person arranging the transfer of data must be authorised to make use of, or process that particular data.
- 3.28. Whilst in transit or storage the data must be given appropriate security according to the type of data and its sensitivity.
- 3.29. Encryption must be applied to the data file unless there is no risk to the Parish Council, other organisations or individuals from the data being lost whilst in transit or storage. If encryption is not available then password control must be applied if removable media must be used for the business purpose.

#### **Faulty or Unneeded Storage Devices**

- 3.30. Damaged or faulty media must not be used. The Clerk must be consulted over any damaged equipment, peripherals or media.
- 3.31. All unneeded or faulty storage devices must be dealt with securely to remove the data before reallocating or disposing of the device.

#### **Breach procedures**

- 3.32. Users who do not adhere to this policy will be dealt with through the Parish Council's disciplinary process.
- 3.33. Where external service providers, agents or contractors breach the policy, this should be addressed through contract arrangements.

#### **Review and Revision**

- 3.34. This MTDP will be reviewed annually by the Parish Council and revised according to developments in legislation, guidance, accepted good practice and operational use.

### **Employees Guide in Brief**

- 3.35. Data and information are valuable and must be protected.
- 3.36. Only transfer data onto removable media, if you have the authority to do so.
- 3.37. All transfer arrangements carry a risk to the data.
- 3.38. Run the virus checking programme on the removable media each time it is connected to a computer.
- 3.39. Only use approved products for Parish Council data.
- 3.40. Activate encryption on removable media wherever it is available and password protection if not available.
- 3.41. Data should be available for scheduled back up and not solely saved to removable media.
- 3.42. Delete files from removable media, or destroy the media, after the material has been used for its purpose.

## **4. RETENTION AND DISPOSAL POLICY**

### **Introduction**

- 4.1. The Parish Council accumulates a vast amount of information and data during the course of its everyday activities. This includes data generated internally in addition to information obtained from individuals and external organisations. This information is recorded in various different types of document.
- 4.2. Records created and maintained by the Parish Council are an important asset and as such measures need to be undertaken to safeguard this information. Properly managed records provide authentic and reliable evidence of the Council's transactions and are necessary to ensure it can demonstrate accountability.
- 4.3. Documents may be retained in either 'hard' paper form or in electronic forms. For the purpose of this policy, 'document' and 'record' refers to both hard copy and electronic records.
- 4.4. It is imperative that documents are retained for an adequate period of time. If documents are destroyed prematurely the Parish Council and individual officers concerned could face prosecution for not complying with legislation and it could cause operational difficulties, reputational damage and difficulty in defending any claim brought against the Parish Council.
- 4.5. In contrast to the above the Parish Council should not retain documents longer than is necessary. Timely disposal should be undertaken to ensure compliance with the General Data Protection Regulations so that personal information is not retained longer than necessary. This will also ensure the most efficient use of limited storage space.

### **Scope and Objectives of the Policy**

- 4.6. The aim of this document is to provide a working framework to determine which documents are:
  - 4.6.1. Retained – and for how long; or

- 4.6.2. Disposed of – and if so by what method.
- 4.7. There are some records that do not need to be kept at all or that are routinely destroyed in the course of business. This usually applies to information that is duplicated, unimportant or only of a short-term value. Unimportant records of information include:
  - 4.7.1. 'With compliments' slips;
  - 4.7.2. catalogues and trade journals;
  - 4.7.3. non-acceptance of invitations;
  - 4.7.4. trivial electronic mail messages that are not related to Parish Council business;
  - 4.7.5. requests for information such as maps, plans or advertising material;  
and
  - 4.7.6. out of date distribution lists.
- 4.8. Duplicated and superseded material such as stationery, manuals, drafts, forms, address books and reference copies of annual reports may be destroyed.
- 4.9. Records should not be destroyed if the information can be used as evidence to prove that something has happened. If destroyed the disposal needs to be disposed of under the General Data Protection Regulations

#### **Roles and Responsibilities for Document Retention and Disposal**

- 4.10. The Parish Council is responsible for determining whether to retain or dispose of documents and should undertake a review of documentation at least on an annual basis to ensure that any unnecessary documentation being held is disposed of under the General Data Protection Regulations.

