

TORPOINT TOWN COUNCIL

DATA PROTECTION, PLUS DOCUMENT RETENTION & DISPOSAL POLICY

REVIEWED: - MARCH 2021

NEXT REVIEW: - MARCH 2023

REVIEWING BODY: - Asset Management and Operations Committee

Introduction

In order to conduct its business, services and duties, Torpoint Town Council processes a wide range of data relating to its own operations and some handled on behalf of partners.

In broad terms, this data can be classified as:

- Data shared in the public arena about the services it offers, its operations and other information it is required to make available to the public.
- Confidential information and data not yet in the public arena such as ideas or policies that are being worked up.
- Confidential information about other organisations because of commercial sensitivity.
- Personal data concerning its current, past and potential employees, Councillors, current and potential contractors and volunteers.
- Personal data concerning individuals who contact it for information, access its services or make a complaint.

Torpoint Town Council will adopt procedures and manage responsibly all data which it handles and will respect the confidentiality of both its own data and that belonging to partner organisations and members of the public.

The Document Retention Policy is now incorporated into this policy and is integral to our governance arrangements which seek to ensure that information considerations are central to the ethos of the organisation.

The Town Council will periodically review and revise this policy in the light of experience, comments from data subjects and guidance from the Information Commissioner's Office.

The Council will be as transparent as possible about its operations and will work closely with public, community and voluntary organisations. Therefore, in the case of all information which is not personal or confidential, it will be prepared to make it available to partners and members of the community. Details of information which is routinely available is contained in the Council's Publication Scheme which is based on the statutory model publication scheme for local councils.

Protecting Confidential or Sensitive Information

Torpoint Town Council recognises it must at times keep and process sensitive and personal information about employees, Councillors and the public. It has adopted this policy not only to meet its legal obligations but also to ensure high standards.

The General Data Protection Regulation (GDPR) and the Data Protection Act 2018 which apply from the 25th May 2018 will seek to strike a balance between the rights of individuals and the sometimes competing interests of those such as the Town Council with legitimate reasons for using personal information.

The policy is based on the premise that Personal Data must be:

- Processed fairly, lawfully and in a transparent manner in relation to the data subject.
- Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes.
- Adequate, relevant and limited to what is necessary in relation to the purposes for which it is processed.
- Accurate and as far as possible kept up to date.
- Kept in a form that permits identification of data subjects for no longer than is necessary for the purposes for which the personal data is processed.

- Processed in a manner that ensures appropriate security of the personal data including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

Data Protection Terminology

Data subject - means the person whose personal data is being processed.

Personal data - means any information relating to a natural person or data subject that can be used directly or indirectly to identify the person. It can be anything from a name, a photo, an address, date of birth, an email address, bank details, posts on social networkingsites or a computer IP address.

Sensitive personal data - includes information about racial or ethnic origin, political opinions, religious or other beliefs, trade union membership, medical information, sexual orientation, genetic and biometric data or information related to offences or alleged offences where it is used to uniquely identify an individual.

Data controller - means an organization or person (e.g.: Town Council, or an individual Councillor) who determines the purposes for which, and the manner in which, any personal data is to be processed.

Data processor - in relation to personal data, means any person who processes the data on behalf of the data controller.

Processing information or data - means obtaining, recording or holding the information or data or carrying out any operation or set of operations on the information or data, including:

- organising, adapting or altering it
- retrieving, consulting or using the information or data
- disclosing the information or data by transmission, dissemination or otherwise making it available
- aligning, combining, blocking, erasing or destroying the information or data regardless of the technology used.

Torpoint Town Council processes **personal data** in order to: fulfil its duties as an employer by complying with the terms of contracts of employment, safeguarding the employee and maintaining information required by law.

- pursue the legitimate interests of its business and its duties as a public body by fulfilling contractual terms with other organisations and maintaining information required by law.
- monitor its activities including the equality and diversity of its activities.
- fulfil its duties in operating business premises including security.
- assist regulatory and law enforcement agencies.
- process information including recording and updating details about its Councillors, employees, partners, contractors and volunteers.
- process information including the recording and updating details about individuals who contact it for information or to access a service or make a complaint.
- undertake surveys, censuses and questionnaires to fulfil the objectives and purposes of the Council.
- undertake research, audit and quality improvement work to fulfil its objects and purposes.
- carry out Council administration.

