



DOWNTON PARISH COUNCIL

INFORMATION & DATA PROTECTION POLICY

INCLUDES DATA RETENTION SCHEDULE AND PRIVACY NOTICE

This Information and Data Protection Policy sets out how Downton Parish Council will maintain its records and record management systems in accordance with the regulatory environment.

This Policy was approved and adopted by a Meeting of the Council held on 15 July 2024.

Signed: Melanie Camilleri
(Proper Officer and Responsible Financial Officer)

Signed: Cllr Jane Brentor (Chair)

Date: 15 July 2024

1. Introduction

The **Data Protection Act 2018 (DPA 2018)** supersedes the **Data Protection Act 1998 (DPA 1998)** and is a United Kingdom law that governs how personal information is used by organizations, businesses, and the government. It serves as the UK's implementation of the **General Data Protection Regulation (GDPR)**.

The DPA 2018 adopted the seven principles of the GDPR which form the basis of an organisation's data protection framework to ensure that: -

- personal data is handled fairly, transparently, and securely, and
- individuals have rights to access their data, update incorrect information, request erasure, and object to certain processing.

The act also provides stronger legal protection for sensitive information, such as health or religious beliefs.

The seven data protection principles which lie at the heart of the general data protection regime are: -

1. Lawfulness, fairness and transparency
2. Purpose limitation
3. Data minimisation
4. Accuracy
5. Storage limitation
6. Integrity and confidentiality (security)
7. Accountability

Further reading on these data protection principles through this link [A guide to the data protection principles | ICO](#)

2. Downton Parish Council

Under the GDPR, Downton Parish Council (the Council) is both a Data Controller and a Data Processor.

The Council is registered as a Data Controller with the Information Commissioner's Office (ICO) Registration Certificate no. Z7511938.

As a Data Controller, the Council must provide a Privacy Notice explaining to individuals how their data will be used and what rights they have. The Council's Privacy Notice is set out in section 5 of this Policy.

Whilst the Council has ultimate responsibility for ensuring compliance with legislation, under Part 3, Chapter 4, Section 69 of the DPA 2018, a single Data Protection Officer (DPO) is appointed. For the Council, the DPO is the Proper Officer (who is the employed Clerk) on the grounds of their professional qualities, and in particular, experience and expert knowledge of data protection law.

3. Councillors

Individual Councillors may hold records in a hard copy format or electronically (computers and other devices). These records may be subject to the provisions of the Data Protection Act 2018, the Freedom of Information Act 2000, and GDPR Regulations.

The use of personal email accounts and privately owned devices may make compliance more difficult to achieve.

Councillors are therefore strongly advised to: -

- Conduct Council affairs using a Downton Parish Council specific email address (separate to all personal email accounts). NALC recommends that Councils adopt gov.uk domain names to improve professionalism within the sector and better manage information within the Council.
- Undertake 'housekeeping' on a regular basis in line with the Retention Schedule (see section 4. of this Policy).

On resigning from the Council, Councillors must surrender all important documents they hold to the Clerk for retention in accordance with the Retention Schedule. All other documents must be disposed of (or deleted if held electronically) securely. Resigning Councillors will be asked to sign a declaration to confirm compliance.

4. Retention Schedule

The Council must comply with the Code of Practice on the Management of Records under section 46 of the Freedom of Information Act 2000.

Documents and records (held in hard copy or electronically) should be retained until they are no longer needed.

The following Retention Schedule sets out the appropriate minimum retention periods as advised by the National Association of Local Councils (NALC) in their Legal Topic Note No.40 (Aug 2022)

Records that are no longer required must be disposed of securely e.g. shredded.

Document	Minimum Retention Period	Reason
Minutes	Indefinitely	Archive
Scale of fees and charges	6 years	Management
Receipt and payment accounts	Indefinitely	Archive
Receipts books of all kinds	6 years	VAT
Bank statements (incl deposit and savings accounts)	Last completed audit year	Audit
Bank paying-in books	Last completed audit year	Audit
Cheque book stubs	Last completed audit year	Audit
Quotations and tenders (successful)	6 years	Limitation Act 1980 (as amended)
Paid invoices	6 years	VAT
Paid cheques	6 years	Limitation Act 1980 (as amended)
VAT records	6 years generally but 20 years for VAT on rents	VAT
Petty cash, postage and telephone books	6 years	Tax, VAT, Limitation Act 1980 (as amended)
Audited Accounts	Indefinitely (last 5 years published)	Audit
Budgets	Indefinitely	Management

