DATA PROTECTION POLICY

SUCKLEY PARISH COUNCIL

October 2026

GUIDANCE ON DATA PROTECTION

The rules that govern the storage and use of personal data are set out in the Data Protection Act 1998. These rules are intended to protect individuals. Initially, only the processing of electronic personal data was covered by data protection legislation but the 1998 Act extended this to include many types of manual records. Manual data was originally defined by reference to a "relevant filing system" (see glossary at the end of this guidance), but for public authorities, such as councils, the Freedom of Information Act has extended the definition to include most categories of manual records. Consequently, the data protection legislation applies to almost all personal information held by councils and it is important therefore to acquire a basic understanding of the rules.

Councillors' data protection responsibilities

The Information Commissioner's Office (ICO) is seeking to make councillors more aware of their legal responsibilities when holding and handling personal data. The ICO is particularly seeking to ensure that individual councillors notify the ICO if they are data controllers who process personal data on computers for purposes other than council business (e.g. for ward casework). The ICO believes that many councillors across the local government sector remain unregistered.

Information handled by councillors may be held on their own computers, in their own homes or offices or it may be held on council premises or computer systems.

Further information on councillors' notification under the Data Protection Act 1998 is available on NALC Legal Briefing L04-11, May 2011, on the NALC website, www.nalc.gov.uk.

Notification

Data controllers must notify the Information Commissioner of their processing of personal data. The system involves provision of basic details about the data controller, the classes of data held, the purposes for which the data is held or processed and classes of persons to whom the data might be disclosed. Once notification has been made to the Commissioner, it must be renewed annually and there is a standard fee for both the initial registration and renewal. Full details of the notification process are given on the Information Commissioner's website - www.ico.org.uk A number of organisations, including councils, have been troubled by bogus data protection notification agencies and further information about this can also be found on the Information Commissioner's website.

It is a criminal offence to process personal data without being notified and the fines for such a breach are unlimited.

The Data Protection Principles

The Data Protection Act sets out eight data protection principles which are key to achieving compliance with the legislation. They are:-

- Personal data shall be processed fairly and lawfully and such processing must comply with at least one of a set of specified conditions (see below). Additional conditions apply to sensitive personal data;
- Personal data shall be obtained only for one or more specified and lawful purposes;
- Personal data processed shall be adequate, relevant and not excessive;
- Personal data shall be accurate and, where necessary, up to date;
- Personal data processed shall not be kept for longer than is necessary for the relevant purpose;
- Personal data shall be processed in accordance with the rights of data subjects under the Act;
- Appropriate technical and organisation measures shall be taken against unauthorised or unlawful processing and against accidental loss or destruction of, or damage to, personal data;
- Personal data shall not be transferred to a country outside the European Economic area unless that country ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

Specified conditions

Processing may only be carried out where one of the following conditions has been met:

- the individual has given his or her consent to the processing;
- the processing is necessary for the performance of a contract with the individual;
- the processing is required under a legal obligation;
- the processing is necessary to protect the vital interests of the individual;
- the processing is necessary to carry out public functions; or

- the processing is necessary in order to pursue the legitimate interests of the data controller or third parties (unless it could prejudice the interests of the individual)

Further information

This note only gives very basic guidance and much more detailed advice, on both the legislation and the notification procedures, can be found on the Information Commissioner's website - www.ico.org.uk.

The address for the Information Commissioner is:
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Information Line 01625 54 57 45

Glossary

Data

Recorded information whether stored electronically on computer, or in paper-based filing systems.

Personal Data

Means data that relates to a living individual who can be identified from that data or from that data and other data held by the data controller.

Sensitive Personal Data

Includes information about someone's racial or ethnic origin, political opinions, religious or other beliefs, trade union membership, health, sexuality and criminal proceedings or convictions. Sensitive personal data can only be processed under strict conditions. In most cases, this means getting express permission from the person the information is about.

Processing

Is virtually any activity that involves the data. This includes collecting, recording or retrieving the data or doing work on the data such as organising, adapting, changing, erasing or destroying it.

Relevant Filing System

The Data Protection Act definition of this is rather complex. However, the key elements are that there must be a set of paper-based information about an

individual and there is a structure to this set; and the structure works so that specific information about a particular individual is readily available.

Data Controller

Is the person or organisation that holds and uses personal information, e.g. the council.

Data Processor

May be a separate organisation which processes information on behalf of a data controller who must also follow the Act to ensure information is handled properly.

Data Users

Includes employees whose work involves processing personal information. Data users have a legal duty to protect the information they handle and should follow their employer's data protection and security policies.

Data Subjects

Are the people the information is about. All data subjects have certain legal rights under the Data Protection Act in relation to their personal information.

The above guidance has been taken from "Governance Toolkit for Parish & Town Councils", April 2009 and NALC Legal Topic Note 38, January 2013.