Where appropriate and governed by necessary safeguards we will carry out the above processing jointly with other appropriate bodies from time to time.

The Council will ensure that at least one of the following conditions is met for personal information to be considered fairly processed:

- The individual has consented to the processing
- Processing is necessary for the performance of a contract or agreement with the individual
- Processing is required under a legal obligation

- Processing is necessary to protect the vital interests of the individual
- Processing is necessary to carry out public functions
- Processing is necessary in order to pursue the legitimate interests of the data controller or third parties.

Particular attention is paid to the processing of any **sensitive personal information** and the Town Council will ensure that at least one of the following conditions is met:

- Explicit consent of the individual
- Required by law to process the data for employment purposes
- A requirement in order to protect the vital interests of the individual or another person

Who is responsible for protecting a person's personal data?

The Town Council as a corporate body has ultimate responsibility for ensuring compliance with the Data Protection legislation. The Council has delegated this responsibility day to day to the Town Clerk.

- Email: clerk@torpointtowncouncil.gov.uk
- Phone: 01752 814165
- Correspondence: The Town Clerk, Torpoint Town Council, 1 – 3 Buller Road, Torpoint, PL11 2LD

Diversity Monitoring

Torpoint Town Council monitors the diversity of its employees, and Councillors, in order to ensure that there is no inappropriate or unlawful discrimination in the way it conducts its activities. It undertakes similar data handling in respect of prospective employees. This data will always be treated as confidential. It will only be accessed by authorised individuals within the Council and will not be disclosed to any other bodies or individuals. Diversity information will never be used as selection criteria and will not be made available to others involved in the recruitment process. Anonymised data derived from diversity monitoring will be used for monitoring purposes and may be published and passed to other bodies.

The Council will always give guidance on personnel data to employees, Councillors, partners and volunteers through a Privacy Notice and ensure that individuals on whom personal information is kept are aware of their rights and have easy access to that information on request.

Appropriate technical and organisational measures will be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.

Personal data shall not be transferred to a country or territory outside the European Economic Areas 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.

Information provided to us

The information provided (personal information such as name, address, email address, phone number) will be processed and stored so that it is possible for us to contact, respond to or conduct the transaction requested by the individual. By transacting with Torpoint Town Council individuals are deemed to be giving consent for their personal data provided to be used and transferred in accordance with this policy, however wherever possible specific written consent will be sought. It is the responsibility of those individuals to ensure that the Town Council is able to keep their personal data accurate and up-to-date. The personal information will not be shared or provided to any other third party or be used for any purpose other than that for which it was provided.

The Councils Right to Process Information

General Data Protection Regulation Article 6 (1) (a) (b) and (e) (and Data Protection Act) identify the following rights to process personal data. One or more must always apply:

Processing is with consent of the data subject, or
Processing is necessary for compliance with a legal obligation, or Processing is necessary for the legitimate interests of the Council.

Information Security

The Town Council strives to ensure the security of personal data. It will as far as possible make sure that personal information is protected from unauthorised access, loss, manipulation, falsification, destruction or unauthorised disclosure. This is done through appropriate technical measures and appropriate policies. The Council will only keep personal data for the purpose it was collected for and only for as long as is necessary, afterwhich it will be deleted.

Children

The Council will not process any data relating to a child (under 13) without the express parental/guardian consent of the child concerned.

Rights of a Data Subject

Access to Information: an individual has the right to request access to the information we have on them. They can do this by contacting the Town Clerk who is the designated Data Protection Officer.

Information Correction: If they believe that the information we have about them is incorrect, they may contact us so that we can update it and keep their data accurate. Please contact the Town Clerk.

Information Deletion: If the individual wishes the Town Council to delete the information about them, they can request this by contacting the Town Clerk.

Right to Object: If an individual believes their data is not being processed for the purpose it has been collected for, they may object by contacting the Town Clerk.

The Town Council does not use automated decision making or profiling of individual personal data.

