



# BODMIN TOWN COUNCIL

## DATA PROTECTION POLICY

### 1 Introduction

1.1 Bodmin Town Council needs to collect and process certain types of information about people with whom it deals in order to operate. This includes information relating to current, past and previous employees, suppliers, customers and others with whom it communicates.

1.2 Bodmin Town Council is registered with the Information Commissioner's Office under Register Entry No. Z6680217.

1.3 There is a clear distinction between 'personal' data and "special categories of data".

- 'Personal' data is defined as any information relating to an identified or identifiable natural person (data subject); and
- One who can be identified directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identify of that person.
  
- 'Special Categories of Data include the following:
  - (a) Racial or ethnic origin;
  - (b) Political opinions;
  - (c) Religious or similar beliefs;
  - (d) Trade union membership;
  - (e) Physical or mental health or condition;
  - (f) Sexual life or sexual orientation;
  - (g) Genetic data;
  - (h) Biometric data (when processed to identify a person)

1.4 In accordance with the General Data Protection Regulation and the Data Protection Act 2018 which came into force on 25 May 2018, all organisations which process personal information (whether on paper, in a computer, or recorded on any other media) are required to comply with a number of important principles regarding privacy and disclosure.

In line with Article 5 (1) (a-f) this ensures that the information is:

- Processed fairly and lawfully;
- Collected and processed for specified, explicit and legitimate purposes;
- Adequate, relevant and limited to what is necessary (data minimisation);;
- Accurate and kept up to date;
- Kept in a form that permits the identification of the data subject and must not be kept longer than necessary;
- Processed in a manner that uses technical and organisational measures to ensure the appropriate security of the data.
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1.5 Through appropriate management Bodmin Town Council will strictly apply the following criteria and controls:

- Fully observe conditions regarding the fair collection and use of information;
- Meet its legal obligations to specify the purposes for which information is used;
- Collect and process relevant information, only to the extent that is required to fulfil operational needs/to comply with legal requirements;
- Ensure the quality of information used;
- Apply strict checks to determine the length of time that information is held in accordance with the Council's Document Retention Policy;
- Ensure that the rights of the people about whom information is held, are able to be fully exercised under the Act;
- Take appropriate technical and organisational security measures to safeguard personal information;
- Ensure that personal information is not transferred abroad without suitable safeguards.

1.6 Bodmin Town Council will also ensure that:

- There is someone with specific responsibility for Data Protection in the organisation (the person currently nominated is the Executive Assistant who can be contacted via [dpo@bodmin.gov.uk](mailto:dpo@bodmin.gov.uk);
- Everyone managing and handling personal information
  - (a) fully understands that they are contractually responsible for following good practice in terms of protection;
  - (b) is adequately trained to do so;
  - (c) are appropriately supervised.

## 2 Rights to Access Information

2.1 Staff, Councillors, residents, customers and other data subjects have the right to:

- Request their own data from the Council (Subject Access Requests must be answered within one month);
- Ask that inaccuracies in data held about them are rectified 'without undue delay';
- Ask that data relating to them is erased without undue delay and the data is erased if one of the following grounds apply:
  - The data is no longer necessary in relation to why it was collected;
  - The data subject withdraws consent to the processing;
  - The data subject objects to the processing and this overrides legitimate grounds for the processing of data;
  - The data has been unlawfully processed; or
  - The data has to be erased to ensure compliance with the law.

2.2 Any person wishing to see information held about them should write to the Council, addressing the letter to the Data Protection Officer. Information required includes name and address, proof of identity, date of birth and any other information which would assist in finding their information. The Council will respond within one month of receipt of application.

2.3 If an individual notifies the Council that the data is incorrect and requests that it be amended, the Council must advise the individual within 21 days whether or not the amendment has been made.

2.4 Information relating to the operation and management of the Town Centre CCTV System is outlined by the CCTV Code of Practice which can be found on the Council's

website [www.bodmin.gov.uk](http://www.bodmin.gov.uk)

### **3 Breach of Policy**

- 3.1 Compliance with the Act is the responsibility of all Councillors, residents, customers and members of staff. Any deliberate or reckless breach of the Policy may lead to disciplinary action and where appropriate, legal proceedings.
- 3.2 Any individual who believes that the Council has breached any of the requirements of the General Data Protection Regulation and the Data Protection Act 2018 should raise the matter with the Data Controller initially. Alternatively, a complaint can be made to the Information Commissioner's Office at the following address:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

- 3.3 The Commissioner will carry out an assessment of the Council's processing to establish whether or not it is compliant with the Act. Should the Council be non-compliant, then the Commissioner will issue a notice requiring it to take steps to ensure compliance.

### **4 Alternative Formats**

- 4.1 The Equality Act 2010 – copies of this document in large print (A3 Format) or larger font size, or recorded onto tape as a 'talking book' can be made available for those with sight impairment on request from the Council Office or by telephoning 01208 76616 or e-mailing [policy@bodmin.gov.uk](mailto:policy@bodmin.gov.uk)
- 4.2 The Council can also arrange to provide versions in other languages.

### **5 Freedom of Information**

- 5.1 In accordance with the Freedom of Information Act 2000, this Document will be posted on the Council's Website [www.bodmin.gov.uk](http://www.bodmin.gov.uk) and copies of this document will be available for inspection on deposit in the Council Office.

### **6 Review**

- 6.1 This policy will be reviewed every four years (or earlier if required by changes to legislation or additional documentation) and amended as necessary based on good practice or evidence taken forward.