# GRAPPENHALL AND THELWALL PARISH COUNCIL

# GENERAL PRIVACY POLICY

(Adopted at the Council Meeting on)

This General Privacy Notice applies to all personal data processed by Grappenhall & Thelwall Parish Council ("the Council"), and not solely to personal data collected through the Council's website. It explains what personal data the Council collects, why it collects and uses it, the lawful basis for processing, who personal data may be shared with, how it is stored and retained, and the rights available to individuals whose personal data is processed.

**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). Identification can be directly using the data itself or by combining it with other information which helps to identify a living individual (e.g. a list of staff may contain personnel ID numbers rather than names but if you use a separate list of the ID numbers which give the corresponding names to identify the staff in the first list then the first list will also be treated as personal data). 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 (the "GDPR) and other legislation relating to personal data and individual rights ~~such as the Human Rights Act.~~

This Privacy Notice covers personal data collected or processed by the Council through all of its functions and activities, including correspondence, enquiries and complaints, council meetings, consultations, elections and democratic processes, grants, payments, bookings and use of Council facilities, community events, employment and recruitment, councillors and volunteers, safeguarding, the Council website and social media, and any other Council service or statutory function.

**Who are we?**

This Privacy Notice is provided to you by Grappenhall & Thelwall Parish Council which is the data controller for personal data processed by the Council in carrying out its functions and responsibilities.

The Council is responsible for ensuring that personal data is processed lawfully, fairly and transparently and in accordance with the principles and requirements of UK data protection legislation.
For data-protection enquiries, requests to exercise your rights, or questions about this Privacy Notice, you should contact the Council using the contact details published by the Council.

**What personal data does the Council collect and process?**

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

- Names, titles, and aliases, photographs and video recordings;
- Contact details such as telephone numbers, addresses, and email addresses;
- Information provided when you contact the Council, including correspondence, enquiries, complaints, requests, consultation responses, meeting representations and other communications;
- Information relating to your use of Council services, facilities, events and community activities;

- Information relating to applications for grants, funding, permissions, bookings or other Council services;
- 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 dependents;
- 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, policy numbers, and claim numbers;
- Information necessary for the administration of contracts, payments, invoices, grants, suppliers and contractors;
- Information relating to Council employees, prospective employees, councillors, volunteers and other people working for or on behalf of the Council;
- Information relating to safeguarding, complaints, incidents, accidents and the protection of children and adults at risk;
- Technical and online information where you use the Council's website, online forms, electronic communications or social-media services, subject to the Council's website/cookie information where applicable;
- Information contained in publicly available sources, where lawful and necessary for the Council to carry out its functions.

The personal data we process may include sensitive or other special categories of personal data such as criminal convictions, racial or ethnic origin, mental and physical health, details of injuries, medication/treatment received, political beliefs, trade union affiliation, genetic data, biometric data, data concerning and sexual life or orientation.
The Council will only collect and process personal data that is adequate, relevant and limited to what is necessary for the particular purpose for which it is being processed. The Council does not routinely collect every category of information listed above from every individual. The information collected will depend on the Council function, service or interaction involved.

**How we use your personal data**

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:
- 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.
- To administer Council meetings, agendas, minutes, consultations and democratic processes and to comply with transparency and publication requirements;
- To administer Council contracts, procurement, suppliers, contractors and service providers;
- To recruit, employ, manage and support Council staff, councillors and volunteers;
- To investigate and respond to complaints, enquiries, Freedom of Information requests and data-protection requests;
- To protect Council property, premises, staff, councillors, visitors and members of the public;
- To comply with legal, regulatory, accounting and audit requirements;
- To establish, exercise or defend legal claims and protect the Council's legal rights;
- To manage emergencies, incidents and safeguarding matters where necessary.

~~Our processing may also include the use of CCTV systems for the prevention and prosecution of crime.~~
The Council will not use personal data for a purpose that is incompatible with the purpose for which it was originally collected unless permitted or required by law. Where the Council proposes to process personal data for a new purpose, it will consider the requirements of UK data protection legislation and, where required, provide appropriate information to affected individuals before the new processing takes place.

