

Barkway Parish Council

PRIVACY NOTICE EMPLOYEES and COUNCILLORS

The General Data Protection Regulation

The **General Data Protection Regulation (GDPR)** (EU) 2016/679 is a regulation in EU law on data protection and privacy for all individuals within the European Union. The GDPR aims primarily to give control back to citizens and residents over their personal data and to simplify the regulatory environment for international business by unifying the regulation within the EU. The GDPR [replaces the 1995 Data Protection Directive (Directive 95/46/EC).^[2]

It was adopted on 27 April 2016. It becomes enforceable from 25 May 2018, after a two-year transition period.

As your employer/council, we hold, control and use your personal data, and by Law must inform you of our Privacy Policy, and your rights.

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 information alone or in conjunction with any other information. The processing of personal data is governed by *[the Data Protection Bill/Act 2017 the General Data Protection Regulation 2016/679 (the “GDPR” and other legislation relating to personal data and rights such as the Human Rights Act 1998)].*

Who are we?

This Privacy Notice is provided to you by the Parish Clerk who is the data controller for your data.

How do we process your personal data?

The data controllers will comply with their legal obligations to keep personal data up to date; to store and destroy it securely; to not collect or retain excessive amounts of data; to keep personal data secure, and to protect personal data from loss, misuse, unauthorised access and disclosure and to ensure that appropriate technical measures are in place to protect personal data.

We use your personal data for some or all the following purposes (for example some of the role-holders are volunteers and no financial information will be processed for these employees): -

- To enable us to meet all legal and statutory obligations as your employer
- 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;
- To manage our employees
- To maintain our own accounts and records;
- To seek your views or comments;
- We will process data about employees for legal, personnel, administrative and management purposes and to enable us to meet our legal obligations, for example to pay role-holders, monitor their performance and to confer benefits in connection with your engagement as a Employee.

“Employees” includes volunteers, employees, contractors, agents, staff, retirees, temporary employees, beneficiaries, workers, treasurers and other employees.

- We may process sensitive personal data relating to Employees including, as appropriate:
 - information about an Employee’s physical or mental health or condition in order to monitor sick leave and take decisions as to the Employee's fitness for work;
 - the Employee's racial or ethnic origin or religious or similar information in order to monitor compliance with equal opportunities legislation;
 - to comply with legal requirements and obligations to third parties.

What data do the data controllers listed above process?

- Names, titles, and aliases, photographs.
- Contact details such as telephone numbers, addresses, and email addresses.
- Where they are relevant to our business and HR needs, or where you provide them to us, we may process demographic information such as gender, age, date of birth, marital status, nationality, education/work histories, academic/professional qualifications, employment details, hobbies, family composition, and dependants.
- Non-financial identifiers such as passport numbers, driving license numbers, vehicle registration numbers, taxpayer identification numbers, employee identification numbers, tax reference codes, and national insurance numbers.
- Financial identifiers such as bank account numbers, payment card numbers, payment/transaction identifiers, policy numbers, and claim numbers.
- Financial information such as salary, bonus, record of earnings, tax code, tax and benefits contributions, expenses claimed, creditworthiness, car allowance (if applicable), amounts insured, and amounts claimed.
- Other operational personal data created, obtained, or otherwise processed in the course of carrying out our activities, including but not limited to, CCTV footage, recordings of telephone conversations, IP addresses and website visit histories, logs of visitors, and logs of accidents, injuries and insurance claims.
- Other employee data (not covered above) relating to Employees including emergency contact information; gender, birth date, referral source (e.g. agency, employee referral); level, performance management information, languages and proficiency; licences/certificates, citizenship, immigration status; employment status, retirement date; billing rates, office location, practice and speciality; publication and awards for articles, books etc.; prior job history, employment references and personal biographies.
- The data we process is likely to constitute sensitive personal data. Where you provide this information, we may also process other categories of sensitive personal data including racial or ethnic origin, mental and physical health, details of injuries, medication/treatment received labour union affiliation, genetic data, biometric data and criminal records, fines and other similar judicial records.

What is the legal basis for processing your personal data?

Most of our data is processed because it is necessary for our legitimate interests, or the legitimate interests of a third party. An example of this would be the investigation of any accidents or medical claims. We will always take into account your interests, rights and freedoms.

Some of our processing is necessary for compliance with a legal obligation.

We may also process data if it is necessary for the performance of a contract with you, or to take steps

to enter into a contract.

Sharing your personal data

Your personal data will be treated as strictly confidential. It will only be shared with third parties including other data controllers where it is necessary for the performance of the data controllers' tasks in managing your employment legally and effectively

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, we are required to keep financial records for a minimum period of 7 years to support HMRC audits. In general, we will endeavour to keep data only for as long as we need it. This means that we may delete it when it is no longer needed.

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.

1. The right to access information we hold on you
 - At any point you can contact us to request the information we hold on you as well as why we have that information, who has access to the information and where we obtained the information from. Once we have received your request we will respond within one month.
2. The right to correct and update the information 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 information erased
 - If you feel that we should no longer be using your data or that we are illegally using your data, you can request that we erase the data we hold.
 - When we receive your request, we will confirm whether the data has been deleted or the reason why it cannot be deleted (for example because we need it for our legitimate interests or regulatory purpose(s)).
4. The right to object to processing of your data
 - You have the right to request that we stop processing your data. Upon receiving the request we will contact you and let you know if we are able to comply or if we have legitimate grounds to continue to process your data. Even after you exercise your right to object, we may continue to hold your data to comply with your other rights or to bring or defend legal claims.
5. The right to data portability
 - You have the right to request that we transfer some of your data to another controller. 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 sought.

- You can withdraw your consent easily by telephone, email, or by post (see Contact Details below).
7. The right to object to the processing of personal data where applicable.
 8. The right to lodge a complaint with the Information Commissioners Office.

Transfer of Data Abroad

Any electronic personal data transferred to countries or territories outside the EU 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 is also accessible from overseas so on occasion some personal data (for example in a newsletter) may be accessed from overseas.

Further processing

If we wish to use your personal data for a new purpose, not covered by this Data Protection Notice, then we will provide you with a new 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.

Changes to this notice

We keep this Privacy Notice under regular review and we will notify you of any changes in writing, or via company email/notices.

Contact Details

Please contact us if you have any questions about this Privacy Notice or the information we hold about you or to exercise all relevant rights, queries or complaints at:

parishclerk@barkway-village.co.uk

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.