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DATA PROTECTION AND RETENTION POLICY

1. Aims

1.1 This policy sets out Henley Town Council's commitment to the lawful and fair handling of personal data in accordance with the Data Protection Act 2018. The Town Council will periodically review and revise this Policy as necessary following guidance from the Information Commissioner's Office (ICO) and if any changes to the law occur. The Town Council's RFO will be the point of contact with regard to any matters regarding data protection.

2. Introduction

2.1 In order to conduct its business, services and duties, the Town 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:

- Data shared in the public arena about the services we offer, its mode of operations and other information we are required to make available to the public.
- Confidential information and data not yet in the public arena such as draft Policies and Procedures etc.
- Confidential information about other organisations because of commercial sensitivity.
- Personal data concerning our current, past and potential employees, Councillors, and volunteers.
- Personal data concerning individuals who contact us for information, to access our services or facilities or to make a complaint.

2.2 The Town Council will adopt procedures regarding the data it handles and will respect the confidentiality of both its own data and that belonging to partner organisations including members of the public. In some cases, we will have contractual obligations towards confidential data as well as specific legal responsibilities for personal and sensitive information under the Data Protection Act 2018.

2.3 The Town 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 the wider community.

3. Protecting Confidential or Sensitive Information

3.1 The Town Council recognises it must at times, keep and process sensitive and personal information about both employees and the public. It has therefore adopted this policy not only to meet its legal obligations but to ensure high standards are in place.

3.2 Sensitive data includes information about racial or ethnic origin; political opinions; 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.

3.3 The Data Protection Act 2018 ensures there is a balance between the rights of individuals and the Town Council as a public body which has legitimate reasons for using personal information.

4. The Six Data Protection Principles

4.1 The Policy is based on the six Data Protection Principles which are set out in the Act and summarised below:

- Personal data shall be processed fairly, lawfully and in a transparent manner in relation to the data subject.
- Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes.
- Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.
- Accurate and, where necessary, kept up to date.
- Kept in a form that permits identification of data subjects for no longer than is necessary for the purposes for which the personal data is processed – see appendix 1 for further information.
- 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.

5. The Town Council processes personal data in order to:

- fulfil its duties as an employer by complying with the terms of contracts of employment, safeguarding the employee and maintaining information required by law.
- 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.
- monitor its activities including the equality and diversity of its activities
- fulfil its duties in operating the business premises including security • assist regulatory and law enforcement agencies
- process information including the recording and updating details about our employees, Councillors, partners and volunteers.
- process information including the recording and updating details about individuals who contact us for information, or to access a service, or make a complaint.
- undertake surveys, censuses and questionnaires to fulfil the objectives and purposes of the Council.
- undertake research, audit and quality improvement work to fulfil our objects and purposes.
- carry out Council administration.

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

- The individual has consented to the processing
- Processing is necessary for the performance of a contract or agreement with the individual
- Processing is required under a legal obligation
- Processing is necessary to protect the vital interests of the individual
- Processing is necessary to carry out public functions
- Processing is necessary in order to pursue the legitimate interests of the data controller or third parties.

6.1 Particular attention is paid to the processing of any sensitive personal information and the Town Council will ensure that at least one of the following conditions is met:

- Explicit consent of the individual
- Required by law to process the data for employment purposes
- A requirement in order to protect the vital interests of the individual or another person.

7. Information provided to us

7.1 The information provided (personal information such as name, address, email address, phone number) will be processed and stored so that it is possible for us to contact, respond to or conduct the transaction requested by the individual. By transacting with the Town Council, individuals are deemed to be giving consent for their personal data provided to be used and transferred in accordance with this policy, however where ever possible specific written consent will be sought. It is the responsibility of those individuals to ensure that the Town 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 except when absolutely necessary or be used for any purpose other than that for which it has been provided.

7.2 Information can be provided in person at the Town Hall, hard copy letters, and emails or via the Town Council's website where individuals can provide personal details through the various forms available. The Town Council as Administrator of the website ensures all data held is secure as access is restricted and password protected.

8. The Councils Right to Process Information

8.1 General Data Protection Regulations (and Data Protection Act) Article 6 (1) (a) (b) and (e) require:

Processing is with consent of the data subject, or

Processing is necessary for compliance with a legal obligation, or

Processing is necessary for the legitimate interests of the Council.