~~**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. 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.~~

**What is the lawful basis for processing your personal data?**

The Council will only process personal data where it has a lawful basis for doing so under the UK GDPR.
Depending on the particular activity, the lawful basis may include:

- Legal obligation – where processing is necessary for the Council to comply with a legal or statutory obligation;
- Public task – where processing is necessary for the Council to perform a task carried out in the public interest or in the exercise of official authority vested in the Council;
- Contract – where processing is necessary for the performance of a contract with you or to take steps at your request before entering into a contract;
- Consent – where you have given valid consent to the processing of your personal data for a specific purpose. Where consent is relied upon, you have the right to withdraw that consent at any time;

- Legitimate interests – where applicable and where the Council or a third party has a legitimate interest which is not overridden by your interests, rights or freedoms. The Council will only rely on this basis where it is lawful and appropriate for the particular processing activity;
- Vital interests – where processing is necessary to protect someone's life or other vital interests in an emergency and the legal conditions for relying on this basis are met.

The Council will determine and document the appropriate lawful basis for each significant processing activity. The lawful basis may differ according to the particular type of personal data and the purpose for which it is processed.
Where special category personal data is processed, the Council will also ensure that an appropriate condition under Article 9 UK GDPR and, where required, a condition under the Data Protection Act 2018 is satisfied. Where personal data relating to criminal convictions or offences is processed, the Council will ensure that the additional legal requirements applicable to such processing are met.

**How we use sensitive personal data**

We may process sensitive personal data including, as appropriate:

- information about your physical or mental health or condition where necessary and lawful, for example in relation to safeguarding or employment matters;
- your racial or ethnic origin or religious or similar information where necessary and lawful, including for equality and diversity monitoring;
- information required in order to comply with legal requirements and obligations to third parties;
- information necessary to protect individuals from harm or to deal with safeguarding matters;
- information required to establish, exercise or defend legal claims.

These types of data are described in the GDPR as "Special categories of personal 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.
- Where necessary for the purposes permitted by UK data protection legislation, including in relation to employment, social protection, safeguarding, legal claims or substantial public interest, where the applicable legal conditions are satisfied.

- ~~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.
Consent is not the Council's default lawful basis. Where another lawful basis is available and

appropriate, the Council may process personal data without consent. Where consent is relied upon, it will be freely given, specific, informed and unambiguous, and you may withdraw it at any time.

## How the Council ensures your personal data is handled lawfully

The Council will comply with data protection law. This says that the personal data we hold about you must be:

- Used lawfully, fairly and in a transparent way.
- Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.
- Relevant to the purposes we have told you about and limited only to those purposes.
- Accurate and kept up to date.
- Kept only as long as necessary for the purposes we have told you about.
- Kept and destroyed securely including ensuring that appropriate technical and security measures are in place to protect your personal data from loss, misuse, unauthorised access and disclosure.

The Council will take reasonable and appropriate technical and organisational measures to protect personal data. Access to personal data will be restricted to those who have a legitimate need to access it for their Council duties. The Council will also take appropriate steps to ensure that contractors and other organisations processing personal data on their behalf provide appropriate security and comply with applicable data-protection requirements.

## Where do we obtain your personal data?

The Council may obtain personal data directly from you when you contact the Council, complete a form, make an application, attend or participate in a Council activity, enter into a contract, make a payment, submit a complaint or otherwise communicate with the Council. Personal data may also be obtained from third parties where lawful and necessary, including other public authorities, government departments, local authorities, contractors, professional advisers, community organisations, safeguarding partners and publicly available sources. Where personal data is not obtained directly from you, the Council will provide the information required by data-protection legislation unless an applicable exemption or other lawful exception applies.

