



HARWICH TOWN COUNCIL

DATA PROTECTION POLICY

Data Protection Policy

Harwich Town Council ('the council') aims to ensure that personal information and data is treated lawfully and correctly.

It is the duty of individual employees and members to ensure that personal information held by them and the council, is dealt with in accordance with Data Protection legislation.

This policy applies to all officers, members and those engaged in undertaking business with or on behalf of the council. This policy aims to ensure the council continuously complies with all relevant legislation and good practice, in order to successfully protect the data, it holds and processes.

Collecting & Communicating Personal Data

Personal Information will be:

- Processed fairly, lawfully and in a transparent manner
- Collected for specific, explicit and legitimate purposes
- Adequate, relevant and limited to what is necessary to meet the purpose
- Accurate and up to date
- Kept for no longer than is necessary
- Kept secure to maintain integrity and confidentiality
- Processed in a responsible manner

Keeping People Informed

Harwich Town Council's privacy notice is available for download on the website www.harwichtowncouncil.co.uk/privacy. This notice is under regular review and

Reviewed: 10th December 2024

Effective from: 10th December 2024

Next Review: December 2027

Harwich Town Council will place any updates on the website. The current privacy notice was last updated in **February 2018**.

Personal data shall only be passed onto third parties if consent is obtained. The council will ensure that an individual is aware of their right to be forgotten and can withdraw their consent at any time, for their data to be processed. The council will inform the subject of the potential impact this decision may have, as it may prevent the council being able to provide the service that has been requested.

Consents

A record of all consents will be maintained by the council where this is relied on this as a lawful basis. The central record will be held electronically and updated as necessary. If consent is withdrawn, all records will be destroyed.

Data Breaches

The Clerk is responsible for managing data breaches.

The council has a set procedure for reporting data breaches to both the Information Commissioner's Office (ICO) and any affected data subjects.

In the event of a data breach having been identified/notified (*i.e. when personal data is lost, destroyed, corrupted or disclosed; if data is accessed or passed on without proper authorisation; if the data is made unavailable, e.g. when it has been encrypted by ransomware, accidentally lost or destroyed*), as a result of either accidental or deliberate cause, in the first instance, this will be reported to the Clerk. The cause, source and extent of the breach will be investigated, and its impact evaluated.

If the breach is likely to result in more than an inconvenience to those using the data to undertake their job or there is a risk of adversely affecting any individuals' rights and freedom, the council will report the data breach to the ICO within 72 hours of becoming aware of the breach.

If the extent of the breach is such that the data subject(s) could be significantly affected (*i.e. financial loss, loss of reputation or risk of discrimination*) the data subject(s) will be informed, in writing, without delay.

The Clerk will be responsible for reporting the breach to the ICO following all guidance provided by them in terms of what information must be given. The Clerk will be responsible for notifying any data subject(s) utilising the **template data breach response letter**.

All data breaches will be documented, along with details of actions taken (if any) whether or not they are reported to the ICO or data subject(s).

Processing Personal Data

When processing the personal data of any individual, the council will fully observe all conditions regarding the collection and use of information to meet the needs outlined

Reviewed: 10th December 2024

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under the General Data Protection Regulations 2018. The council will collect, process and retain data only to the extent that it is required to fulfil operational needs or legal requirements.

An individual will be informed when their personal data is being processed by the council. Every individual whose information is processed by the council, will, at any time, have the right to access it.

Storing & Managing Personal Data

Right to Correction

The council will periodically review the data it processes to ensure it remains accurate and will amend any inaccurate or incomplete data. Individuals have the right to have their personal data corrected/rectified if it is inaccurate or incomplete. If the information has been disclosed to a third party the council, will inform the individual of who their data has been given to and will tell those third parties to correct personal data accordingly. This will be undertaken periodically, at the least, annually.

Subject Access Request

Individuals are entitled to access the information that the council holds about them. The council will ensure that personal data is easily accessible at all times so an individual receives a timely response. A **subject access request form** is available from the council.

Confidentiality

Harwich Town Councillors and staff must be aware that when complaints or queries are made, they must remain confidential unless the subject has otherwise given permission. This also applies when using social media or contact with the press. When handling personal data, this must also remain confidential. If a data breach is identified, the ICO must be informed and an investigation will be conducted.

Reviews

The council will periodically review stored personal data and identify any that is deemed inaccurate or no longer required for the purposes for which it was originally obtained. This will include: manual files, electronic files, PC hard drives – both personal and shared and the BT Cloud Phone database.

Disposal of Personal Data

Erasure

Upon request from a data subject, their personal data will be deleted from all sources unless there is a legal obligation to retain this. If the data is required for either statistical or historical purposes, the personal data will be anonymised or removed.

Reviewed: 10th December 2024

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Complaints and Queries

Queries regarding this policy should be addressed to Harwich Town Council's Clerk:
info@harwichtowncouncil.co.uk

If you are not satisfied with the council's response to a subject access request, you can complain using the council's complaints procedure
<https://www.harwichtowncouncil.co.uk/your-council/complaints/>

You can speak to your local councillor(s) to see if they can resolve the issue for you. If you are unclear who this is, please contact the council offices on 01255 507211 or visit our website <https://www.harwichtowncouncil.co.uk/your-council/councillors/>

If you feel the council have not dealt with your complaint in the correct manner, please contact the **Information Commissioner** at:

Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

This policy will be reviewed every 3 years or as required in accordance with changes in legislation. A review of the compliance and effectiveness of this policy will also be undertaken.

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