

**SHUDY CAMPS PARISH COUNCIL
GENERAL DATA PROTECTION REGULATION 2018
PRIVACY NOTICE FOR STAFF COUNCILLORS AND ROLE HOLDERS**

Staff : means employees, workers, agency staff and those retained on a temporary or permanent basis

Role Holders : includes volunteers, contractors, agents and other role holders within the Council including former staff and former Councillors. This also includes applicants or candidates for any of these roles

1. What is your “Personal data”?

Personal data is any information which enables a living individual to be identified from that data, for example, a name, photographs, videos, e-mail addresses, or home address). Identification can be directly using the data itself, or by combining it with other information which helps to identify a living individual. The processing of personal data (which for practical purposes means any use made of the data) is governed by legislation which applies in the UK – principally the General Data Protection Regulation which comes into force on 25 May 2018, but also including other legislation, such as the Human Rights Act.

2. Shudy Camps Parish Council and your personal data

This Privacy Notice is being sent to you by Shudy Camps Parish Council (hereinafter referred to as “The Council”) which is the “controller” for your personal data. A controller of personal data is an organisation which processes personal data for the purpose of the conduct of its business.

The Council works with other data controllers such as other local authorities, public authorities, central government and agencies such as HMRC and DVLA, staff pension providers, former and prospective employers, DBS service providers, payroll service providers, recruitment agencies and credit reference agencies. We may need to share personal data we hold with them so that they can carry out their responsibilities to the Council. The organisations referred to above will sometimes be “joint data controllers”. This means that we are all responsible to you for how we process your data, for example where two or more data controllers are working together for a joint purpose. If there is no joint purpose or collaboration then the Data Controllers will be independent and will be independently responsible to you.

3. The Council will process some or all of the following personal data where necessary to perform its tasks:

- Names, titles and aliases and photographs
- Start date/leaving date
- contact details such as telephone numbers, e-mail addresses addresses
- where they are relevant to our legal obligations, or where you provide them to us, we may process information such as gender, age, marital status, nationality, education, work history, academic and professional qualifications, hobbies, family composition and dependants
- Non-financial indicators such as passport numbers, driving licence numbers, vehicle registration numbers, taxpayer identification numbers, staff identification numbers, tax reference codes and national insurance numbers

- Financial identifiers such as bank account numbers, payment card numbers, payment/transfer identifiers, policy numbers or claims numbers transaction identifiers for individuals making payments to, or providing paid services and products to, the Council.
- Financial information such as National Insurance number, pay and pay records, tax code, tax and benefit contributions, expenses claimed
- Other operational personal data created, obtained or otherwise processed in the course of carrying out our activities including, but not limited to, CCTV footage, recordings of telephone conversations, IP addresses and website visit histories, logs of visitors and logs of accidents, injuries and insurance claims
- Next of kin and emergency contact information
- Recruitment information (including copies of right to work documentation, references and other information included in a CV or cover letter or as part of the application process and referral source (eg agency staff referral)
- Location of employment or workplace
- Other staff data not covered above including level, performance, management information, languages and proficiency, licences/certificates, immigration status, employment status, information for disciplinary and grievance proceedings and personal biographies
- CCTV footage and other information obtained through electronic means such as swipecard records
- Information about your use of our information and communication systems

4. The Council will comply with data protection law.

Data Protection Law says that the personal data we hold about you must be:

- Used lawfully, fairly and in a transparent way
- Collected only for the valid purposes which we explain to you in this privacy notice and not used in any way which is not compatible with these purposes. The Parish Council as a matter of policy collects and processes only the necessary minimum of personal data.
- Relevant to the purposes which we have told you about and limited to them only
- Accurate and up-to-date
- Kept only as long as is necessary for the purposes we tell you about in this privacy notice
- Kept and destroyed securely, including ensuring appropriate technical and security measures are in place to protect your personal data from loss, misuse, unauthorised access and disclosure

5. The Council uses personal data for some or all of the following purposes:

Please note that we need all the categories of personal data in the list in Section 3 primarily to allow us to perform our contract with you and to enable us to fulfil our legal obligations.

