HERRIARD PARISH COUNCIL

Data Protection/GDPR Procedures

V2.2 Reviewed August 2025

Next Review Aug 2028

Obtaining data

Personal data shall be sought after for a particular purpose and will only be stored and used for the original and sole purpose; any alternative use requires consent from the Data Subject themselves which staff will obtain and hold as required by GDPR.

Consideration will be given as to how necessary the information request is, the detail behind what needs obtaining, where it will be stored and how long for.

Where information is being given, the Data Controller will clearly state to the Data Subject, the nature of the request, the purpose, the method of storage and any intentions to share.

Where a request for information is being made to a local authority (LA) or external agency, verbal or written consent from the Data Subject will be required and sought prior to the release of information. As good practice, proof should be submitted to the LA even where it has not been requested.

Holding data

Personal data stored will be accurate and where there is doubt, clarity over the accuracy of the data will be sought by staff before using or sharing. This can be done by contacting the Data Subject and requesting an update on their personal information.

Personal data will be stored in a secure place, i.e. on a pc or network which is password protected or in a lockable cupboard/drawer or office.

Personal data will not be removed unless adequate permissions have been granted by the Data Subject to share.

Removing data from storage will be avoided at all costs and when absolutely necessary to do so, will be handled sensitively and returned promptly.

Where information has to be removed and cannot be returned until overnight, it will be kept in a secure location and out of sight from the public eye.

Personal data will be kept confidential and not left in view of those outside of the Parish Council.

Personal data will be disposed of by shredding when is no longer needed or no longer accurate.

Personal data will not be kept longer than for the purpose of which it was obtained

Personal data will be processed in accordance with the rights of the Data Subjects under this Regulation. Data Subjects have the following rights under GDPR:

- A right of access to personal data.
- A right to prevent processing likely to cause damage or distress.
- A right to prevent processing for the purpose of direct marketing.
- Rights in relation to automated decision-making including the right to have the logic explained.

The Parish Council will ensure all IT equipment used to store personal data has sufficient security measures in place to adequately restrict access and that software systems are regularly updated and well maintained to safeguard against the loss or theft of any data.

Exchanging data

Data will not be removed or shared without adequate permissions in writing by the Data Subject to share the data. This will be done by getting the Data Subject to complete a consent form, or by them writing in stating they permit information sharing and to whom and for what purpose.

Parish Council members will be sure that the source to which they are sharing personal information is legitimate and secure and that the information being passed on is of relevance. Information sharing will not be done over the telephone, unless the Parish Council is certain it is a trusted source; if there is uncertainty a landline number will be requested and called back.

Excessive or unnecessary information will not be passed on.

Consideration will be given as to how the information sharing is done to prevent any loss or misuse of personal data, refraining from sending information to a personal email address and avoiding exchanging paper-based information in public areas.

Family members or friends do not have legal rights to information and the procedures within this policy will be followed where both or either are requesting information regarding the Data Subject.

Third party information will always be removed unless consent has been given for their information to be released.

Requests for data by the Data Subject

Data Subjects have a legal right to access data held on them. This may be for one or more of the following:

- To require inaccurate data to be corrected and rectified
- To require personal data be destroyed or removed where the original purpose for processing the data has expired
- Consent is withdrawn

- Data is being unlawfully processed
- The Data Subject objects to processing under the legitimate interest condition
-

Where the Data Subject has requested access to the information held on them, the request will be met within a calendar month, however for good practice information should be provided within 14 days.

Any information relating to a third party, held within the Data Subject's file, will be removed before access is given.

Destroying or removing data

All unnecessary/unused/inaccurate data will be shredded or disposed of by a confidential waste service. No data will be removed or destroyed by use of a public waste bin.

No data will be removed from its file unless absolutely necessary to do so. In this instance it will be:

- Returned to its original file at the earliest convenience
- Not kept overnight unless absolutely necessary
- Not taken to public places unless necessary
- Not kept in a vehicle overnight
- Not to be displayed publicly (i.e. on the seat of a car, on the seat of public transport or in public places)

Definitions

Data Controller = the person obtaining or holding the information.
Data Subject = the person whose information is being obtained or held.