- 4.11. The Parish Council will ensure that all Employees are aware of the retention/disposal schedule.

#### **Document Retention Protocol**

- 4.12. The Parish Council should have in place an adequate system for documenting the activities of their service. This system should take into account the legislative and regulatory environments to which they work.

- 4.13. Records of each activity should be complete and accurate enough to allow employees and their successors to undertake appropriate actions in the context of their responsibilities to:

4.13.1. facilitate an audit or examination of the business by anyone so authorised;

4.13.2. protect the legal and other rights of the Parish Council, its clients and any other persons affected by its actions;

4.13.3. verify individual consent to record, manage and record disposal of their personal data; and

4.13.4. provide authenticity of the records so that the evidence derived from them is shown to be credible and authoritative.

- 4.14. To facilitate this the following principles should be adopted:

4.14.1. records created and maintained should be arranged in a record-keeping system that will enable quick and easy retrieval of information under the General Data Protection Regulations; and

4.14.2. documents that are no longer required for operational purposes but need retaining should be placed at the records office.

- 4.15. The retention schedules in section 9 below provides guidance on the recommended minimum retention periods for specific classes of documents and records. These schedules have been compiled from recommended best

practice from the Public Records Office, the Records Management Society of Great Britain and in accordance with relevant legislation.

- 4.16. Whenever there is a possibility of litigation, the records and information that are likely to be affected should not be amended or disposed of until the threat of litigation has been removed.

#### **Document Disposal Protocol**

- 4.17. Documents should only be disposed of if reviewed in accordance with the following:

4.17.1. Is retention required to fulfil statutory or other regulatory requirements?

4.17.2. Is retention required to meet the operational needs of the service?

4.17.3. Is retention required to evidence events in the case of dispute?

4.17.4. Is retention required because the document or record is of historic interest or intrinsic value?

- 4.18. When documents are scheduled for disposal the method of disposal should be appropriate to the nature and sensitivity of the documents concerned. A record of the disposal will be kept to comply with the General Data Protection Regulations.

- 4.19. Documents can be disposed of by any of the following methods:

4.19.1. Non-confidential records: place in waste paper bin for disposal.

4.19.2. Confidential records or records giving personal information: shred documents.

4.19.3. Deletion of computer records.

4.19.4. Transmission of records to an external body such as the County Records Office.

- 4.20. The following principles should be followed when disposing of records:
- 4.20.1. All records containing personal or confidential information should be destroyed at the end of the retention period. Failure to do so could lead to the Parish Council being prosecuted under the General Data Protection Regulations the Freedom of Information Act or cause reputational damage.
  - 4.20.2. Where computer records are deleted steps should be taken to ensure that data is 'virtually impossible to retrieve' as advised by the Information Commissioner.
  - 4.20.3. Where documents are of historical interest it may be appropriate that they are transmitted to the County Records office.
  - 4.20.4. Back-up copies of documents should also be destroyed (including electronic or photographed documents unless specific provisions exist for their disposal).
- 4.21. Records should be maintained of appropriate disposals. These records should contain the following information:
- 4.21.1. The name of the document destroyed.
  - 4.21.2. The date the document was destroyed.
  - 4.21.3. The method of disposal.

#### **Data Protection Act 1998 – Obligation to Dispose of Certain Data**

- 4.22. The Data Protection Act 1998 ('Fifth Principle') requires that personal information must not be retained longer than is necessary for the purpose for which it was originally obtained. Section 1 of the Data Protection Act defines personal information as data that relates to a living individual who can be identified: (a) from the data, or (b) from those data and other information which is in the possession of, or is likely to come into the possession of the data

controller. It includes any expression of opinion about the individual and any indication of the intentions of the Parish Council or other person in respect of the individual.

4.23. The Data Protection Act provides an exemption for information about identifiable living individuals that is held for research, statistical or historical purposes to be held indefinitely provided that the specific requirements are met.

4.24.

4.24.1. Personal data is processed fairly and lawfully and, in particular, shall not be processed unless specific conditions are met.

