

Chelmsford Garden Community Data Protection Policy

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Part One – General Privacy Obligations

1. 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 by the personal data alone or in conjunction with any other 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 local legislation relating to personal data and rights such as the Human Rights Act.

2. Council information

This Privacy Policy is provided to you by Chelmsford Garden Community Council which is the data controller for your data. Contact details may be found at the end of this document.

3. What personal is collected?

- 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 demographic information such as gender, age, marital status, nationality, education/work histories, academic/professional qualifications, hobbies, family composition, and dependants;
- Where you pay for activities, financial identifiers such as bank account numbers, payment card numbers, payment/transaction identifiers, policy numbers, and claim numbers;
- The data we process may include sensitive personal data or other special categories of data such as 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 sex life or sexual orientation.

- Information will be checked on a regular basis so that the Council can be shown to have used its best endeavours to keep such information up to date.

4. 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 to protect personal data from loss, misuse, unauthorised access and disclosure.

5. 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);
- 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 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.

6. What is the legal basis for processing your personal data?

The council is a public authority and has certain powers and duties. 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. Sometime 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 Policy sets out your rights and the council's obligations to you in detail.

We may also 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.

7. Sharing your Personal data

The council will implement appropriate security measures to protect your personal data. This section of the Privacy Policy provides information about the third parties with whom the council will share your personal data. These third parties also 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):

- 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.

8. Privacy in relation to the website

The Council may use cookies on its website. A cookie is a small file which asks permission to be placed on your computer's hard drive. Once you agree, the file is added and the cookie helps analyse web traffic or lets you know when you visit a particular site. Cookies allow web applications to respond to you as an individual. The web application can tailor its operations to your needs, likes and dislikes by gathering and remembering information about your preferences.

We use traffic log cookies 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 user needs. The Council will only use this information for statistical analysis purposes and then the data is removed from the system.

Overall, cookies help us provide you with a better website, by enabling us to monitor which pages you find useful and which you do not. A cookie in no way gives us

access to your computer or any information about you, other than the data you choose to share with us.

You can choose to accept or decline cookies. Most web browsers automatically accept cookies, but you can usually modify your browser setting to decline cookies if you prefer. This may prevent you from taking full advantage of the website.

Where the website uses links to other websites you should be aware that once you have used the link to leave the site, the Council has no control and cannot accept responsibility for the protection and privacy of any information and this policy or any privacy notice of this Council does not apply to other websites and you should refer to the specific privacy statement of that site.

9. How long do we keep your personal data?

The Council will retain records in accordance with its Document Management Policy which may be viewed on the Parish Council website or requested from the Executive Officer. 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.

10. 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.

- (i) The right to access personal data we hold on you***
- (ii) The right to correct and update the personal data we hold on you***
- (iii) The right to have your personal data erased***
- (iv) The right to object to processing of your personal data or to restrict it to certain purposes only***
- (v) The right to data portability***
- (vi) The right to withdraw your consent to the processing at any time for any processing of data to which consent was obtained***
- (vii) 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.

11. Transfer of Data Abroad

Any personal data transferred to countries or territories outside the European Economic Area ("EEA") will only be placed on systems complying with measures giving equivalent protection of personal rights either through international agreements or contracts approved by the European Union. Our website may be accessible from overseas so on occasion some personal data (for example in a newsletter) may be accessed from overseas.

12. Further processing

If we wish to use your personal data for a new purpose, not covered by this Privacy Policy, then we will provide you with a Privacy Notice explaining this new use prior to commencing the processing and setting out the relevant purposes and processing conditions. Where and whenever necessary, we will seek your prior consent to the new processing.

13. Changes to this policy

We keep this Privacy Policy under regular review and we will place any updates on the Council's website.

Part Two Subject Access Request Procedure

If you wish to submit a subject access request to Chelmsford Garden Community Council you must follow the following procedure –

1. You must submit your request in writing (which includes via email.)
2. Your request must be sufficiently well defined and relate to your own personal data to enable the Council to respond
3. To enable the Council to be satisfied in relation to your identity you must provide one of the following forms of identification –
 - Current UK/EEA Passport
 - UK Photocard Driving Licence (Full or Provisional)
 - EEA National Identity Card
 - Full UK Paper Driving Licence
 - HMRC Tax Credit Document
 - Local Authority Benefit Document
 - HMRC Tax Notification Document
 - Disabled Driver's Pass
 - Utility bill for supply of gas, electric, water or telephone landline
 - Most recent council Tax Bill/Demand or Statement
 - Building Society Passbook which shows a transaction in the last 3 months and your address

In response the Council will respond in the following manner

1. The subject access request will immediately be notified to the Executive Officer and the Council Chairman and to the Data Protection Officer in the case where the Council has appointed a Data Protection Officer.
2. The Council must identify whether a valid request has been made under the Data Protection legislation
3. A member of staff, and as appropriate, councillor, must make a full exhaustive search of the records and databases to which they have access.
4. All the personal data that has been requested must be provided unless an exemption can be applied.
5. The Council must respond within one calendar month after accepting the request as valid.
6. The Subject Access Requests must be undertaken free of charge to the requestor unless the legislation permits reasonable fees to be charged.