## Sharing your personal data

This section provides information about the third parties with whom the Council may share your personal data. These third parties have an obligation to put in place appropriate security measures and will be responsible to you directly for the manner in which they process and protect your personal data.
It is likely that we will need to share your data with some or all of the following, but only where necessary and lawful:

- ~~The data controllers listed above under the heading "Other data controllers the council works with";~~
- ~~Our agents, suppliers and contractors. For example, we may ask a commercial provider to publish or distribute newsletters on our behalf, or to maintain our database software;~~
- ~~On occasion, other local authorities or not for profit bodies with which we are carrying out joint ventures e.g. in relation to facilities or events for the community~~.

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

- Government departments

- Local Authorities
- Community groups
- Charities
- Other not for profit entities
- Contractors
- Credit reference agencies
- Professional advisers, auditors and insurers;
- Software, IT, website, communications, payroll, accounting and other service providers acting on behalf of the Council;
- Emergency services, safeguarding bodies and law-enforcement agencies where necessary and lawful;
- Other public authorities or organisations where disclosure is required or permitted by law.

We may also share personal data where we are legally required to do so, where it is necessary for the performance of a public task, where required to protect individuals, or where another lawful basis for disclosure applies.
The Council will only share personal data where there is a lawful basis for doing so and where the information shared is necessary and proportionate to the purpose. The Council will not sell personal data to third parties.
Where another organisation processes personal data on behalf of the Council, the Council will take appropriate steps to ensure that a suitable written agreement or other appropriate contractual arrangements are in place where required by data-protection legislation.

**Publication and transparency**

The Council is subject to legal transparency and openness requirements. In some circumstances, information containing personal data may therefore be included in Council agendas, minutes, registers, reports or other documents that are published or made available to the public.
Before publishing personal data, the Council will consider whether publication is legally required or permitted and whether any information should be withheld, redacted or otherwise protected under applicable legislation.

~~We may need to share the personal data we hold with them so that they can carry out their responsibilities to the council. If we and the other data controllers listed above are processing your data jointly for the same purposes, then the council and the other data controllers may be "joint data controllers" which mean we are all collectively responsible to you for your data. Where each of the parties listed above are processing your data for their own independent purposes then each of us will be independently responsible to you and if you have any questions, wish to exercise any of your rights (see below) or wish to raise a complaint, you should do so directly to the relevant data controller.~~

~~A description of what personal data the council processes and for what purposes is set out in this Privacy Notice.~~

**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.

The Council will maintain appropriate retention arrangements for the different categories of records it holds. Retention periods will take account of statutory and regulatory requirements, accounting and audit requirements, the Council's operational needs, legal claims and the need to preserve records of historical or permanent value. Personal data will be securely deleted, destroyed or anonymised when it is no longer required.

**Your rights and your personal data**

You have the following rights with respect to your personal data:
Your rights depend on the circumstances and the lawful basis on which the Council processes your personal data. Some rights are subject to legal exemptions and limitations.

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.

This is known as a Subject Access Request (SAR). You do not normally have to pay a fee for making a SAR. The Council will normally respond to a valid request within one calendar month of receiving the request and any information reasonably required to verify your identity. In complex cases, the response period may be extended where permitted by law, and you will be informed if this applies.
To exercise your right of access, please contact the Council using the contact details published in this Privacy Notice or on the Council's website.
2. The right to correct and update the personal data we hold about you

~~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.
This right is not absolute. The Council may be required or permitted by law to retain certain information, including information required for legal obligations, public tasks or the establishment, exercise or defence of legal claims.

~~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 to comply with a legal obligation).~~

***4) 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. The Council will consider your request and will explain whether it is able to comply, taking account of the applicable lawful basis and any legal requirement to continue processing the information. ~~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.~~

***5) The right to data portability***

You have the right, in certain circumstances, to request that we transfer some of your data to another controller. This right generally applies where processing is based on your consent or a contract and is carried out by automated means. It does not apply to all personal data processed by a public authority in the performance of its public tasks.
~~We will comply with your request, where it is feasible to do so, within one month of receiving your request.~~

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

Where the Council is relying on your consent as the lawful basis for processing your personal data, you have the right to withdraw your consent at any time. Withdrawal of consent will not affect the lawfulness of processing carried out before consent was withdrawn.
You can withdraw your consent easily by telephone, email, or by post (see Contact Details below).