4.24.2. Personal data shall only be obtained for specific purposes and processed in a compatible manner.

4.24.3. Personal data shall be adequate, relevant, but not excessive.

4.24.4. Personal data shall be accurate and up to date.

4.24.5. Personal data shall not be kept for longer than is necessary.

4.24.6. Personal data shall be processed in accordance with the rights of the data subject.

4.24.7. Personal data shall be kept secure.

4.25. External storage providers or archivists that are holding Parish Council documents must also comply with the above principles of the General Data Protection Regulations.

### **Scanning of Documents**

4.26. In general once a document has been scanned on to a document image system the original becomes redundant. There is no specific legislation covering the format for which local government records are retained following electronic storage, except for those prescribed by HM Revenue and Customs.

- 4.27. As a general rule hard copies of scanned documents should be retained for three months after scanning.
- 4.28. Original documents required for VAT and tax purposes should be retained for six years unless a shorter period has been agreed with HM Revenue and Customs.

#### **Review of Document Retention**

- 4.29. It is planned to review, update and where appropriate amend this document on a regular basis (at least every three years in accordance with the *Code of Practice on the Management of Records* issued by the Lord Chancellor).
- 4.30. This document has been compiled from various sources of recommended best practice and with reference to the following documents and publications:
  - 4.30.1. Local Council Administration, Charles Arnold-Baker, 910<sup>h</sup> edition, Chapter 11;
  - 4.30.2. Local Government Act 1972, sections 225 – 229, section 234;
  - 4.30.3. SLCC Advice Note 316 Retaining Important Documents;
  - 4.30.4. SLCC Clerks' Manual: Storing Books and Documents; and
  - 4.30.5. Lord Chancellor's Code of Practice on the Management of Records issued under Section 46 of the Freedom of Information Act 2000.



## 5. RETENTION AND DISPOSAL TIME PERIODS

5.1. This is the full list of the Parish Council's documents and the procedures for retention or disposal. This is updated regularly in accordance with any changes to legal requirements.

| Document                  | Minimum Retention Period | Reason           | Location Retained  | Disposal  | Lawful reason to hold data  |
|---------------------------|--------------------------|------------------|--|---|---|
| Minutes                   | Indefinite               | Archive          | All documents listed in this Appendix will be retained at the Parish Office. | Original signed paper copies of Council minutes of meetings must be kept indefinitely in safe storage. At regular intervals of not more than 5 years they must be archived. | <b>Public task:</b> the processing is necessary for you to perform a task in the public interest or for your official functions, and the task or function has a clear basis in law. |
| Agendas                   | 5 years                  | Management       | Website and Google Drive   | Bin (shred confidential waste)  | <b>Public task:</b> the processing is necessary for you to perform a task in the public interest or for your official functions, and the task or function has a clear basis in law. |
| Accident/incident reports | 20 years                 | Potential claims | Google Drive   | Confidential waste A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations.   | <b>Legal obligation:</b> the processing is necessary for you to comply with the   |

|  |                           |                                  |   |   |   |
|--|---------------------------|----------------------------------|---|---|---|
|  |                           |                                  |   |   | law (not including contractual obligations).  |
| Scales of fees and charges                         | 6 years                   | Management                       |   | Bin   |   |
| Receipt and payment accounts                       | Indefinite                | Archive                          | Scribe Accounts   | N/A   | <b>Legal obligation:</b> the processing is necessary for you to comply with the law (not including contractual obligations).  |
| Receipt books of all kinds                         | 6 years                   | VAT                              | Scribe Accounts   | Bin   | <b>Legal obligation:</b> the processing is necessary for you to comply with the law (not including contractual obligations).  |
| Bank statements including deposit/savings accounts | Last completed audit year | Audit                            | Online Banking app, Paper copies locked cabinet office              | Confidential waste  | <b>Legal obligation:</b> the processing is necessary for you to comply with the law (not including contractual obligations).  |
| Quotations and tenders                             | 6 years                   | Limitation Act 1980 (as amended) | Locked cabinet in locked office. Electronic copies on Google Drive. | Confidential waste A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations. | <b>Public task:</b> the processing is necessary for you to perform a task in the public interest or for your official functions, and the task or function has a clear basis in law. |