Complaints: If an individual has a complaint regarding the way their personal data has been processed, they may make a complaint to the Town Clerk (the Council's DataProtection Officer) or the Information Commissioner's Office casework@ico.org.uk Tel: 0303 123 1113.

The Council will give guidance on the personnel data processed to each individual employee by letter.

The Council will ensure that individuals on whom personal information is kept are aware of their rights and have easy access to that information on request.

Making Information Available

The Publication Scheme is a means by which the Council can make a significant amount of information available routinely, without waiting for someone to specifically request it. The scheme is intended to encourage local people to take an interest in the work of the Council and its role within the community.

In accordance with the provisions of the Freedom of Information Act 2000, this Scheme specifies the classes of information which the Council publishes or intends to publish. It is supplemented with an Information Guide which will give greater detail of what the Council will make available and hopefully make it easier for people to access it.

All formal meetings of Council and its committees are subject to statutory notice being given on notice boards, the Website and sent to the local media. The Council publishes an annual programme in May each year. All formal meetings are open to the public and press and reports to those meetings and relevant background papers are available for the public to see. The Council welcomes public participation and has a public participation session on each Council and committee meeting. Details can be seen in the Council's Standing Orders, which are available on its Website or at its Offices.

Occasionally, Council or committees may need to consider matters in private. Examples of this are matters involving personal details of staff, or a particular member of the public, or where details of commercial/contractual sensitivity are to be discussed.

This will only happen after a formal resolution has been passed to exclude the press and public and reasons for the decision are stated. Minutes from all formal meetings, including the confidential parts are public documents. The Openness of Local Government Bodies Regulations 2014 requires written records to be made of certain decisions taken by officers under delegated powers. These are not routine operational and administrative decisions such as giving instructions to the workforce or paying an invoice approved by Council but would include urgent action taken after consultation with the Chairman, such as responding to a planning application in advance of Council. In other words, decisions which would have been made by Council or committee had the delegation not been in place.

The 2014 Regulations also amend the Public Bodies (Admission to Meetings) Act 1960 to allow the public or press to film, photograph or make an audio recording of council and committee meetings normally open to the public. The Council will where possible facilitate such recording unless it is being disruptive. It will also take steps to ensure that children, the vulnerable and members of the public who object to being filmed are protected without undermining the broader purpose of the meeting.

The Council will be pleased to make special arrangements on request for persons who do not have English as their first language or those with hearing or sight difficulties.

Disclosure Information

The Council will as necessary undertake checks on both staff and Members with the Disclosure and Barring Service and will comply with their Code of Conduct relating to the secure storage, handling, use, retention and disposal of Disclosures and Disclosure Information.

Data Transparency

The Council has resolved to act in accordance with the Code of Recommended Practice for Local Authorities on Data Transparency (September 2011). This sets out the types of information which local authorities should publish and identifies the following key principles:

Demand led: new technologies and publication of data should support transparency and accountability

Open: the provision of public data will be integral to the Council's engagement with residents', so that it drives accountability to them

Timely: data will be published as soon as possible following production.

Torpoint Town Council will ensure the following information is published on its Website for ease of access:

- All transactions above £500.
- End of year accounts
- Annual Governance Statements
- Internal Audit Reports
- List of Councillor or Member responsibilities
- Details of public land and building assets
- Draft minutes of Council and committees within one month

- Agendas and associated papers no later than three clear days before the meeting.
- Details of staffing structures and salary grades.

Data Security Breaches

A data security breach can happen for a number of reasons. All breaches should be reported immediately to the Town Clerk who will determine the appropriate remedial action and reports to be made to affected data subjects and the Information Commissioner's Office.

The Town Clerk will ensure that reports are made in compliance with the Data Protection Act 2018 and report all data security breaches to the Finance and Personnel Committee with details of potential consequences, on-going risks and proposed remedial action.

Document Retention and Disposal

Introduction

The Council accumulates a large quantity of information and data during the course of its everyday activities. This includes data generated internally in addition to information obtained from individuals and external organisations. This information is recorded in various formats and different types of document.

Records created and maintained by the Council are an important asset and as such measures need to be undertaken to safeguard this information. Properly managed records provide authentic and reliable evidence of the Council's transactions and are necessary to ensure it can demonstrate accountability.