- Making a decision about your recruitment or appointment
- Determining the terms on which you work for us
- Checking you are legally entitled to work in the UK
- Paying you and if you are an employee deducting tax and national insurance contributions
- Providing any contractual benefits to you

- Liaising with your pension provider
- Administering the contract we have entered into with you
- Management and planning including accounting and auditing
- Conducting performance reviews, managing performance and determining performance requirements
- Making decisions about salary reviews and compensation
- Assessing qualifications for a particular job or task including decisions about promotions
- Conducting grievance or disciplinary proceedings
- Making decisions about your continued employment or engagement
- Making arrangements for the termination of our working relationship
- Education, training and development requirements
- Dealing with legal disputes involving you including accidents at work
- Ascertaining your fitness to work
- Managing sickness absence
- Complying with health and safety regulations
- To prevent fraud
- To monitor your use of our electronic and communication systems to ensure compliance with our IT policies
- To ensure network and information security including preventing unauthorised access to our computer and electronic communications systems and preventing malicious software distribution
- To conduct data analytic studies to review and better understand employee retention and attrition rates
- Equal opportunities monitoring
- To undertake activity consistent with our statutory functions and powers including any delegated functions
- To maintain our own accounts and records
- To seek your views or comments
- To process a job application
- To administer councillors' interests
- To provide a reference

Our processing may also include the use of CCTV systems for monitoring purposes.

Some of the above grounds for processing will overlap and there may be several grounds which justify our use of your personal data.

We will only use your personal data when the law allows us to. Most commonly we will use your personal data in the following circumstances

- Where we need to perform the contract we have entered into with you
- Where we need to comply with a legal obligation

We may also use your personal data in the following situations which are likely to be rare:

- Where we need to protect your interests or someone else's interests

- Where it is needed in the public interest or for official purposes

6. How we use sensitive personal data

- We may process sensitive personal data relating to staff, councillors and role holders including:
 - Information about your physical or mental health or condition in order to monitor sick leave and take decisions on your fitness to work
 - Your racial or ethnic origin or religious or similar information in order to monitor compliance with equal opportunities legislation
 - In order to comply with legal requirements and obligations to third parties
- These types of data are described in the GDPR as “special categories of data” and require higher levels of protection. We need to have further justification for collecting, storing and using this type of personal data.
- We may process special categories of personal data in the following circumstances:
 - In limited circumstances, with your explicit written consent
 - Where we need to carry out our legal obligations
 - Where it is needed in the public interest such as for equal opportunities monitoring or in relation to pension arrangements
 - Where it is needed to assess your working capacity on health grounds, subject to appropriate confidentiality safeguards
- Less commonly we may process this type of personal data where it is needed in relation to legal claims or where it is needed to protect your interests or someone else’s interests and you are not capable of giving your consent or where you have already made the information public.

7. Do we need your consent to process your sensitive personal data?

- We do not need your consent if we use your sensitive personal data in accordance with our rights and obligations in the field of employment or social security law
- In limited circumstances we may approach you for your written consent to allow us to process certain sensitive personal data. If we do so, we will provide you with full details of the personal data that we would like and the reason why we need it so that you can carefully consider whether you wish to consent.
- You should be aware that it is not a condition of your contract with us that you agree to any request for consent from us.

8. Information about criminal convictions

- We may only use personal data relating to criminal convictions where the law allows us to do so. This will usually be where such processing is necessary to carry out our obligations and provided we do so in line with our data protection policy.
- Less commonly, we may use personal data relating to criminal convictions where it is necessary in relation to legal claims, where it is necessary to protect your interests or

someone else's interests and you are not capable of giving your consent or where you have already made the information public.

- We will only collect personal data about criminal convictions if it is appropriate given the nature of the role and where we are legally able to do so. Where appropriate we will collect personal data about criminal convictions as part of the recruitment process or we may be notified of such personal data directly by you in the course of your working for us.

9. What is the legal basis for processing your personal data?

The GDPR sets out six lawful bases under which personal data may be processed:

- **Compliance with a Legal Obligation**- personal data may be processed if the controller is legally required to perform such processing eg to comply with legislative requirements
- **Contractual Necessity**- personal data may be processed if the processing is necessary to enter into or perform a contract with the subject of the data
- **Public Interest** – personal data may be processed if the processing is necessary for the performance of tasks carried out by a public authority or private organisation acting in the public interest
- **Vital Interests**- personal data may be processed to protect the vital interests of the data subject
- **Legitimate Interests**- personal data may be processed if a balancing test between the controller's legitimate interests and the fundamental rights and freedoms of the data subject justifies the processing of the data. Where this condition is used, the Data Controller must inform data subjects about the legitimate interests that form the basis for the balance of interests
- **Consent** – personal data may be processed if the Controller is able to demonstrate that consent was given. Consent is defined as any freely given, specific, informed and unambiguous indication of the data subject's wishes by statement or by a clear affirmative action.