|  |   |  |   |                    |  |
|--|---|--|---|--------------------|--|
| Paid invoices                              | 6 years   | VAT  | Locked cabinet in locked office                     | Confidential waste | <b>Legal obligation:</b> the processing is necessary for you to comply with the law (not including contractual obligations).   |
| VAT records                                | 6 years generally but 20 years for VAT on rents | VAT  | Scribe Accounts                                     | Confidential waste | <b>Legal obligation:</b> the processing is necessary for you to comply with the law (not including contractual obligations).   |
| Petty cash, postage and telephone books    | 6 years   | Tax, VAT, Limitation Act 1980 (as amended) | Locked office                                       | Confidential waste |  |
| Payroll                                    | 12 years  | Superannuation                             | Scribe Accounts and Locked cabinet in locked office | Confidential waste |  |
| Insurance policies                         | While valid (but see next two items below)      | Management                                 |   | Bin                | <b>Contract:</b> the processing is necessary for a contract you have with the individual, or because they have asked you to take specific steps before entering into a contract. |
| Insurance company names and policy numbers | Indefinite                                      | Management                                 |   | N/A                | <b>Contract:</b> the processing is necessary for a contract you have with the individual, or because they have asked you to take   |

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|  |  |  |   |  | specific steps before entering into a contract.  |
| Certificates for insurance against liability for employees   | 40 years from date on which insurance commenced or was renewed | The Employers' Liability (Compulsory Insurance) Regulations 1998 (SI 2753)<br>Management |   | Bin  | <b>Contract:</b> the processing is necessary for a contract you have with the individual, or because they have asked you to take specific steps before entering into a contract. |
| Town Park equipment inspection reports   | 21 years   |  | Online Email google drive                               |  | <b>Vital interests:</b> the processing is necessary to protect someone's life.   |
| Title deeds, leases, agreements, contracts   | Indefinite   | Audit, Management  | Email, Google Drive and Locked cabinet in locked office | N/A  | <b>Legal obligation:</b> the processing is necessary for you to comply with the law (not including contractual obligations).   |
| Members' allowances register   | 6 years  | Tax, Limitation Act 1980 (as amended)  | Email, Google Drive and Locked cabinet in locked office | Confidential waste. A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations. |  |
| Information from other bodies e.g. circulars from county associations, NALC, principal authorities | Retained for as long as it is useful and relevant              |  | Email   | Bin  | <b>Contract:</b> the processing is necessary for a contract you have with the individual, or because they  |

|                              |   |  |   |                   |   |
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|                              |   |  |   |                   | have asked you to take specific steps before entering into a contract.  |
| Local/historical information | Indefinite – to be securely kept for benefit of the Parish  | Councils may acquire records of local interest and accept gifts or records of general and local interest in order to promote the use for such records (defined as materials in written or other form setting out facts or events or otherwise recording information).  | Email, Google Drive and Locked cabinet in locked office | N/A               | <b>Public task:</b> the processing is necessary for you to perform a task in the public interest or for your official functions, and the task or function has a clear basis in law. |
| Magazines and journals       | Council may wish to keep its own publications<br><br>For others retain for as long as they are useful and relevant. | The Legal Deposit Libraries Act 2003 (the 2003 Act) requires a local council which after 1 <sup>st</sup> February 2004 has published works in print (this includes a pamphlet, magazine or newspaper, a map, plan, chart or table) to deliver, at its own expense, a copy of them to the British Library Board (which manages and controls the British Library). Printed works as defined by the 2003 Act published by a local | Email, Google Drive and Locked cabinet in locked office | Bin if applicable | <b>Consent:</b> the individual has given clear consent for you to process their personal data for a specific purpose  |

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|  |   | council therefore constitute materials which the British Library holds. |  |  |   |
| <b>Record-keeping</b>  |   |   |  |  |   |
| <p>To ensure records are easily accessible it is necessary to comply with the following:</p> <ul style="list-style-type: none"> <li>• A list of files stored in cabinets will be kept</li> <li>• Electronic files will be saved using relevant file names</li> </ul> | <p>The electronic files will be backed up periodically on a portable hard drive and also in the cloud-based programme supplied by the Council's IT company.</p> | <p>Management</p>   |  | <p>Documentation no longer required will be disposed of, ensuring any confidential documents are destroyed as confidential waste. A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations.</p> | <p><b>Legitimate interests:</b> the processing is necessary for your legitimate interests or the legitimate interests of a third party, unless there is a good reason to protect the individual's personal data which overrides those legitimate interests. (This cannot apply if you are a public authority processing data to perform your official tasks.)</p> |

