

Appendix 3 — Privacy Notices

[Please note: This is a privacy notice for members of the general public (but not for staff, councillors or anyone with a role in Arthuret Parish Council).

Privacy Notice for Residents and Members of the General Public

ARTHURET PARISH COUNCIL

GENERAL PRIVACY NOTICE

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 rights such as the Human Rights Act.

Who are we?

This Privacy Notice is provided to you by the **ARTHURET PARISH COUNCIL** which is the data controller for your data.

Other data controllers the council works with:

e.g. other data controllers, such as local authorities

- Community groups
- Charities
- Other not for profit entities
- Contractors
- Credit reference agencies]

We may need to share your 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.

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

- 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 information such as gender, age, marital status, nationality, education/work history, academic/professional qualifications, hobbies, family composition, and dependants
- 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;
- 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.

How we use sensitive personal data

We may process sensitive personal data including, as appropriate:

- information about your physical or mental health or condition in order to monitor sick leave and take decisions on your fitness for work;
- your racial or ethnic origin or religious or similar information in order to monitor compliance with equal opportunities legislation; in order to comply with legal requirements and obligations to third parties.

These types of data are described in the GDPR as "Special categories of 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.

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.

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.

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, Twitter, WhatsApp);
- 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.

Our processing may also include the use of CCTV systems for the prevention and prosecution of crime.

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.

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):

- 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.

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.

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.

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. 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.

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.

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.

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 for to comply with a legal obligation).

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. 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.

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.

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

You can withdraw your consent easily by telephone, email, or by post (see Contact Details below).

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.

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 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 Privacy 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 place any updates on this web page [add URL]. This Notice was last updated in May 2018.

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:

The Data Controller, Arthuret Parish Council Esk Street, Longtown, CA6 5PU

Email: karenjo@carlisle-city.gov.uk

CONSENT FORM

"Your privacy is important to us and we would like to communicate with you about the council and its activities. To do so we need your consent. Please fill in your name and address and other contact information below and confirm your consent by ticking the boxes below."

If you are aged 13 or under your parent or guardian should fill in their details below to confirm their consent

Name

Address

Signature

Date.....

Please confirm your consent below. You can grant consent to any or all of the purposes listed. You can find out more about how we use your data from our "Privacy Notice" which is available from our website or from the council Office or at [\[insert URL\]](#).

You can withdraw or change your consent at any time by contacting the council office.

- We may contact you to keep you informed about what is going on in the council's area or other local authority areas including news, events, meetings, clubs, groups and activities. These communications may also sometimes appear on our website, or in printed or electronic form (including social media).
- We may contact you about groups and activities you may be interested in participating in.
- We may use your name and photo in our newsletters, bulletins or on our website, or our social media accounts (for example our Facebook page or Twitter account).
- [Optional Additional Activities for councils to add if not included above.]

Keeping in touch:

- Yes please, I would like to receive communications by email
- Yes please, I would like to receive communications by telephone
- Yes please, I would like to receive communications by mobile phone including text message
- Yes please, I would like to receive communications by social media (for example **Facebook, Twitter, Instagram, WhatsApp**)
- Yes please, I would like to receive communications by post

Role of Data Protection Officers

1. What does a Data Protection Officer do?

- (a) The GDPR sets out in detail the minimum responsibilities of the Data Protection Officer ("DPO") role. GDPR specifies that DPOs "should assist the controller or the processor to monitor internal compliance with this Regulation".
- (b) A DPO's duties include:
 - (i) informing and advising the council and its staff of their obligations in the GDPR and other data protection laws;
 - (ii) monitoring compliance of the council, both its practices and policies, with the GDPR and other data protection laws;
 - (iii) raising awareness of data protection law; providing relevant training to staff and councillors;
 - (iv) carrying out data protection-related audits;
 - (v) providing advice to the council, where requested, in relation to the carrying out of data protection impact assessments ('DPIAs') and the council's wider obligations with regard to DPIAs; and
 - (vi) acting as a contact point for the Information Commissioner's Office.
- (c) As part of these duties to monitor compliance, DF's may, in particular:
 - (i) collect information to identify processing activities;
 - (ii) analyse and check the compliance of processing activities; and
 - (iii) inform, advise and issue recommendations to the controller or the processor

(d) Monitoring of compliance does not mean that it is the DPO is personally responsible where there is an instance of non-compliance. The GDPR makes it clear that it is the controller, not the DPO, who is required to 'implement appropriate technical and organizational measures to ensure and to be able to demonstrate that processing is performed in accordance with this Regulation.'

