

LYMINGTON AND PENNINGTON TOWN COUNCIL

Data Protection Policy

GDPR governs the processing of personal data held by organisations

Lymington and Pennington Town Council needs to collect and use certain types of information about people in order to effectively carry out its day to day operations, many of which are statutory requirements.

Information collected includes, among others, current, past and prospective;

- Employees
- Taxpayers
- Benefit / Grant claimants
- Housing tenants
- Suppliers
- Customers / Users of services

Personal information must be dealt with properly however it is collected, recorded and used - whether on paper, in a computer or other material.

The lawful and correct treatment of personal information is regarded as very important to the successful operation of all Council business and to maintaining confidence with all individuals and organisations with whom the Council has contact.

The Council fully endorses and adheres to the Principles of data protection. Specifically the Principles require that personal information:

- Shall be shall be processed fairly and lawfully and in particular shall not be processed unless specific conditions are met;
- Shall be obtained for only one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or purposes;
- Shall be adequate, relevant and not excessive in relation to the purpose for which it is processed;
- Shall be accurate and where necessary kept up to date;
- Shall not be kept for longer than is necessary for that purpose;
- Shall be processed in accordance with the rights of data subjects under the Act;
- Shall have appropriate technical and organisational measures in place to prevent unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, 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.

Lymington and Pennington Town Council will therefore, through appropriate management, strict application of criteria and controls:

- Fully observe the conditions regarding fair collection and use of information;
- Meet its legal obligations to specify the purposes for which information is used;
- Collect and process appropriate information only to the extent that it is needed to fulfil operational needs or to comply with any legal requirements;
- Ensure the quality of information used;
- Apply checks to determine the length of time information is held;
- Ensure that the rights of people about whom information is held are able to be fully exercised under GDPR. (These include the right to be informed that processing is being undertaken, the right of access to one's own personal information, the right to prevent processing in certain circumstances and the right to correctly rectify, block or erase information which is regarded as wrong information);
- Take appropriate technical and organisational measures to safeguard personal information;
- Ensure that personal information is not transferred abroad without suitable safeguards.

We will process your information for the following purposes:

- for the service you requested, and to monitor and improve the council's performance in responding to your request.
- to allow us to be able to communicate and provide services and benefits appropriate to your needs.
- to ensure that we meet our legal obligations.
- where necessary for the law enforcement functions.
- to prevent and detect fraud or crime.
- To process relevant financial transactions including grants and payments for goods and services supplied to the Council
- where necessary to protect individuals from harm or injury.
- to allow the statistical analysis of data so we can plan the provision of services.

Lymington and Pennington Town Council will ensure that there is someone with specific responsibility for data protection in the organisation.

All employees managing and handling personal information will be appropriately trained and supervised. All enquiries about the handling of personal information will be dealt with promptly and courteously.

A regular review will be undertaken of the way in which personal information is managed.

Important Information relating to Publication of Personal Data

Any applications, representations, objections or other documents received by the Council that are published on this website will have personal (but not business) telephone numbers and e-mail addresses, and all signatures, removed before publication.

Data Sharing

Lymington and Pennington Town Council is required by law to protect the public funds it administers.

New Forest District Council is required by law to protect the public funds it administers. We may share information to NFDC internally and with other government agencies, including bodies responsible for auditing or administering public funds, in order to prevent and detect fraud.

Rights Related to Automated Decision Making and Profiling

Lymington and Pennington Town Council does not use automated decision making or profiling of individual personal data.

Data Subject Access Requests

Individuals about whom personal data is held are entitled to be informed whether personal data about themselves is being processed by the Council.

Data subjects (Individuals about whom personal data is held) are entitled, upon written request to the Council, to be promptly informed whether personal data about themselves is being processed.

You have a right to know the following:

- What personal information we hold about you
- The reasons we hold this information and how we process it
- Who has access to this information
- Where the information came from, unless it would be inappropriate to share this information.
- Whether we are carrying out automated processing of your data including profiling. This means that a computer is making a “profile” or a decision about you based on the information we hold.

There are certain classes of data that are exempt from the data subject access provisions.

Erasure

This is sometimes referred to as “the right to be forgotten”. It means that in certain circumstances you have the right to request that we delete information that we hold about you. As with your right to portability, there are limited circumstances where this will apply to information we hold about you as there are often overriding legal requirements which mean that information held by the Council cannot be deleted.

Firstly, we will assess whether we still need the information and whether there is any legal reason to keep it. If there is no reason for us to keep it then the information will be deleted within 30 days.

If the information was published or provided to third parties we will make all reasonable efforts to notify those parties who have accessed the data of your request. If your information had been published on our website we will remove all links to the information and any copies of it.

There may be situations when we do not agree to delete the information. In those circumstances we would explain to you our reason/s. Examples of reasons why we would not delete your information could be any of the following:

- A legal requirement.
- We have the power to process the information and we believe it is in the public interest to continue to do so.
- Public health reasons.
- The information is needed for the public archives.
- Current or future legal claims that we may need to bring or defend.
- In some circumstances where we believe we are justified in keeping the information we may be able to remove some of your personal information which would mean that you could not be easily identified. This is called “pseudonymisation”. Whilst we still need to comply with the rules concerning how we process your information, this would make it harder for the information to be identified as relating to you.
- If the data can be fully anonymised to the point that you wouldn’t recognise yourself from the information retained, and there is no way of restoring the link between your identity and the information, we would treat this as having complied with your request.

Correction

We have a duty to ensure that the information we hold about individuals is accurate and up to date. However, there may be occasions where the information we hold is not.

If you identify that we hold incorrect or incomplete information you have the right to request that we correct the data. Unless we consider your request is unfounded or excessive we will do this as soon as possible, but no later than 30 days after your request. This could also mean adding an extra statement to your record to clarify information.

When your information has been corrected, any incorrect information will be deleted at the same time unless you exercise your right to restriction, as set out below.

Timescales

The Council must respond to any legitimately submitted request within 30 days of receipt.

Responding to a request

To ensure that subject access requests are dealt with in accordance with the requirements of GDPR all requests should be handled by the Council's Data Protection Officer. Any requests received by individuals throughout the organisation should therefore be referred to the Data Protection Officer.

All requests must be made in writing. A standard request form is available for use. Written requests not using the standard form may be accepted provided sufficient information is included in the correspondence to enable the request to be processed.

Computerised and manual records are covered under this entitlement.

A copy of the data held should be supplied in permanent form.

The identity of the data subject must be verified before releasing data. Individuals visiting Council offices will be asked to produce evidence of identity before handing over any data in response to a request. Examples of valid evidence are passport, driving licence, checking signatures with signed application forms, employment records etc.

In certain circumstances provision of a copy of the data in permanent form may be declined if supplying it would require disproportionate effort. This might apply if the printed version of the data is very lengthy or has to be retrieved from a remote archive. The data subject is however still entitled to the data and a sensible option may be to invite the data subject to the offices to inspect the files.

Contact

If you wish to discuss how we process your personal data please contact the Data Protection Officer, Caroline Godfrey, by any of the following methods:

Email: info@lymandpentc.org.uk

Telephone: 02380 285893

Address: Lyminster and Pennington Town Council, Town Council Office,
Town Hall, Avenue Road, Lyminster SO41 9ZG

If you wish to complain about how our organisation processes your personal data you can contact the Information Commissioner's Office:

Address: Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

Telephone: 0303 123 1113

Email: casework@ico.org.uk

Adopted 9 May 2018