|                                  |  |   |   |   |  |
|----------------------------------|--|---|---|---|--|
| General correspondence           | <p>Unless it relates to specific categories outlined in the policy, correspondence, both paper and electronic, should be kept.</p> <p>Records should be kept for as long as they are needed for reference or accountability purposes, to comply with regulatory requirements or to protect legal and other rights and interests.</p> | Management  |   | <p>Bin (shred confidential waste)</p> <p>A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations.</p> | <p><b>Consent:</b> the individual has given clear consent for you to process their personal data for a specific purpose.</p> |
| Correspondence relating to staff | <p>If related to Audit, see relevant sections above.</p> <p>Should be kept securely and personal data in relation to staff should not be kept for longer than is necessary for the purpose it was held. Likely time limits for tribunal claims between 3–6 months</p> <p>Recommend this period be for 3 years</p>                    | <p>After an employment relationship has ended, a council may need to retain and access staff records for former staff for the purpose of giving references, payment of tax, national insurance contributions and pensions, and in respect of any related legal claims made against the council.</p> | Email, Google Drive and Locked cabinet in locked office | <p>Confidential waste</p> <p>A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations.</p>             | <p><b>Consent:</b> the individual has given clear consent for you to process their personal data for a specific purpose.</p> |

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| <p><b>Documents from legal matters, negligence and other torts</b></p> <p>Most legal proceedings are governed by the Limitation Act 1980 (as amended). The 1980 Act provides that legal claims may not be commenced after a specified period. Where the limitation periods are longer than other periods specified the documentation should be kept for the longer period specified. Some types of legal proceedings may fall within two or more categories.</p> <p>If in doubt, keep for the longest of the three limitation periods.</p> |         |  |   |  |  |
| Negligence   | 6 years |  | Email, Google Drive and Locked cabinet in locked office | Confidential waste. A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations. | <b>Legal obligation:</b> the processing is necessary for you to comply with the law (not including contractual obligations). |
| Defamation   | 1 year  |  | Email, Google Drive and Locked cabinet in locked office | Confidential waste. A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations. | <b>Legal obligation:</b> the processing is necessary for you to comply with the law (not including contractual obligations). |
| Contract   | 6 years |  | Email, Google Drive and Locked cabinet in locked office | Confidential waste. A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations. | <b>Legal obligation:</b> the processing is necessary for you to comply with the law (not including contractual obligations). |

|                             |          |  |   |                     |  |
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|                             |          |  |   |                     |  |
| Leases                      | 12 years |  | Email, Google Drive and Locked cabinet in locked office | Confidential waste. | <b>Legal obligation:</b> the processing is necessary for you to comply with the law (not including contractual obligations). |
| Sums recoverable by statute | 6 years  |  | Email, Google Drive and Locked cabinet in locked office | Confidential waste. | <b>Legal obligation:</b> the processing is necessary for you to comply with the law (not including contractual obligations). |
| Personal injury             | 3 years  |  | Email, Google Drive and Locked cabinet in locked office | Confidential waste. | <b>Legal obligation:</b> the processing is necessary for you to comply with the law (not including contractual obligations). |
| To recover land             | 12 years |  | Email, Google Drive and Locked cabinet in locked office | Confidential waste. | <b>Legal obligation:</b> the processing is necessary for you to comply with the law (not including contractual obligations). |
| Rent                        | 6 years  |  | Email, Google Drive and Locked cabinet in locked office | Confidential waste. | <b>Legal obligation:</b> the processing is necessary for you to comply with the  |

