

## **Data Protection Policy**

Combs Parish Council is committed to the protection and proper use of all information which it holds about private persons. It does this through complying with: the Data Protection Principles, the Data Protection Act 1998, the Human Rights Act 1998, the EU General Data Protection Regulations ('GDPR') and any other laws and regulations which may from time to time be in force; and through good administrative practice.

In addition to complying with the law and good practice, Combs Parish Council is committed to respecting individuals' rights with respect to their data (as well as generally), and to being open and honest with individuals whose data is held (as well as to the public at large).

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The Data Controller is Combs Parish Council.

The Data Protection Officer is the Parish Clerk in office for the time being.

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### **Combs Parish Council endorses and adopts the Data Protection Principles:**

- All Personal Data must be kept confidential, and used only for proper, fair and lawful purposes.
- Personal Data shall be obtained only for a specified and lawful purpose, and must not be used for any other purpose not compatible with that purpose.
- Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed.
- Personal data shall be accurate and, where necessary, kept up to date.
- Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes.
- Personal data shall be processed in accordance with the rights of data subjects under the relevant laws and regulations.
- Appropriate technical and organisational measures shall be put in place to prevent unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.

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### **The Data Protection Officer ('DPO'):**

- is responsible to the Chairman of the Parish Council for ensuring that the Parish Council complies with this Policy and with its statutory obligations;
- shall acquaint himself with all laws and regulations so far as relevant, applicable and proportionate to the Parish Council's scope of Personal Data, in particular Articles 37, 38 and 39 of the GDPR;
- shall handle any Subject Access Requests without undue delay, and in any event within one month;
- shall from time to time carry out a Personal Data Audit and Impact Assessment, and ensure that they are kept up to date and relevant;
- shall ensure that any Data Processor complies with his relevant obligations;
- understands the importance of security and the obligations regarding any actual or potential breach or failure to comply, including the need, in the case of any event affecting personal data to report it to the ICO within 72 hours.

The Parish Council has considered the requirement (GDPR Article 38.6) that the DPO shall be someone whose other roles are not in conflict with those of the DPO. Having regard to the very limited range of Personal Data which the Parish Council controls and the Parish Clerk processes, and that the Parish Clerk is the Parish Council's only employee and professional adviser, the Parish Council has determined that no material conflict of interest exists if the Parish Clerk is the DPO as well as the primary Data Processor. This determination will be kept under review to ensure a) that the arrangement is working effectively, and b) that the scope of Personal Data has not materially broadened.

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### *Freedom of Information ('FOI') Requests*

The DPO shall be responsible for handling any FOI Requests and that the replies comply with the Data Protection Principles and the GDPR.

- FOI Requests should be answered without undue delay, and within one month at the latest. No charge will be levied.
- An FOI Request may be refused if it is manifestly unfounded or excessive. In such case, the applicant must be told the reason for refusal, and that they have the right to complain to the supervisory authority and to apply for judicial remedy.
- No data should be disclosed that can or could realistically be linked to an identifiable individual (which might render it Personal Data). In most cases this can be avoided by blacking out individual names and/or addresses.

## Records Management:

It is necessary for the Council to retain a number of data sets as part of managing council business. The Council shall apply the following framework :

DOCUMENT	MINIMUM RETENTION PERIOD	REASON
<input type="checkbox"/> Minute books	Indefinite	Archive
<input type="checkbox"/> Scales of fees and charges	6 years	Management
<input type="checkbox"/> Receipt and payment account(s)	Indefinite	Archive
<input type="checkbox"/> Receipt books of all kinds	6 years	VAT
<input type="checkbox"/> Bank statements, including deposit/savings accounts	Last completed audit year	Audit
<input type="checkbox"/> Bank paying-in books	Last completed audit year	Audit
<input type="checkbox"/> Cheque book stubs	Last completed audit year	Audit
<input type="checkbox"/> Quotations and tenders	6 years	Limitation Act 1980 (as amended)
<input type="checkbox"/> Paid invoices	6 years	VAT
<input type="checkbox"/> Paid cheques	6 years	Limitation Act 1980 (as amended)
<input type="checkbox"/> VAT records	6 years generally but 20 years for VAT on rents	VAT
<input type="checkbox"/> Petty cash, postage and telephone books	6 years	Tax, VAT, Limitation Act 1980 (as amended)
<input type="checkbox"/> Timesheets	Last completed audit year 3 years	Audit (requirement) Personal injury (best practice)
<input type="checkbox"/> Wages books	12 years	Superannuation
<input type="checkbox"/> Insurance policies	While valid	Management

<input type="checkbox"/> 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 (Sl. 2753), Management.
<input type="checkbox"/> Investments	Indefinite	Audit, Management
<input type="checkbox"/> Title deeds, leases, agreements, contracts	Indefinite	Audit, Management
<input type="checkbox"/> Members allowances register	6 years	Tax, Limitation Act 1980 (as amended)
<b>For Halls, Centre, Recreation Grounds</b>		
<ul style="list-style-type: none"> <li>▪ application to hire</li> <li>▪ lettings diaries</li> <li>▪ copies of bills to hires</li> <li>▪ record of tickets issued</li> </ul>	6 years	VAT
<b>For Allotments</b>		
<input type="checkbox"/> Tenancy Agreement, register and plans	Indefinite	Audit, Management
<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 Cemeteries Order 1977 (Sl. 204)

*By Order of Combs Parish Council  
9 May 2023*

**Personal Data Audit and Impact Assessment**

<b>Data Owner</b>	<b>Data type</b>	<b>Purpose</b>	<b>Where came from</b>	<b>Number of data sets</b>	<b>May be shared with</b>	<b>Retention period</b>	<b>Risk of breach</b>	<b>Control mechanism</b>	<b>Data Processor</b>	<b>Impact if breached</b>
Owners of ERBs	Names & contact details	1. administration	Data owner		Anyone with a legitimate reason for knowing	Term of ERB	Low	Sound administration practice	Parish Clerk	Embarrassment to individual and to PC
Parish coun-cillors	Names & contact details	1. Completing required forms; 2. administration	Data owner	8	Regulatory authority	Term of office	low	Sound administration practice	Parish Clerk	Embarrassment to individual and to PC
Parish Clerk	Names & contact details	1. Completing required forms; 2. administration	Data owner	1	Regulatory authority	Term of office	low	Sound administration practice	Parish Clerk	Embarrassment to individual and to PC
Parish Clerk	Employment data, bank a/c data, performance reviews	1. administration of employment	Data owner; Chairman as employer	1	Tax and other regulatory authorities	Term of employment	low	Sound administration practice	Parish Clerk	Embarrassment to individual and to PC. Worst case: loss of funds by individual; reimbursement by PC.