

Weston Parish Council

Privacy Notice

for staff*, Councillors and Role Holders**

*Staff means employees, workers, agency staff and those retained on a temporary or permanent basis

**Includes, volunteers, contractors, agents, and other role holders within the council including former staff* and former councillors. This also includes applicants or candidates for any of these roles.

Your personal data

“Personal data” is any information about a living individual which allows them to be identified from that data (for example a name, photograph, video, email address, or address). 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.

This Privacy Notice is provided to you by Weston Parish Council which is the data controller for your data. The Council works together with other data controllers, such as local authorities, public authorities, central government and agencies such as HMRC, former and prospective employers and payroll services providers.

We may need to share personal data we hold with them so that they can carry out their responsibilities to the council and our community. The organisations referred to above will sometimes be “joint data controllers”. Where two or more data controllers are working together for a joint purpose we are all responsible to you for how we process your data. If there is no joint purpose or collaboration then the data controllers will be independent and will be individually responsible to you.

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 and collected only for valid purposes that have been 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 and 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.

What data we process

- Names, titles, contact details such as telephone numbers, addresses, and email addresses
- Start date / leaving date
- Where they are relevant to our legal obligations, or where you provide them to us, we may process information such as gender, age, date of birth, marital status, nationality, education/work history, academic/professional qualifications, employment details, hobbies, family composition, and dependants.
- Non-financial identifiers such as taxpayer identification numbers, staff identification numbers, tax reference codes, and national insurance numbers.
- Financial information such as National Insurance number, pay and pay records, tax code, tax and benefits contributions, expenses claimed.
- Next of kin and emergency contact information
- Location of employment or workplace.

- Other staff data (not covered above) including; level, performance management information, employment status; information for disciplinary and grievance proceedings; and personal biographies.
- Information about your use of our information and communications systems.

We use your personal data for some or all of the following purposes

- Making a decision about your recruitment or appointment.
- Determining the terms on which you work for us.
- Checking you are legally entitled to work in the UK.
- Paying you and, if you are an employee, deducting tax and National Insurance contributions.
- Administering the contract, we have entered into with you and providing any contractual benefits to you.
- Conducting performance reviews, managing performance and determining performance requirements and making decisions about salary reviews and compensation.
- Conducting grievance or disciplinary proceedings.
- Making decisions about your continued employment or engagement.
- Making arrangements for the termination of our working relationship.
- Education, training and development requirements.
- Dealing with legal disputes involving you, including accidents at work.
- Ascertaining your fitness to work and managing sickness absence.
- Complying with health and safety obligations.
- To prevent fraud.
- To monitor your use of our information and communication systems to ensure compliance with our IT policies. To ensure network and information security, including preventing unauthorised access to our computer and electronic communications systems and preventing malicious software distribution.
- To provide a reference.

Some of the above grounds for processing will overlap and there may be several grounds which justify our use of your personal data. We will only use your personal data when the law allows us to. Most commonly, we will use your personal data in the following circumstances:

- Where we need to perform the contract, we have entered into with you.
- Where we need to comply with a legal obligation.
- We may also use your personal data where we need to protect your interests (or someone else's interests) or where it is needed in the public interest or for official purposes.

How we use sensitive personal data

We may process sensitive personal data relating to staff, councillors and role holders including information about your physical or mental health or condition in order to monitor sick leave and take decisions on your fitness for work in order to comply with legal requirements and obligations to third parties.

We may process special categories of personal data limited circumstances, with your explicit written consent where we need to carry out our legal obligations, where it is needed in the public interest or where it is needed to assess your working capacity on health grounds, subject to appropriate confidentiality safeguards.

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.

We do not need your consent if we use your sensitive personal data in accordance with our rights and obligations in the field of employment and social security law.

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. You should be aware that it is not a condition of your contract with us that you agree to any request for consent from us.

We may only use personal data relating to criminal convictions where the law allows us to do so. This will usually be where such processing is necessary to carry out our obligations and provided we do so in line with our data protection policy.

What is the legal basis for processing your personal data?

Some of our processing is necessary for compliance with a legal obligation. We may also process data if it is necessary for the performance of a contract with you, or to take steps to enter into a contract. We will also process your data in order to assist you in fulfilling your role in the council including administrative support or if processing is necessary for compliance with a legal obligation.

Sharing your personal data

Your personal data will only be shared with third parties including other data controllers where it is necessary for the performance of the data controllers' tasks or where you first give us your prior consent. It is likely that we will need to share your data with:

- Our agents, suppliers and contractors. For example, we may ask a commercial provider to manage our HR/ payroll functions or to maintain our database software
- Other persons or organisations operating within local community
- Other data controllers, such as local authorities, public authorities, central government and agencies such as HMRC
- Former and prospective employers
- Payroll services providers
- Professional advisors

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 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.

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, if we start to use your personal data for a purpose not mentioned in this notice.

Your responsibilities

It is important that the personal data we hold about you is accurate and current. Please keep us informed if your personal data changes during your working relationship with us.

Your rights in connection with 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 by post or email by contacting the Council.
- 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.

Adopted June 2018

Reviewed AGM May 2023 – No Amendments Required

10/05/2023