

COLNEY HEATH PARISH COUNCIL

- ✉ **Postal Address:** Highfield Park Visitor Centre, Hill End Lane AL4 0RA
- ☎ **Telephone:** (01727) 825 314
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2024-25 Item 86c Data Protection Policy

DATA PROTECTION POLICY

1. Background

In the course of conducting its business, services, and duties, Colney Heath Parish Council ('the Council') processes a wide range of data. This includes data relating to its operations and data managed on behalf of partners. As custodians of personal data, the Council recognises its legal and moral obligation to ensure all data is handled properly and confidentially at all times.

To meet its obligations, the Council must establish and regularly update a robust Data Protection Policy. This policy should align with the relevant legislative framework and provide clear guidance for handling personal data.

2. Legislative Framework

The Council's data protection activities are regulated by:

- **Data Protection Act 2018 (DPA 2018):** The UK's implementation of the General Data Protection Regulation (GDPR).
- **UK GDPR:** The retained version of the EU General Data Protection Regulation post-Brexit.

These regulations govern the processing of personal data—defined as any information related to an identified or identifiable natural person—and mandate compliance with the following principles:

- a) Processed fairly, lawfully, and transparently.
- b) Collected for specific, explicit, and legitimate purposes.
- c) Adequate, relevant, and limited to what is necessary.
- d) Accurate and kept up to date.
- e) Retained no longer than necessary.
- f) Secured against unauthorised processing, access, loss, or damage.
- g) Additional protections apply to sensitive data, such as information on race, religion, or health, and to the personal data of children under 13, for which parental consent is required.

3. Scope and Principles

The Council's Data Protection Policy must:

- Apply to all personal data processing activities, regardless of format or storage location.
- Ensure accountability and transparency by documenting processing activities and maintaining records of data breaches.
- Include provisions for:

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- Privacy notices.
- Data retention schedules.
- Data Protection Impact Assessments (DPIAs) for high-risk activities.
- Secure destruction of records.

4. Responsibilities and Accountability

As the data controller, the Council is ultimately responsible for compliance with data protection laws. Specific responsibilities include:

- **Annual ICO Registration:** Notify the Information Commissioner's Office (ICO) of data processing activities and pay the required fee.
- **Documentation:** Maintain comprehensive records of data processing, privacy notices, and data breaches.
- **Delegated Responsibility:** The Clerk to the Council is responsible for day-to-day implementation of the policy.
- **Third-Party Processors:** Ensure data processors meet security standards and provide sufficient guarantees of compliance with GDPR.

Where uncertainty arises, advice should be sought from the ICO or other advisory bodies, such as the Hertfordshire Association of Parish & Town Councils (HAPTC).

5. Practical Applications

a) Councillors' Responsibilities

Councillors must:

- Access personal data only when essential for official duties or authorized by the data subject.
- Ensure secure storage and handling of personal data, particularly when working remotely.
- Adhere to the principles of transparency while protecting personal data in council minutes and agendas.

b) Privacy Notices

Privacy notices must be:

- Clearly written and accessible.
- Displayed prominently on the Council's website current notice can be located on the website at <https://www.colneyheathparishcouncil.gov.uk/wp-content/uploads/2025/01/Privacy-Notice-2025.pdf>
- Inclusive of information on data categories, purposes, lawful bases for processing, data sharing, and individuals' rights.

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c) Individuals' Rights

The Council must uphold individuals' rights under GDPR, including:

- The right to access, rectify, or erase personal data.
- The right to restrict or object to processing.
- The right to data portability.

Requests to exercise these rights must be handled promptly and in accordance with established procedures.

d) Data Breaches

The Council must:

- Report data breaches to the ICO within 72 hours where necessary.
- Notify affected individuals if a breach poses a high risk to their rights and freedoms.
- Retain records of all breaches and evidence for accountability purposes.

e) Record Retention and Destruction

The Council's document retention policy should:

- Specify retention periods for various types of data.
- Ensure secure destruction of records by accredited third parties where applicable.
- Comply with the ICO's guidelines on deleting data.

6. Implementation and Review

The Data Protection Policy must be:

- Reviewed at least annually or upon changes in legislation.
- Updated to reflect new guidance, technological developments, and operational changes.
- Communicated to all employees, councillors, and relevant third parties.

By establishing and maintaining a comprehensive Data Protection Policy, the Council can ensure compliance with legal obligations, safeguard individuals' rights, and uphold public trust in its operations.

Adoption Date: [23rd January 2025]
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