

# KILSBY PARISH COUNCIL

## PRIVACY AND GDPR DATA PROTECTION ACT 2018

RE-ADOPTED MAY 2020

## Privacy and Cookies

This local council respects your privacy. The information that you provide us with, or that is gathered automatically, helps us to monitor our services and provide to you the services that you are entitled to as a local resident or visitor to our website.

**Is my visit to this web site anonymous?** Yes! Your visit to our site is anonymous (no personal information about you is recorded or gathered) unless you contribute it or fill in a form requesting information.

**Cookies and Traffic Logs** Our website uses 'cookies' which we do not use to identify an individual. We use cookies to assist in the delivery of services to you and for some technical reasons. If you are registered to the site you can use cookies to stay logged in when returning. You can use your browser software to restrict or to refuse to accept these, or at a later point in time, to remove them. We do not pass on information gathered from these cookies to any third party.

**What's a Cookie?** A cookie is small file placed on a user's computer by a Website, which logs information about the user and their previous/current visits for the use of the site next time the user visits the site. More information about cookies can be found in Guidance to the Privacy and Electronic Communications (EC Directive) Regulations 2003 which can be accessed by going to the Information Commissioner's website and following the relevant link.

**What are Traffic Logs?** We use traffic logs to identify which pages are being used. This helps us analyse data about web page traffic and improve our Website in order to tailor it to customer needs. We only use this information anonymously for statistical analysis purposes.

**Links** Our website contains links to other sites. We are not responsible for the privacy practices within any of these other sites. We encourage you to be aware of this when you leave our site and to read the privacy statements on other websites you visit.

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General Data Protection Regulation (GDPR)

This Privacy Notice is provided to you by this local council which is the data controller for your data.

### **Your personal data – what is it?**

Personal data is any information about a living individual which allows them to be identified from that data (for example a name, photographs, videos, email address, or address). The processing of personal data is governed by legislation relating to personal data which applies in the United Kingdom including the General Data Protection Regulation (GDPR), the Data Protection Act 2018 and other legislation relating to personal data and rights such as the Human Rights Act.

### **Making sure your data is safe.**

GDPR is designed to create common privacy requirements across the EU. It is a development of existing data protection legislation and is based on seven key principles that can be summarised as:

- Personal information that we hold will be processed lawfully, fairly and in a transparent manner.
- Personal data will only be used for specific and legitimate purposes.
- The information that we hold shall be limited to what is necessary.
- Information shall be accurate.
- Information shall be held no longer than is necessary.
- Information shall be kept safe and secure.
- We are accountable and can demonstrate compliance with GDPR.

### **Other data controllers the council works with:**

We may need to share your personal data with others tiers of local government and partners so that they can carry out their responsibilities to the council.

### **The council will process some or all of the following personal data where necessary to perform its tasks:**

- Names, titles, and aliases, photographs;
- Contact details such as telephone numbers, addresses, and email addresses;
- Where they are relevant to the services provided by a council, or where you provide them to us, we may process information such as gender, age, marital status, nationality, education/work history, academic/professional qualifications, hobbies, family composition, and dependants;
- Where you pay for activities such as use of a council hall, financial identifiers such as bank account numbers, payment card numbers, payment/transaction identifiers.

### **How we use sensitive personal data:**

We may process personal data including, as appropriate:

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- 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.

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.

### **Do we need your consent to process your sensitive personal data?**

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 we need it, so that you can carefully consider whether you wish to consent.

### **We use your personal data for some or all of the following purposes:**

- To deliver public services including to understand your needs to provide the services that you request and to understand what we can do for you and inform you of other relevant services;
- To confirm your identity to provide some services;
- To contact you by post, email, telephone or using social media (e.g., Facebook, Twitter, WhatsApp);
- To help us to build up a picture of how we are performing;
- To prevent and detect fraud and corruption in the use of public funds and where necessary for the law enforcement functions;
- To enable us to meet all legal and statutory obligations and powers including any delegated functions;
- To carry out comprehensive safeguarding procedures (including due diligence and complaints handling) in accordance with best safeguarding practice from time to time with the aim of ensuring that all children and adults-at-risk are provided with safe environments and generally as necessary to protect individuals from harm or injury;
- To promote the interests of the council;
- To maintain our own accounts and records;
- To seek your views, opinions or comments;
- To notify you of changes to our facilities, services, events and staff, councillors and other role holders;
- To send you communications which you have requested and that may be of interest to you. These may include information about campaigns, appeals, other new projects or initiatives;
- To process relevant financial transactions including grants and payments for goods and services supplied to the council
- To allow the statistical analysis of data so we can plan the provision of services.

Our processing may also include the use of CCTV systems for the prevention and prosecution of crime.

### **What is the legal basis for processing your personal data?**

The council is a public authority and has certain powers and obligations. Most of your personal data is processed for compliance with a legal obligation which includes the discharge of the council's statutory functions and powers.

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Sometimes when exercising these powers or duties it is necessary to process personal data of residents or people using the council's services. We will always take into account your interests and rights. This Privacy Notice sets out your rights and the council's obligations to you.

We may process personal data if it is necessary for the performance of a contract with you, or to take steps to enter into a contract. An example of this would be processing your data in connection with the use of sports facilities, or the acceptance of an allotment garden tenancy

Sometimes the use of your personal data requires your consent. We will first obtain your consent to that use.

### **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 some 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 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 in order 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 data only for as long as we need it. This means that we will delete it when it is no longer needed.

### **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 your identity before you can exercise these rights.

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

At any point you can contact us to request the personal data we hold on you as well as why we have that personal data, who has access to the personal data and where we obtained the personal data from. Once we have received your request we will respond within one 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 updated.

#### **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 for to comply with a legal obligation).

#### **4) 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, where it is feasible to do so, within one month of receiving your request.

#### **5) The right to object to processing of your personal data or to restrict it to certain purposes only.**

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.

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

You can withdraw your consent easily by telephone, email, or by post (see Contact Details below).

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

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

### **Changes to this notice.**

We keep this Privacy Notice under regular review and we will place any updates on this web page This Notice was last updated in October 2018.

### **Contact Details.**

Please contact us (The Data Controller) if you have any questions about this Privacy Notice or the personal data we hold about you or to exercise all relevant rights, queries or complaints.