



## **MALTON TOWN COUNCIL**

### **DATA PROTECTION POLICY**

The council recognises its responsibility to comply with the Data Protection Act 1998.

The act regulates the use of personal data. This does not have to be sensitive data, it can be as little as a name and address.

#### **The Data Protection Act 1998**

The Act sets out high standards for the handling of personal information and protecting individuals' rights for privacy. It also regulates how information can be collected, handled and used. The Act applies to anyone holding information about people electronically or on paper. As a local authority the council has a number of procedures in place to ensure that it complies with the Act when holding personal information. The council has also notified the Information Commissioner that it holds personal data about individuals.

The clerk is the Data Controller for the Council.

When dealing with personal data, council staff and councillors must ensure that:

#### **Data is processed fairly and lawfully**

This means that information should only be collected from individuals if staff and councillors have been open and honest about why they want the information.

#### **Data is processed for specified purposes only**

#### **Data is relevant to what it is needed for**

Data will be monitored so that too much or too little is not kept; only data that is needed should be held.

#### **Data is accurate and kept up to date**

Personal data should be accurate, if it is not it should be corrected.

#### **Data is not kept any longer than it is needed**

#### **Data is processed in accordance with the rights of individuals**

This means that individuals must be informed, upon request, of all the information held about them.

#### **Data is kept securely**

This means that only staff and councillors can access the data. It should be stored securely so it cannot be accessed by members of the public.

#### **Storing and accessing data**

The council recognises its responsibility to be open with people when taking personal details from them. This means that staff must be honest about why they want a particular piece of information. If, for example, a member of the public gives their phone number to staff or a member of the council, this will only be used for the purpose it has been given and will not be disclosed to anyone else.

The council may hold information about individuals such as their addresses and telephone numbers. These will be kept in a secure location at the town council office and are not available for public access. All data stored on the council's computers is password protected. Once data is not needed anymore, if it is out of date or has served its use, it will be deleted from the computers.

The council is aware that people have the right to access any information that is held about them. If a person requests to see any data that is being held about them:

- They must be sent all the information that is being held about them,
- There must be explanation for why it has been stored,
- There must be a list of who has seen it,
- It must be sent within 40 days.

A fee to cover photocopying and postage charges will be charged to the person requesting the information. (See Appendix A of Document Retention Policy).

### **Disclosure information**

If an elected member of the council needs to access information to help carry out their duties, this is acceptable. They are only able to access as much information as necessary and it should only be used for that specific purpose. If, for instance, someone has made a complaint about over hanging bushes in a garden, a councillor may access an address and telephone number of the person who has made the complaint so they can help with the enquiry.

They can only do this providing they represent the area that the subject lives in; however, before they access any sensitive information about a person, they would need consent to do this from the Data Controller. Data should never be used for political reasons unless the data subjects have consented.

### **Confidentiality**

Council staff must be aware that when complaints or queries are made, they must remain confidential unless the subject gives permission otherwise. When handling personal data, this must also remain confidential.