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|---|-------------------------------------|-----|---|--|--|
|   |                                     |     |   |  | law (not including contractual obligations).   |
| Breach of trust   | None                                |     | Email, Google Drive and Locked cabinet in locked office | Confidential waste.  | <b>Legal obligation:</b> the processing is necessary for you to comply with the law (not including contractual obligations). |
| Trust deeds   | Indefinite                          |     | Email, Google Drive and Locked cabinet in locked office | N/A  | <b>Legal obligation:</b> the processing is necessary for you to comply with the law (not including contractual obligations). |
| <b>For Halls, Centres, Recreation Grounds</b>   |                                     |     |   |  |  |
| <ul style="list-style-type: none"> <li>• Application to hire</li> <li>• Invoices</li> <li>• Record of tickets issued</li> </ul> | 6 years                             | VAT |   | Confidential waste<br>A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations. | <b>Consent:</b> the individual has given clear consent for you to process their personal data for a specific purpose.        |
| Lettings diaries  | Electronic files linked to accounts | VAT | Scribe accounts, email, Google Drive                    | N/A  | <b>Consent:</b> the individual has given clear consent for you to process their personal data for a specific purpose.        |

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| Terms and Conditions   | 6 years   | Management  | Email and Google Drive.   | Bin   | <b>Consent:</b> the individual has given clear consent for you to process their personal data for a specific purpose. |
| Event Monitoring Forms   | 6 years unless required for claims, insurance or legal purposes | Management  | Email and Google Drive. Paper copies in locked cabinet in locked office | Bin. A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations. | <b>Consent:</b> the individual has given clear consent for you to process their personal data for a specific purpose. |
| <b>For Allotments</b>  |   |   |   |   |   |
| Register and plans   | Indefinite  | Audit, Management   |   | N/A   |   |
| Minutes  | Indefinite  | Audit, Management   |   | N/A   |   |
| Legal papers   | Indefinite  | Audit, Management   |   | N/A   |   |
| <b>For Burial Grounds</b>  |   |   |   |   |   |
| <ul style="list-style-type: none"> <li>• Register of fees collected</li> <li>• Register of burials</li> <li>• Register of purchased graves</li> <li>• Register/plan of grave spaces</li> <li>• Register of memorials</li> <li>• Applications for interment</li> <li>• Applications for right to erect memorials</li> <li>• Disposal certificates</li> <li>• Copy certificates of grant of exclusive right of burial</li> </ul> | Indefinite  | Archives, Local Authorities<br>Cemeteries Order 1977 (SI 204) |   | N/A   |   |

| <b>Planning Papers</b>  |                                       |            |  |     |   |
|-------------------------|---------------------------------------|------------|--|-----|---|
| Applications            | 1 year                                | Management | Minutes kept,<br>electronic copies<br>sent to South<br>Gloucestershire<br>website<br>Paper copies kept in<br>locked office. Email. | Bin | <b>Public task:</b> the processing is necessary for you to perform a task in the public interest or for your official functions, and the task or function has a clear basis in law. |
| Appeals                 | 1 year unless significant development | Management | South<br>Gloucestershire<br>Council Council  | Bin | <b>Public task:</b> the processing is necessary for you to perform a task in the public interest or for your official functions, and the task or function has a clear basis in law. |
| Trees                   | 1 year                                | Management | South<br>Gloucestershire<br>Council Council  | Bin | <b>Public task:</b> the processing is necessary for you to perform a task in the public interest or for your official functions, and the task or function has a clear basis in law. |
| Local Development Plans | Retained as long as in force          | Reference  | Email and Google Drive.  | Bin | <b>Public task:</b> the processing is necessary for you to perform a task in the public interest or for your official functions, and  |

|                          |                                  |                     |                         |                    |   |
|--------------------------|----------------------------------|---------------------|-------------------------|--------------------|---|
|                          |                                  |                     |                         |                    | the task or function has a clear basis in law.  |
| Local Plans              | Retained as long as in force     | Reference           | Email and Google Drive. | Bin                | <b>Public task:</b> the processing is necessary for you to perform a task in the public interest or for your official functions, and the task or function has a clear basis in law. |
| Town/Neighbourhood Plans | Indefinite – final adopted plans | Historical purposes | Email and Google Drive. | N/A                | <b>Public task:</b> the processing is necessary for you to perform a task in the public interest or for your official functions, and the task or function has a clear basis in law. |
| <b>CCTV</b>              |                                  |                     |                         |                    |   |
| Incident                 | Daily                            | Data protection     | Email and Google Drive. | Confidential waste | <b>Consent:</b> the individual has given clear consent for you to process their personal data for a specific purpose  |
| Work rotas               | 1 Year                           | Management          | Google Drive.           | Confidential waste | <b>Consent:</b> the individual has given clear consent for you to process their personal data for a specific purpose  |