Timesheets	Last completed audit year 3 years	Audit Personal injury
Wages / payroll	12 years	Superannuation
Insurance policies	As long as it is possible for a claim to be made under it.	Management Legal proceedings
Insurance Company names and policy numbers for all insured risks	Indefinitely	Future claims
Certificate for Insurance against liability for employees	Indefinitely	Future claims
Documents for legal purposes	<ul style="list-style-type: none"> • Negligence (and other torts except personal injury): 6 years • Personal Injury: 3 years • Defamation: 1 year • Contract: 6 years • Leases: 12 years • Sums recoverable by statute: 6 years • To recover land: 12 years • Rent: 6 years • Brach of trust: None 	Limitation Act 1980 (as amended) Legal Claims
Investments	Indefinitely	Audit, Management
Title deeds, leases, agreements, contracts	Indefinitely	Audit, Management
Members allowances register	6 years	Limitation Act 1980 (as amended)
Halls, Centres, and Recreation Grounds: Application to hire, lettings diaries, copies of bills to hire, record of tickets issued	6 years	VAT
Allotments: Register and plans	Indefinitely	Audit, Management
Burial Grounds: Register of fees collected, register of burials, register of purchased graves, register/plan of grave spaces, register of memorials, applications for interment, applications for right to erect memorials, disposal certificates, and copy certificates of grant for exclusive right of burial	Indefinitely	Archives and Local Authorities Cemeteries Order 1977 (SI204) Management
Correspondence	Retained for as long as document is needed	Management
Complaints	2 years from resolution	Management
Information from other bodies (eg NALC, WALC)	Retained for as long as document is useful and relevant	Management

Local / historical information	Retained for as long as document is useful	The Local Government (Records) Act 1962
Magazines, journals, and other publications	Retained for as long as document is useful	The Legal Deposit Libraries Act 2003
Staff files	6 years from end of employment	Limitation Act 1980 (as amended)
Job applications (unsuccessful)	6 months from time of appointment	Limitation Act 1980 (as amended)
Strategic Plans	Until superseded	Common Practice
Policies & Operational Procedures	Until superseded	Common Practice
Declarations of office	Term of office	Management
Members register of interests	Term of office	Management

5. Privacy Notice

When you contact us

The information you provide (personal information such as name, address, email address, phone number, organisation) will be processed and stored so that it is possible to contact you and respond to your correspondence, provide information and/or access our facilities and services. These records may be created, received, or maintained in hard copy or electronically.

Your personal information will be not shared or provided to any other third party.

The Councils Right to Process Information

GDPR Article 6 (1) (a) (c) and (e)

Processing is with consent of the data subject,

or

Processing is necessary for compliance with a legal obligation,

or

Processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.

Information Security

Downton Parish Council cares to ensure the security of personal data. We make sure that your information is protected from unauthorised access, loss, manipulation, falsification, destruction or unauthorised disclosure. This is done through appropriate technical measures and appropriate policies.

We will only keep your data for the purpose it was collected for and only for as long as is necessary. After which it will be deleted.

Children

We will not process any data relating to a child (under 13) without the express parental/guardian consent of the child concerned.

Your Rights

Access to Information: You have the right to request access to the information we have on you. You can do this by contacting us: clerk@downtonparishcouncil.gov.uk

Information Correction: If you believe that the information we have about you is incorrect, you may contact us so that we can update it and keep your data accurate. Please contact: clerk@downtonparishcouncil.gov.uk

Information Deletion: If you wish Downton Parish Council to delete the information about you, please contact: clerk@downtonparishcouncil.gov.uk

Right to Object: If you believe that your data is not being processed for the purpose it has been collected for, you may object: Please contact clerk@downtonparishcouncil.gov.uk

Rights Related to Automated Decision Making and Profiling: Downton Parish Council does not use automated decision making or profiling of individual personal data.

To Sum Up

In accordance with the law, we only collect a limited amount of information about you that is necessary for correspondence, information, and service provision. We do not use profiling and we do not sell or pass your data to third parties. We do not use your data for purposes other than those specified. We make sure your data is stored securely. We delete all information deemed to be no longer necessary. We constantly review our Privacy Policy and keep it up to date in protecting your data.

Complaints

If you have a complaint regarding the way your personal data has been processed, you may make a complaint to the Downton Parish Council Clerk: clerk@downtonparishcouncil.gov.uk

You can contact the ICO to make a complaint in a number of ways:

- Phone 0303 123 1113 (Monday to Friday between 9am and 5pm (excluding bank holidays)).
- Live Chat service (usually available 9am-5pm Monday to Friday (excluding bank holidays))
[Advice services for members of the public | ICO](#)
- Submit an online complaint [Data protection and personal information complaints tool | ICO](#)