

Great Tey Parish Council

Privacy Notice: For Councillors

Introduction:

This Privacy Notice outlines how Great Tey Parish Council processes personal data relating to Councillors, in compliance with data protection laws including the General Data Protection Regulation (GDPR), the Data Protection Act 2018, and relevant provisions of the Human Rights Act 1998. It explains how your personal data is collected, used, and protected by the Council.

What is Personal Data?

Personal data refers to any information relating to a living individual that allows them to be identified either directly (e.g., name, address, photograph) or indirectly (e.g., ID number). This processing is governed by the GDPR and the Data Protection Act 2018, which together set out stringent rules on how organisations, including local councils, should manage personal data.

Who are We?

Great Tey Parish Council is the Data Controller for your personal data. As a public authority, we are responsible for ensuring that all personal data is processed in accordance with data protection legislation. We may share data with other data controllers such as local authorities (e.g., Colchester City Council), central government, and other public bodies such as HMRC or the DVLA, when necessary. In these cases, they may be considered joint data controllers if we work together on a shared purpose, or independent controllers where separate responsibilities exist.

Our Legal Obligations:

Under the GDPR and Data Protection Act 2018, we must ensure that personal data is:

- Processed lawfully, fairly, and transparently.
- Collected for specific, legitimate purposes.
- Adequate, relevant, and limited to what is necessary.
- Accurate and kept up to date.
- Retained only for as long as necessary.
- Secured against unauthorised or unlawful processing, loss, destruction, or damage.

Data We Process:

The council processes various types of personal data including:

- Names, titles, and contact information (address, phone numbers, emails).
- Date of birth, nationality, and employment history.
- Information about your roles and responsibilities as a councillor.
- Next of kin and emergency contact details.
- Sensitive data as defined under GDPR Article 9, such as racial or ethnic origin, religious beliefs, or health-related data, where necessary.

We may also process special categories of personal data (sensitive data) in line with GDPR Article 9, which sets stricter conditions for such processing, and only where there is a legal basis, such as explicit consent or for compliance with employment law or public interest.

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Legal Basis for Processing:

The legal grounds for processing your personal data include:

1. Legal obligations: As a public body, we must comply with various laws, such as employment laws, Local Government Act 1972, and Freedom of Information Act 2000.
2. Public interest or official authority: We may process data as necessary to fulfil the duties of a public authority, including managing local governance or responding to public requests.
3. Consent: For certain processing activities, such as media use or marketing, we may require your explicit consent under GDPR Article 6.

Processing Special Categories of Data:

Under the GDPR, special categories of data (e.g., health information, race, political opinions) require higher levels of protection. We will process such data only under the following circumstances:

- Where you have given explicit consent.
- When required for legal claims.
- When necessary to protect your vital interests if you are unable to provide consent.

In certain cases, processing data related to criminal convictions may occur, but only when authorised by law (e.g., for safeguarding purposes).

Data Retention:

We will retain your personal data only as long as necessary to fulfil the purposes for which it was collected, or as required by law. For instance:

- Employment-related records: Retained in line with the Limitation Act 1980, which mandates that contractual records may be kept for up to six years.
- Financial records: Retained in compliance with HMRC requirements, typically for six years.
- Complaints and legal claims: Data will be kept for a longer period if necessary for potential legal claims, in accordance with GDPR Article 5 on the limitation principle.

Sharing Your Personal Data:

We may share your data with:

- Suppliers and contractors: For instance, when we use third-party software providers.
- Government agencies: Such as HMRC for tax-related purposes, or DVLA for vehicle registrations.
- Other public authorities: Where necessary to fulfil the Council's legal obligations or statutory functions.

The Council will ensure that all third-party processors are subject to adequate safeguards in accordance with GDPR Article 28 and Data Protection Act 2018.

Your Rights:

As a data subject, you have several rights under the GDPR and Data Protection Act 2018, including:

1. Right of access: You can request access to your personal data, free of charge, within one month.
2. Right to rectification: If your data is incorrect or outdated, you can ask us to correct it.
3. Right to erasure: You can request deletion of your data where it is no longer needed for its original purpose, unless there is a legal reason to retain it.

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4. Right to restrict processing: You can request limited use of your data in certain circumstances.
5. Right to object: You can object to the processing of your data, especially for marketing purposes.
6. Right to data portability: You can request a transfer of your data to another controller.
7. Right to lodge a complaint: You can file a complaint with the Information Commissioner's Office (ICO) if you feel that your rights under the GDPR have been violated.

Data Transfer Outside the EEA:

Any personal data transferred outside the European Economic Area (EEA) will only be sent to jurisdictions with appropriate data protection agreements or mechanisms in place, such as the EU-U.S. Privacy Shield or Standard Contractual Clauses.

Changes to this Privacy Notice:

The Council will review this Privacy Notice regularly to reflect any legislative changes, ensuring compliance with the Data Protection Act 2018 and GDPR. Updates will be published on the Council's website.

Contact Details:

For any questions or to exercise your rights, please contact:

Data Controller:

Great Tey Parish Council

Email: clerk@greatteyparishcouncil.gov.uk

For complaints or further guidance, contact the ICO at Wycliffe House, Water Lane, Wilmslow, Cheshire, or via their helpline at 0303 123 1113.

This detailed privacy policy is intended to ensure transparency in the Council's data handling, in full compliance with the GDPR and the Data Protection Act 2018, while also safeguarding councillors' personal data.