|                   |                                       |            |  |                    |   |
|-------------------|---------------------------------------|------------|--|--------------------|---|
| Signing in sheets | 1 years                               | Management | Paper copies in locked cabinet in locked office                          | Confidential waste | <b>Consent:</b> the individual has given clear consent for you to process their personal data for a specific purpose  |
| Code of conduit   | Destroy on renewal<br>Review annually | Management | Website, Google Drive and Email, Paper copies in folder in locked office | Confidential waste | <b>Consent:</b> the individual has given clear consent for you to process their personal data for a specific purpose. |

## **6. DATA BREACH POLICY**

6.1. GDPR defines a personal data breach as “a breach of security leading to accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored or otherwise processed”. Examples include:

6.1.1. access by an unauthorised third party;

6.1.2. deliberate or accidental action (or inaction) by a controller or processor;

6.1.3. sending personal data to an incorrect recipient;

6.1.4. computing devices containing personal data being lost or stolen;

6.1.5. alteration of personal data without permission; and

6.1.6. loss of availability of personal data.

6.2. The Parish Council takes the security of personal data seriously, computers are password protected and hard copy files are kept in locked cabinets.

### **Consequences of a personal data breach**

6.3. A breach of personal data may result in a loss of control of personal data, discrimination, identity theft or fraud, financial loss, damage to reputation, loss of confidentiality of personal data, damage to property or social disadvantage. Therefore a breach, depending on the circumstances of the breach, can have a range of effects on individuals.

### **The Parish Council's duty to report a breach**

6.4. If the data breach is likely to result in a risk to the rights and freedoms of the individual, the breach must be reported to the individual and ICO without undue

- delay and, where feasible, not later than 72 hours after having become aware of the breach. If appointed, the Data Protection Officer must be informed immediately so they are able to report the breach to the ICO in the 72 hour timeframe. A data breach can be reported via the ICO website [www.ico.org.uk](http://www.ico.org.uk)
- 6.5. If the ICO is not informed within 72 hours, the Parish Council (via the DPO if applicable) must give reasons for the delay when they report the breach.
  - 6.6. When notifying the ICO of a breach, the Parish Council must:
    - 6.6.1. Describe the nature of the breach including the categories and approximate number of data subjects concerned and the categories and approximate number of personal data records concerned.
    - 6.6.2. Communicate the name and contact details of the DPO, if appointed.
    - 6.6.3. Describe the likely consequences of the breach
    - 6.6.4. Describe the measures taken or proposed to be taken to address the personal data breach including, measures to mitigate its possible adverse effects.
  - 6.7. When notifying the individual affected by the breach, the Parish Council must provide the individual with (10.6.2)-(10.6.4) above.
  - 6.8. The Parish Council would not need to communicate with an individual if the following applies:
    - 6.8.1. it has implemented appropriate technical and organisational measures (i.e. encryption) so those measures have rendered the personal data unintelligible to any person not authorised to access it;
    - 6.8.2. it has taken subsequent measures to ensure that the high risk to rights and freedoms of individuals is no longer likely to materialise, or
    - 6.8.3. it would involve a disproportionate effort.
  - 6.9. The ICO must still be informed even if the measures set out in 10.8 are in place.

### **Data processors duty to inform the Parish Council**

- 6.10. If a data processor (i.e. payroll provider) becomes aware of a personal data breach, it must notify the Parish Council without undue delay. It is then the Parish Council's responsibility to inform the ICO, it is not the data processors responsibility to notify the ICO.