9. Information Security

9.1 The Town Council ensures the security of personal data by making sure that all information is protected from unauthorised access, loss, manipulation, falsification, destruction or unauthorised disclosure. This is done through appropriate technical measures and appropriate policies. We will only keep data for the purpose it was collected for and only for as long as is necessary, after which it will be deleted.

9.2 If there is a breach of data security, the RFO must contact the Information Commissioner's Office (ICO) within 72 hours of becoming aware of it and a log detailing the breach must be maintained. Individuals known as Data Subjects must be informed of the breach if their rights and freedoms are at risk.

10. Children

10.1 The Town Council will not process any data relating to a child (under 13) without the express parental/ guardian consent of the child concerned.

11. Rights of a Data Subject to be Informed

11.1 The Town Council does this through its generic Privacy Notice which is displayed on our website. Links to our Privacy Notice are also available at the bottom of email signatures, via Forms on our website etc. In addition every member of staff is provided with their own Privacy Notice (Employment) and the Privacy Notice (Recruitment) is provided for candidates during the recruitment process when a vacancy occurs.

11.2 Access to Information: an individual known as a Data Subject has the right to request access to the information we hold on them which is called a Subject Access Request. They can do this by contacting the RFO. This must be provided free of charge and within one month of the request which can be extended to two months if the request is complex.

11.3 Information Correction: If an individual believes that the information we hold about them is incorrect, they may contact the RFO so that it can be updated to ensure that their data held is accurate. This must be done within one month of receipt of this request and two months if the request is complex.

11.4 Information Deletion / the Right to be Forgotten: If an individual wishes the Town Council to delete the information about them, they can do so by contacting the RFO. This is not an absolute right and will only apply in certain circumstances.

11.5 Right to Restrict Processing: If an individual contests the accuracy of the data or objects to the processing of it, they can do so by contacting the RFO.

11.6 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 RFO.

12. Complaints:

If an individual has a complaint regarding the way their personal data has been processed, they may make a complaint to the RFO or the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. Telephone 0303 123 1113 or email: casework@ico.org.uk

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Retention of Records Management Document

RECORD	MINIMUM RETENTION PERIOD	REASON
Administration		
Signed Minutes of Council meetings	Indefinite	Archives
Title Deeds	Indefinite	Audit, Management
Register and plans for allotments	Indefinite	Audit, Management
Leases, agreements & contracts	Indefinite	Audit, Management
Quotations & tenders	6 years	Limitation Act 1980 (as amended)
Scale of fees and charges	6 years	Management
Insurance policies	Retain while valid	Management
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), Management
Market/seating/other licences and holder records	Destroy 6 years after expiry	Management
Data obtained regarding third parties for enforcement of vehicle driver excess parking charge notices	Destroy within 2 years of issue of notice	To comply with DVLA requirements
Finance		
Receipt and payment accounts	Indefinite	Archives
Investments	Indefinite	Audit, Management
Receipt Books of all kinds	6 years	VAT
Petty cash, postage & telephone books	6 years	TAX, VAT Limitation Act 1980 (as amended)
Bank Statements, including deposit/saving a/cs	Last completed audit year	Audit
Bank Paying-in books and cheque book stubs	Last completed audit year	Audit

Paid Invoices	6 years	VAT
Paid Cheques	6 years	Limitation Act 1980 (as amended)
VAT records	6 years generally, but 20 years for VAT on rents	VAT
Time Sheets	Last completed audit year/3 years	Audit requirement/Personal injury (best practice)
Wage Books	12 years	Superannuation
Members Allowances Register	6 years	TAX, Limitation Act 1980 (as amended)
Records relating to halls, centres and recreation grounds: applications to hire, lettings diaries, copies of bills to hirers and records of ticket issue	6 years	VAT
Miscellaneous		
Any records dating from before 1894 now held by the council	Indefinite	Historical
For burial grounds: register of fees collected, register of burials, register of purchased graves, register/plan of grave spaces, register of memorials, applications for interment, applications for right to erect memorials, disposal certificates, and copy certificates of grant of exclusive right of burial	Indefinite	Archives Local Authorities Cemeteries Order 1977 (SI 204)

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