***7)*** **Rights relating to automated decision-making**

You have rights in relation to certain decisions based solely on automated processing, including profiling, where those decisions have legal or similarly significant effects. The Council will comply with the applicable requirements of data-protection legislation where such processing takes place.

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

If you are unhappy with the way the Council has processed your personal data, you should contact the Council in the first instance so that we have an opportunity to investigate and resolve your concerns. You also have the right to complain directly to the Information Commissioner's Office (ICO).
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.

## Staff and employment personal data

The Council 8ecognizes that personal data relating to employees, prospective employees, former employees, volunteers and other staff members requires appropriate protection.
The Council will maintain a separate internal Staff Privacy Policy/Staff Privacy Notice explaining how it processes staff personal data throughout the employment lifecycle. This will cover, as appropriate, recruitment, personnel records, payroll and pensions, tax and National Insurance information, sickness and absence records, performance and training, disciplinary and grievance matters, equality and diversity information, occupational health information, safeguarding, references, emergency contacts, right-to-work information, photographs, IT and communications records, and other information necessary for employment and the Council's legal obligations.
The Staff Privacy Policy/Staff Privacy Notice will explain the purposes for which staff personal data is processed, the applicable lawful bases, the categories of personal data collected, any special category or criminal-offence data processed, who the information may be shared with, retention arrangements, security measures and the rights available to staff under data-protection legislation.
The Staff Privacy Policy/Staff Privacy Notice is an internal Council document and will be made available to relevant staff members. This General Privacy Notice applies to staff personal data where appropriate, but the Staff Privacy Policy/Staff Privacy Notice provides additional information specific to the employment relationship.

**Sharing Information outside the UK**

Where necessary, we may transfer personal information outside of the UK. When doing so, we comply with the UK GDPR, making sure appropriate safeguards are in place. Our website is also accessible from overseas so on occasion some personal data (for example in a newsletter) may be accessed from overseas. Where personal data is transferred or made accessible outside the UK, the Council will ensure that the transfer is lawful and that any safeguards required by UK data-protection legislation are in place.

## Data security and personal data breaches

The Council will take appropriate technical and organisational measures to protect personal data against accidental or unlawful destruction, loss, alteration, unauthorised disclosure or access.
Where the Council becomes aware of a personal data breach, it will assess and manage the breach in accordance with its data-protection procedures and applicable legal requirements. Where notification to the Information Commissioner's Office or affected individuals is legally required, the Council will make the appropriate notification within the required timescale.

## Further processing

If we wish to use your personal data for a new purpose not covered by this Privacy Notice, then we will consider whether the new processing is compatible with the original purpose and whether additional information must be provided to you before the processing takes place. Where required by law, we will provide you with information explaining the new use and the relevant purposes and processing conditions. Where consent is the appropriate lawful basis, we will seek your consent before commencing the new processing.

## Changes to this Privacy Notice

The Council will review this Privacy Notice periodically and whenever there are significant changes to its functions, services, data-processing activities or data-protection legislation. The latest version will be published on the Council's website and otherwise made available to members of the public on request.

This Privacy Notice should be read alongside any specific privacy information provided when personal data is collected and any separate policies or notices applicable to particular services, including the Council's website/cookie information and Staff Privacy Policy/Staff Privacy Notice.

## Adoption and review

This General Privacy Notice has been adopted by Grappenhall & Thelwall Parish Council and will be reviewed at least annually, or sooner if required by changes in legislation, guidance or the Council's processing activities.
Date adopted: [INSERT DATE]
Minute reference: [INSERT MINUTE REFERENCE]
Date for review: [INSERT REVIEW DATE]
Responsible officer: [INSERT NAME/ROLE]

### Contact Details

Please contact us 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 at:

Clerk to the Council, Grappenhall & Thelwall Parish Council

Email: clerk@gtpc.org.uk