### **Records of data breaches**

- 6.11. All data breaches must be recorded whether or not they are reported to individuals. This record will help to identify system failures and should be used as a way to improve the security of personal data.
- 6.12. A record of the data breach should be kept in a form similar to the details included in the table below.

| <b>Date of breach</b> | <b>Type of breach</b> | <b>Number of individuals affected</b> | <b>Date reported to ICO/individual</b> | <b>Actions to prevent breach recurring</b> |
|-----------------------|-----------------------|---------------------------------------|--|--|
|                       |                       |                                       |  |  |
|                       |                       |                                       |  |  |
|                       |                       |                                       |  |  |

- 6.13. A data breach can be reported using the ICO online system:

## APPENDIX 1:

### SUBJECT ACCESS REQUEST FORM

#### Downend & Bromley Heath Parish Council

#### Subject Access Request Form

|   |     |    |
|---|-----|----|
| Process to Action   |     |    |
| Name of requester<br>(Method of communication)<br>Email Address<br>Phone number<br>Postal Address   |     |    |
| Date Subject Access Request made  |     |    |
| Is the request made under the Data Protection Legislation   | Yes | No |
| Date Subject Access Request action to be completed by<br>(One month after receipt time limit)   |     |    |
| Extension to the date of reply requested<br>( An extension of another two months is permissible provided it is communicated to the subject within the one month period)   | Yes | No |
| Extension date advised to the Subject Requester and method of contact   |     |    |
| Identification must be proven from the below list:<br>Current UK/EEA Passport<br>UK Photo card Driving Licence (Full or Provisional)<br>EEA National Identity Card<br>Full UK Paper Driving Licence<br>State Benefits Entitlement Document<br>State Pension Entitlement Document<br>HMRC Tax Credit Document<br>Local Authority Benefit Document<br>State/Local Authority Educational Grant Document<br>HMRC Tax Notification Document<br>Disabled Driver's Pass<br>Financial Statement issued by bank, building society or credit card company<br>Utility bill for supply of gas, electric, water or telephone landline<br>A recent Mortgage Statement<br>A recent council Tax Bill/Demand or Statement<br>Tenancy Agreement<br>Building Society Passbook which shows a transaction in the last 3 months and their address |     |    |
| Verification sought that the Subject Access request is substantiated  | Yes | No |
| Verification received   | Yes | No |
| Verification if the Council cannot provide the information requested  | Yes | No |
| Is the request excessive or unfounded?  | Yes | No |
| Request to be actioned  | Yes | No |
| Fee to be charged   | Yes | No |

|  |  |  |
|--|--|--|
| (Subject Access requests must be undertaken free of charge to a requester unless the legislation permits a reasonable charge)          |  |  |
| If the request is to be refused, action to be taken and by whom.   |  |  |
| Changes requested to data/ or removal  |  |  |
| <b>Complaint Process</b><br>(Where a requestor is not satisfied with a response to a SAR, the council must manage this as a complaint) |  |  |
| Completion date of request   |  |  |
| Date complaint received by requested and details of the complaint  |  |  |
| Date complaint completed and outcome   |  |  |

#### Categories of Data to Check

| Data               | Filing Cabinet | Laptop | Checked | Corrected/Deleted | Actioned by |
|--------------------|----------------|--------|---------|-------------------|-------------|
| HR                 |                |        |         |                   |             |
| Democracy          |                |        |         |                   |             |
| Statutory Function |                |        |         |                   |             |
| legal              |                |        |         |                   |             |
| Business           |                |        |         |                   |             |
| Legal requirement  |                |        |         |                   |             |
| General Data       |                |        |         |                   |             |
| Consultation Data  |                |        |         |                   |             |

- Adopted by Parish Council: 15th January 2026
- Last reviewed: \_\_\_\_\_
- Next review due: 15th January 2027
- Signed: Chairperson: Janet Biggin Parish  
Clerk: Kevin Spratt

## KEY

**Consent:** the individual has given clear consent for you to process their personal data for a specific purpose.

**Contract:** the processing is necessary for a contract you have with the individual, or because they have asked you to take specific steps before entering into a contract.

**Legal obligation:** the processing is necessary for you to comply with the law (not including contractual obligations).

**Vital interests:** the processing is necessary to protect someone's life.

**Public task:** the processing is necessary for you to perform a task in the public interest or for your official functions, and the task or function has a clear basis in law.

**Legitimate interests:** the processing is necessary for your legitimate interests or the legitimate interests of a third party, unless there is a good reason to protect the individual's personal data which overrides those legitimate interests. (This cannot apply if you are a public authority processing data to perform your official tasks.)