7. If need be information may be redacted so as not to identify other individuals. Also an explanation of information may be supplied.

8. All response letters will include the following information –
 - a. the purposes of the processing;
 - b. the categories of personal data concerned;
 - c. the recipients or categories of recipients to whom personal data has been or will be disclosed, in particular in third countries or international organisations, including any appropriate safeguards for transfer of data, such as Binding Corporate Rules or EU model clauses;
 - d. where possible, the envisaged period for which personal data will be stored, or, if not possible, the criteria used to determine that period;
 - e. the existence of the right to request rectification or erasure of personal data or restriction of processing of personal data concerning the data subject or to object to such processing;
 - f. the right to lodge a complaint with the Information Commissioners Office (“ICO”);
 - g. if the data has not been collected from the data subject: the source of such data;

the existence of any automated decision-making, including profiling and any meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for the data subject.

9. Where a requestor is not satisfied with a response the Council will deal with this as a complaint and when responding to a complaint, we must advise the requestor that they may complain to the Information Commissioners Office (“ICO”) if they remain unhappy with the outcome.

10. It will be confirmed that copyright in the personal data provided belongs to the council or to another party. Copyright material must not be copied, distributed, modified, reproduced, transmitted, published, or otherwise made available in whole or in part without the prior written consent of the copyright holder.

Part 3 – Security Incident Issues and Cybersecurity

A personal data breach means a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data. This includes breaches that are the result of both accidental and deliberate causes. It also means that a breach is more than just about losing personal data and can include

- access by an unauthorized third party;
- deliberate or accidental action (or inaction) by a controller or processor;
- sending personal data to an incorrect recipient;
- computing devices containing personal data being lost or stolen;
- alteration of personal data without permission; and
- loss of availability of personal data.

In order to prevent such a situation arising the Council has in place a Document Management Policy and in addition an Information security Protocol to ensure that there is adequate security measures for both hard copy documents and also information stored digitally.

In the event of a personal data breach occurring the Council will adhere to the following procedure –

1. In view of the swift reporting requirements the breach will be reported to the Executive Officer and the Council Chairman forthwith. In the absence of the Council Chairman it will be reported to the Vice Chairman. If the Council has appointed a data protection officer it will also be reported to that person.
2. An assessment will be carried out immediately by the Council Chairman (or in his absence the Vice Chairman) and one other Councillor as to the impact of the data breach. The Executive Officer shall provide such information and assistance as they may require to reach a decision. The assessment will need to establish the likelihood and severity of the resulting risk to people's rights and freedoms. If it's likely that there will be a risk then the incident must be notified to the Information Commissioner's Office.
3. Reportable incidents will be reported to the Information Commissioner's Officer within 72 hours of the breach occurring. Even if full details of the breach are not available the breach will be reported in that timescale and the result of subsequent investigations will be advised as soon as the information is known.

4. Any individuals effected by the breach which is reportable to the Information Commissioner's Officer will be notified without undue delay. They will be specifically advised of the following information –
 - the name and contact details of your data protection officer or other contact point where more information can be obtained;
 - a description of the likely consequences of the personal data breach; and
 - a description of the measures taken, or proposed to be taken, to deal with the personal data breach and including, where appropriate, of the measures taken to mitigate any possible adverse effects.
5. In the event that it is deemed that a breach does not need to be reported to the Information Commissioner's Office, then this will be recorded in writing together with a justification of that decision.
6. The breach and the outcome of whether to report it to the Information Commissioner's Officer will be reported at the next Council meeting.

Part 4 – Contact details

Please contact us if you have any questions about this Data Protection Policy or the personal data we hold about you or to exercise all relevant rights, queries or complaints at:

The Data Controller Chelmsford Garden Community Council
Email: clerk@chelmsfordgardencommunitycouncil.gov.uk

This policy was adopted by Chelmsford Garden Community Council at the meeting on 18th May 2023.

Reviewed 2nd May 2024

Date for review May 2025