



# Tiverton Town Council

## Data Protection Policy

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### 1. Introduction

The Data Protection Act 1998 protects employees against the misuse of personal data and may cover both manual and electronic records. The General Data Protection Regulation (GDPR) (Regulation (EU) 2016/679) is a regulation by which the European Parliament, the Council of the European Union and the European Commission intend to strengthen and unify data protection for all individuals within the European Union (EU).

All records held on computer fall within the Data Protection Act and the General Data Protection Regulation. Certain manual files may also fall within the Act, depending on the ease of access to data within the file. However, for consistency and good practice, Tiverton Town Council will adopt the same approach for data held.

The Act requires that any personal data held should be:

- Processed fairly and lawfully;
- Obtained and processed only for specified and lawful purposes;
- Adequate, relevant and not excessive;
- Accurate and kept up to date;
- Held securely and for no longer than is necessary; and
- Not transferred to a country outside the European Economic Area

The Act also gives employees certain rights. For employment purposes, the most important right is the right to access the personal data held about the employee.

### 2. Purposes for which Personal Data may be Held

Personal data relating to employees may be collected primarily for the purposes of:

- Recruitment, promotion, training, redeployment and/or career development;

- Administration and payment of wages;
- Calculation of certain benefits including pensions;
- Disciplinary or performance management purposes;
- Performance review;
- Recording of communication with employees and their representatives;
- Compliance with legislation;
- Provision of references to financial institutions, to facilitate entry onto educational courses and/or to assist future potential employers; and
- Staffing levels and career planning.

The following data is classified as Data sensitive within the definition of the Act:

- Personal details including name, address, age, status and qualifications. Where specific monitoring systems are in place, ethnic origin and nationality will also be deemed as relevant;
- References and CVs;
- Emergency contact details;
- Notes on discussions between management and the employee;
- Appraisals and documents relating to grievance, discipline, promotion, demotion or termination of employment;
- Training records;
- Salary, benefits and bank/building society details; and
- Absence and sickness information.

Employees or potential employees will be advised by the Council of the personal data, which has been obtained or retained, its source, and the purposes for which the personal data may be used or to whom it will be disclosed.

The Council will review the nature of the information being collected and held on an annual basis to ensure there is a sound business reason for requiring the information to be retained.

### 3. Sensitive Personal Data

Sensitive personal data includes information relating to the following matters:

- The employee's racial or ethnic origin;
- His or her political opinions;
- His or her religious or similar beliefs;
- His or her trade union membership;
- His or her physical or mental health or condition;
- His or her sex life; or
- The commission or alleged commission of any offence by the employee.

To hold sensitive personal data, the Council must additionally satisfy a sensitive data condition. The most appropriate condition for employment purposes is that the processing is necessary to enable the Council to meet its legal obligations (for example, to ensure health and safety or to avoid unlawful discrimination).

#### 4. Data Protection Officer

The Council has appointed a Data Protection Officer as a named individual responsible for ensuring all personal data is controlled in compliance with the Data Protection Act 1998 and the General Data Protection Regulation (2016). The Town Clerk is the Data Protection Officer.

The Data Protection Officer is responsible for:

- Managing IT Processes
- Dealing with cyber attacks
- Business continuity issues

Employees who have access to personal data must comply with this Policy and adhere to the procedures laid down by the Data Protection Officer. Failure to comply with the Policy and procedures may result in disciplinary action up to and including summary dismissal.

#### 5. Use of Personal Data

To ensure compliance with the Data Protection Act 1998 and in the interests of privacy, employee confidence and good employee relations, the disclosure and use of information held by the Council is governed by the following conditions:

- Personal data must only be used for one or more of the purposes specified in this Policy;
- Council documents may only be used in accordance with the statement within each document stating its intended use; and
- Provided that the identification of individual employees is not disclosed, aggregate or statistical information may be used to respond to any legitimate internal or external requests for data (e.g., surveys, staffing level figures); and
- Personal data must not be disclosed, either within or outside Tiverton Town Council to any unauthorised recipient.

#### 6. Personal Data Held for Equal Opportunities Monitoring Purposes

Where personal data obtained about candidates is to be held for the purpose of equal opportunities monitoring, all such data must be made anonymous.

#### 7. Disclosure of Personal Data

Personal data may only be disclosed outside the Council with written consent, where disclosure is required by law or where there is immediate danger to health.

#### 8. Accuracy of Personal Data

The Council will review personal data regularly to ensure that it is accurate, relevant and up to date.

In order to ensure The Council's files are accurate and up to date, and so that the Council is able to contact the employee or, in the case of an emergency, another designated person, employees must notify Tiverton Town Council as soon as possible of any change in their personal details (e.g., change of name, address; telephone number; loss of driving licence where relevant; next of kin details, etc.).

Standard printouts of personal records will be issued to all employees on an annual basis for the purposes of ensuring the data is up to date and accurate. Employees will be entitled to amend any incorrect details and these corrections will be made to all files held on the Council's information systems. In some cases, documentary evidence, e.g., qualification certificates will be requested before any changes are made.

Once completed, these records will be stored in the employee's personnel file.