(e) The appointed DPO must at all times have regard to 'the risk associated with the processing operations, taking into account the nature, scope, context and purposes of processing.' This is an overarching obligation which means that the role of the DPO will vary in proportion to the risks to the rights of individuals affected by the council's processing of personal data.

(f) The DPO should 'cooperate with the supervisory authority'(in the UK, this is the information Commissioners Office ("ICO")) and 'act as a contact point for the supervisory authority on issues relating to processing, and to consult, where appropriate, with regard to any other matter'.

(g) It is the controller or the processor, not the DPO, who is required to 'maintain a record of processing operations under its responsibility' or 'maintain in a record of all categories of processing activities carried out on behalf of a controller'.

DPOs and DPIAs

A data controller (and not the DPO) is required to carry out a data protection impact assessment ('DPIA') under the GDPR in certain circumstances.

The controller must 'seek advice' from the DPO when carrying out a DPIA. DPOs have the duty to 'provide advice where requested as regards the DPIA and monitor its performance'.

It is recommended that controllers should seek the advice of the DPO on the following issues:

A.3.1 Whether or not to carry out a DPIA;

A.3.2 What methodology to follow when carrying out a DPIA;

A.3.3 Whether to carry out the DPIA in-house or whether to outsource what it safeguards (including technical and organisational measures) to apply to mitigate any risks to the rights and interests of the data subjects; and

A.3.4 Whether or not the data protection impact assessment has been correctly carried out and whether its conclusions (whether or not to go ahead with the processing and what safeguards to apply) are in compliance with the GDPR.

(4) If the controller disagrees with the advice provided by the DPO, the DPIA documentation should specifically justify in writing why the advice has not been taken into account.

Data controllers and processors should ensure that:

- (5) The DPO is invited to participate regularly in meetings of senior and middle management. For councils, this would include meetings of full council and relevant committee meetings
- (6) The DPO's name and contact details are provided to ICO;
- (7) The DPO should be available to advise/ support councillors and relevant staff on data protection issues;
- (8) The DPO is present when decisions with data protection implications are taken;
- (9) All relevant information must be passed on to the DPO in a timely manner in order to allow him or her to provide adequate advice;
- (10) The opinion of the DPO must always be given due weight. In case of disagreement it is good practice to document the reasons for not following the DPO's advice;
- (11) The DPO should be promptly consulted once a data breach or another incident has occurred. This is good practice since the DPO will often have been involved in implementing data protection polices such as breach reporting and it will be important for the DPO to assess whether the policies work operationally.

Role Checklist

- Raising data protection awareness within the council, and advising on GDPR compliance;
- Ensuring the implementation of the appropriate documentation to demonstrate GDPR compliance;
- Monitoring the implementation and compliance with policies, procedures and GDPR in general;
- Involvement in council's handling of data breaches, including assisting and advising the council with its notification to the ICO and data subjects where necessary (but it is the council which has the obligation to notify in certain circumstances not the DPO);
- Liaising with the ICO, the relevant councillors and staff and with the data subjects;
- Monitoring Data Protection Impact Assessments;
- Cooperating with and acting as the contact point for the ICO on issues relating to processing'

A template of a council's internal register of processing activities

Description	Details
Subject matter of the processing	[This should be a high level, short description of what the processing is about i.e. its subject matter]
Duration of the processing	[Clearly set out the duration of the processing including dates]
Nature and purposes of the processing	<p>[Please be as specific as possible, but make sure that you cover all intended purposes.</p> <p>The nature of the processing means any operation such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction of data (whether or not by automated means) etc.</p> <p>The purposes will include those listed in the Privacy Notice in Appendix 3 e.g. for the purposes of performing the council's statutory obligations or delivering its services.]</p>
Type of Personal Data	[Examples here include: name; address, date of birth, NI number, telephone number, pay, images, biometric data etc.]
Categories of Data Subject	
Plan for return and [Describe how long the data will be retained for, how it be destruction of the data once returned or destroyed] the processing is complete UNLESS requirement under union or member state law to preserve that type of data	[Examples include: Staff (including volunteers, agents, and temporary workers), councillors, customers/, suppliers, members of the public, users of a particular website etc.]

Internal register of processing activities

Description	Details
Subject matter of the processing	
Duration of the processing	
Nature and purposes of the processing	
Type of Personal Data	
Categories of Data Subject	
Plan for return and [Describe how long the data will be retained for, how it be destruction of the data once returned or destroyed] the processing is complete UNLESS requirement under union or member state law to preserve that type of data	