Some of our processing is necessary for **for Compliance with a Legal Obligation**

The Council also processes personal data for **Contractual Necessity** if it is necessary for the performance of a contract with you, or to take steps to enter into a contract.

We will also process your data in order to assist you in fulfilling your role in the Council including administrative support or if processing is necessary for compliance with a legal obligation.

10. Sharing your personal data

Your personal data will only be shared with third parties including other data controllers where it is necessary for the performance of the data controllers' tasks or where you first give us your prior consent. It is likely that we will need to share your data with:

- Our agents, suppliers and contractors. For example, we may ask a commercial provider to manage our HR/payroll functions or to maintain our database software
- Other persons or organisations operating within the local community

- Other data controllers such as local authorities, public authorities, central government and agencies such as HMRC and DVLA
- Staff pension providers
- Former and prospective employers
- DBS services suppliers
- Payroll services providers
- Recruitment agencies
- Credit reference agencies
- Professional advisers
- Trade Unions or employee representatives
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11. How long do we keep your personal data?

We will keep some records permanently if we are legally required to do so. We may keep other records for an extended period of time. For example, it is currently best practice to keep financial records for a minimum period of 8 years to support HMRC audits or to provide tax information. We may have legal obligations to retain some data in connection with our statutory obligations as a public authority. The Council is permitted to retain data to defend or pursue claims. In some cases, the law imposes a time limit for such claims (for example 3 years for personal injury claims or 6 years for contract claims). We will retain some personal data for this purpose as long as we believe it is necessary to be able to defend or pursue a claim. In general we will endeavour to keep personal data only for as long as we need it and will delete it when we no longer need it.

12. Your responsibilities

It is important that the personal data we hold about you is accurate and current. Please keep us informed if your personal data changes during your working relationship with us.

13. Your rights and your personal data

You have the following rights with respect to your personal data. When exercising any of the rights listed below, in order to process your request, we may need to verify your identity for your security. In such cases we will need you to respond with proof of identity before you can exercise these rights:

1) The right to access personal data we hold on you

- At any point you may contact us to request the personal data we hold on you as well as why we hold that personal data, who has access to the personal data, where we obtained the personal data from. Once we have received your request we will respond within 1 month
- There are no fees or charges for the first request but additional requests for the same personal data or requests which are manifestly unfounded or excessive may be subject to an administrative fee.

2) The right to correct and update the personal data we hold on you

- If the data we hold on you is out of date, incomplete or incorrect you can inform us and your data will be amended.

3) *The right to have your personal data erased*

- If you feel that we should no longer be using your personal data or that we are unlawfully using your personal data you can request that we erase the personal data we hold.
- When we receive your request we will confirm whether the personal data has been deleted or the reason why it cannot be deleted, for example, because we need it to comply with a legal obligation.

4) *The right to object to the processing of your personal data or to restrict it to certain purposes*

- You have the right to request that we stop processing your personal data or ask us to restrict processing. Upon receiving the request we will contact you and let you know if we are able to comply or if we have a legal obligation to continue to process your data.

5) *The right to data portability*

- You have the right to request that we transfer some of your data to another controller. We will comply with your request when it is feasible to do so, within 1 month of receiving your request.

6) *The right to withdraw your consent to the processing at any time for any processing of data for which consent was obtained*

- You may withdraw your consent by telephone, e-mail or post (see contact details below)

7) *The right to lodge a complaint with the Information Commissioner's Office*

- You can contact the Information Commissioner's Office on 0303 123 1113 or by email <https://ico.org.uk/global/contact-us/email> or at the Information Commissioner's Office Wycliffe House, Wycliffe Lane, Wilmslow, Cheshire SK9 5AF.

14. Transfer of Data Abroad

Any personal data transferred to countries or territories outside the European Economic Area (EEA) will only be placed on systems complying with measures giving equivalent protection of personal rights either through international agreements or contracts approved by the European Union. Our website is also accessible from overseas so on occasion some personal data may be accessed from overseas.

15. Further Processing

If we wish to use your personal data for a new purpose not covered by this Privacy Notice then we will provide you with a new Notice explaining this new use prior to commencing the processing and setting out the relevant purposes and processing conditions. Where and whenever necessary we will seek your prior consent to the new processing.

16. Changes to this notice

We keep this Privacy Notice under regular review and will place any updates on the Council website at www.shudycamps.org.uk. This notice was last updated in April 2018.

17. Contact details

Please contact us if you have any queries about this Privacy Notice or personal data we hold about you or to exercise all relevant rights, queries or complaints

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