



WHITE COLNE PARISH COUNCIL

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Data Protection Policy

1. Introduction

- 1.1 One of the Council's roles is to encourage community involvement and participation; publication of some personal information is integral to this aim. At the same time, such publication must minimise any potential negative impact on individuals, e.g. intrusive marketing or identity theft.
- 1.2 The Council is bound by law to abide by the provisions of the Data Protection Act 1998. The eight principles of the act are given at the end of this Policy along with a link to the full online definition of the Act. It should be noted that any individual has the right to make a complaint to the Information Commissioner and that any upheld complaint against the Council could result in a fine.
- 1.3 The simplest way of ensuring compliance is to adopt a simple set of over-arching principles, since individuals acting for the Council may not be familiar with the full Act. The following principles apply:

Principle 1: Permission

The Council will not gather or publish any personal data unless the purpose of the data is made clear to, and permission has been obtained from, the data owner.

Principle 2: Single Use

Any personal data gathered as above will not be used for any purpose other than that stated when it was obtained. For example, if the Council gathers personal data for a paper publication it may not subsequently publish that data on the internet, and vice versa.

Principle 3: Protection of Electronic Data

The Council will ensure the safe keeping of any electronic files containing personal data and will not release those files to any external party except for the purpose of printing or publication. The Council will require that any files thus released are deleted after use.

- 1.4 As further protection, avoid presenting long lists of personal data. In general, contact information should be "dotted around" and presented in the context of other information. This is because there are always people who will use data from the internet for purposes other than that intended. An example would be gathering contact lists for onward sale; in this case, understanding the demographic or locality of contacts makes them more valuable. The way data is presented online may deter such misuse.

2. The Data Protection Act 1998

2.1 For full information see: http://www.ico.gov.uk/for_organisations/data_protection.aspx

2.2 The following are the eight principles of the Act reproduced from UK Government web site above:

1. Personal data shall be processed fairly and lawfully and, in particular, shall not be processed unless: (a) at least one of the conditions in Schedule 2 is met, and (b) in the case of sensitive personal data, at least one of the conditions in Schedule 3 is also met.

2. Personal data shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes.

3. Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed.

4. Personal data shall be accurate and, where necessary, kept up to date.

5. Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes.

6. Personal data shall be processed in accordance with the rights of data subjects under the Act.

7. Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.

8. Personal data shall not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

3. Responsibilities

3.1 White Colne Parish Council is the Data Controller and must ensure that any processing of personal data for which it is responsible complies with the Act.

3.2 The Data Protection Officer (DPO) is Braintree District Council.

3.3 The Proper Officer of the Council is responsible for:

- Fully observing conditions regarding the fair collection and use of information
- Meeting the council's legal obligations to specify the purposes for which information is used
- Collecting and processing relevant information, only to the extent that is required to fulfil operational needs/to comply with legal requirements
- Ensuring the quality of information used
- Applying strict checks to determine the length of time that information is held
- Ensuring that the rights of the people whom information is held are able to be fully exercised under the Act
- Taking appropriate technical and organisational security measures to safeguard personal information

- Ensuring that personal information is not transferred abroad without suitable safeguards
- Ensuring that everyone managing and handling personal information:
 - Fully understands that they are contractually responsible for following good practice in terms of protection
 - Is adequately trained to do so
 - Are appropriately supervised

4. Storage & retention

- 4.1 Personal data is kept in paper-based systems and/or on a password-protected computer system.
- 4.2 The Council will keep different types of information for differing lengths of time, depending on legal and operational requirements.

5. Access to information

- 5.1 Any employees, councillors, residents, customers, and other data subjects have a right to:
 - Ask what personal information the council holds
 - Ask what this information is used for
 - Be provided with a copy of the information
 - Be given details of the purposes for which the council uses the information and any other persons or organisations to whom it is disclosed
 - Ask that any incorrect data is corrected
- 5.2 If it is felt by the data subject that any personal information held is incorrect the individual may request that it be amended. The council must advise the individual within 21 days whether or not the amendment has been made.

6. Breach of Policy

- 6.1 Compliance with the Act is the responsibility of all councillors, residents, customers, and members of staff. Any deliberate or reckless breach of the Policy may lead to disciplinary action and, where appropriate, legal protection
- 6.2 Any individual who believes that the council has breached any of the requirements of the Data Protection Act 1998 should raise the matter with the Clerk to the council in the first instance.

White Colne Parish Council's Data Protection Policy meets the council's responsibilities under Standing Orders 11, 19, 20, & 21.

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