Title:	**Constitution of the Council** **(Part 4Ab: Data Protection Policy)**
Owner:	**Angela Wakefield**
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DATA PROTECTION POLICY

1 PURPOSE

1.1 This policy sets out how the Council will ensure that it complies with all the provisions of the Data Protection Act 1998 ("the Act"). Everyone working for the Council should be aware of this policy.

2 INTRODUCTION

2.1 The Council is fully committed to protecting the privacy of all individuals including staff, contractors, service users and others, by ensuring lawful use of their personal data in accordance with the Act. The Council will take all necessary steps to implement this policy and to ensure that all staff are fully aware of it and abide by it.

3 STATUS OF THE POLICY

3.1 This policy does not form part of any formal contract of employment, but it is a condition of employment that staff abide by the rules and policies made by the Council. Any failure to follow this policy can therefore result in disciplinary proceedings.

3.2 Any staff member who considers that this policy has not been followed in respect of personal information about themselves, should raise the matter with their line manager initially. If the matter is not resolved, it should be raised as a formal grievance.

4 WHY PERSONAL INFORMATION IS COLLECTED

4.1 In order to operate efficiently, the Council has to collect and use information about people. These may include members of the public, current, past and prospective staff members, clients, service users and suppliers. In addition, the Council may be required by law to collect and use information in order to comply with the Statutory and Governmental requirements.

4.2 The Council regards the lawful and responsible treatment of personal data as very important for successful operation and for maintaining confidence in the Council. The Council will take the following steps.

5 THE EIGHT PRINCIPLES OF DATA PROTECTION

5.1 The Council will comply with the eight data protection principles set out in the Act. Through appropriate management controls, the Council will:

5.1.1 fully observe legal conditions regarding the fair collection and use of personal information.

5.1.2 meet legal obligations to specify the purpose for which information is used and will only use it for those purposes.

5.1.3 collect and process appropriate personal information only to the extent that it is needed to fulfil operational needs or to comply with any legal requirements.

5.1.4 ensure the quality of information used.

5.1.5 apply strict limits to the length of time that information is held.

5.1.6 ensure that the rights of people about whom the information is held can be fully exercised under the Act.

5.1.7 take appropriate technical and organisational security measures to safeguard personal information.

5.1.8 ensure that personal information is not transferred abroad without suitable safeguards.

6 STAFF AWARENESS AND INVOLVEMENT

6.1 Staff are key to ensuring that the Council complies with the Act. The Council will ensure that:

6.1.1 there is an officer with specific responsibility for data protection in the Council ("the Data Protection Officer").

6.1.2 everyone managing and handling personal information understands they are contractually responsible for following good data protection practice.

6.1.3 everyone managing and handling personal information is appropriately trained to do so.

6.1.4 everyone managing and handling personal information is appropriately supervised.

6.1.5 anyone wanting access to their personal information knows what to do.

6.1.6 queries about handling personal information are promptly and courteously dealt with.

6.1.7 methods of handling personal information are regularly assessed and evaluated.

6.1.8 performance in handling personal information is regularly assessed and evaluated.

6.1.9 data sharing is carried out under a written agreement, setting out the scope and limits of the sharing. Any disclosure of personal information will be in compliance with approved procedures.

7 CONTRACTORS AND THIRD PARTIES

7.1 All contractors, consultants, partners or other servants or agents of the Council who are users of personal data supplied by the Council will be required to confirm that they will abide by the requirements of the Act. The Council will require that they enter into a contract which will oblige them to:

7.1.1 ensure that they and all of their staff who have access to personal information held or processed for us or on our behalf, are aware of this policy and are fully trained in and are aware of their duties and responsibilities under the Act. Any breach of any provision of the Act will be deemed as being a breach of any contract between this Council and that individual, company, partner or firm.

7.1.2 ensure that they only act on our instructions with regard to the processing of personal data we supply to them.

7.1.3 ensure that they have adequate security around personal data supplied to them and, in particular, will take appropriate organisational and technical steps to ensure that there is no loss, damage or destruction of such data.

7.1.4 allow data protection audits by the Council, of personal data held on its behalf (if requested).

7.1.5 indemnify the Council against any prosecutions, claims, proceedings, actions or payments of compensation or damages, without limitation arising out of any breach of the Act by them.

8 ACCESS TO PERSONAL INFORMATION

8.1 Staff, service users and other individuals about whom the Council holds personal information have the right to access it. Any person may exercise this right by submitting a request in writing to the Council. Ideally this should be sent to the Data Protection Officer but this is not a requirement.

8.2 The Council will make a charge of £10 for each written request under the Act.

8.3 The Council aims to comply with requests for access to personal data as quickly as possible, but will ensure that it is provided within 40 days unless there is good reason for delay. In such cases, the reason for the delay will be explained in writing to the person making the request.

8.4 The Council offers advice and assistance to any person wishing to make a request for information.

9 NOTIFICATION TO THE INFORMATION COMMISSIONER

9.1 The Act requires the Council to notify our processing of personal information on an annual basis. Failure to do so is a criminal offence. The Information Commissioner maintains a public register of data controllers. This register can be viewed on the Information Commissioner's website. The Data Protection Officer can make arrangements for the register to be viewed for people who do not have access to the website.

9.2 Any changes to the register must be notified to the Information Commissioner within 28 days. Members of staff aware of any change must contact the Data Protection Officer so that the appropriate notification can be made.

10 CONCLUSION

10.1 Compliance with the Act is the responsibility of everyone within the Council. Any questions or concerns about the interpretation or operation of this policy should be addressed to the Data Protection Officer.