Documents may be retained in either 'hard' paper form or in electronic forms. For the purpose of this policy, 'document' and 'record' refers to both hard copy and electronic records.

It is imperative that documents are retained for an adequate period of time. If documents are destroyed prematurely the Council and individual officers concerned could face prosecution for not complying with legislation and it could cause operational difficulties, reputational damage and difficulty in defending any claim brought against the Council.

In contrast to the above the Council should not retain documents longer than is necessary. Timely disposal should be undertaken to ensure compliance with the General Data Protection Regulation so that personal information is not retained longer than necessary. This will also ensure the most efficient use of limited storage space.

Scope and Objectives

The aim of this document is to provide a working framework to determine which documents are:

- Retained – and for how long; or
- Disposed of – and if so by what method.

There are some records that do not need to be kept at all or that are routinely destroyed. This usually applies to information that is duplicated, unimportant or only of a short-term value. Unimportant records include:

- Compliment slips
- Catalogues and trade journals
- Non-acceptance of invitations
- Trivial electronic mail messages that are not related to Council business

- Requests for information such as maps, plans or advertising material
- Out of date distribution lists.

Duplicated and superseded material such as stationery, manuals, drafts, forms, address books and reference copies of annual reports may be destroyed.

Records should not be destroyed if the information can be used as evidence to prove that something has happened. If destroyed the disposal needs to comply with the General Data Protection Regulation.

Computer software

The Town Council is licenced to use the following computer software:

Torpoint Town Council - Microsoft 365 – Office Laptop storage accounts

Torpoint Town Council – Xero Accounting Software

Categories of paper files and electronic files held by the Town Council

1. Achievements
2. Administration
3. Assets
4. Bus Shelters
5. Committees agendas/minutes
6. Complaints
7. Consultations
8. Correspondence
9. Devolution of services
10. Environment
11. Events
12. File Notes
13. Financial Management
14. Financial Regulations
15. Governance
16. Human Resources
17. Information Management
18. Community Hub & Library
19. Town Mayor
20. Members
21. Neighbourhood Development Plan
22. Planning documents
23. Press Releases
24. Projects
25. Risk Management
26. Signage
27. Standing Orders
28. Website
29. Working party groups and other organisations

The general principles that will be adopted in terms of the management, retention and disposal of the Town Council's files are as follows:

1. General Governance

1.1 Minutes and Committee Agendas to be kept indefinitely.

1.2 Strategies which form part of the policy framework and are generated by the Town Council will be retained twelve months past their review date if superseded by a subsequent edition.

1.3 The same will apply to associated protocols, service level agreements, etc.

1.4 Documents and policies which contain personal data generated by partners or other agencies will be held for a minimum of three months and a maximum of 12 months.

1.5 Correspondence will be held for a minimum of 1 year and a maximum of two years with the opportunity to determine exceptions for further retention. In particular, correspondence required to defend claims or relate to warranties, contracts etc. may be maintained longer if considered necessary.

1.6

1.7 Working Group notes will be kept for 2 years.

2. Finance

2.1 Finance records will be kept for the current year plus 6 years.

2.2 Audit reports will be kept for 6 years.

3. Councillors

3.1 Councillor Declarations of Interest and Hospitality Registers will be kept for a minimum of 4 years and reviewed annually.

4. Staff

4.1 Staff records (including individual sickness records and Staff Development Reviews) will be held for the duration of the employment plus 6 years.

4.2 Wages/Payroll records will be kept for 12 years.

4.3 Pension calculations and correspondence will be held for 12 months after the retirement of each officer.

5. Insurance

5.1 Insurance company names and policy numbers will be kept indefinitely.

5.2 Certificates for insurance against liability for employees will be kept for 40 years from the date on which the insurance commenced or was renewed.

6. Legal

6.1 Town park equipment inspection reports will be kept for 21 years.

6.2 Title deeds, leases, agreements, contracts will be kept indefinitely.

6.3 Accidents/Incident reports will be kept for 20 years a list will be maintained of the files destroyed.

All records will be disposed of by re-cycling if possible and, if of a sensitive nature, will be shredded and/or disposed of through a confidential waste recycling facility.