

# **COLWICH PARISH COUNCIL**



## **PD004 GENERAL DATA PROTECTION REGULATIONS POLICY**

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## GDPR POLICY

# GDPR Policy – PD004

### Revision history

**This document was originally written by:**

<b>Name</b>	<b>Position</b>	<b>Date</b>
Michael Lennon	Clerk	May 2018

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Chairman of Council	Wendy Plant

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### Revision History

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## 1 STATEMENT OF COMMITMENT

- 1.1. Colwich Parish Council (the Council) understands the importance of ensuring that personal data, including sensitive personal data, is always treated lawfully and appropriately and that the rights of individuals are upheld.
- 1.2. The Council collects, uses and holds personal data about individuals. This data is required for the purposes of carrying the Council's statutory functions or delivering services to individuals. This might include current, past or prospective Councillors, officials, service users, members of the public, contractors and other local authorities or public bodies.

## 2 POLICY OBJECTIVES

- 2.1 In order to comply with the requirements of the General Data Protection Regulation<sup>i</sup> (GDPR) the Council will ensure that:
  - 2.1.1 Any personal data will be collected, used and held lawfully and appropriately.
  - 2.1.2 Data sharing with external partners and other relevant agencies will be subject to information sharing agreements. Partnerships will only be entered into where there is a clear statutory power enabling the Council to participate such as the Crime and Disorder Act 1998.
  - 2.1.3 External agencies contracted to undertake any data processing on behalf of the Council will be required to demonstrate compliance with the GDPR and satisfy the Council that it has the necessary technical and organisational measures in place to protect personal data.
  - 2.1.4 There are policies and procedures in place which are regularly reviewed and updated to ensure officials understand their responsibilities towards protecting personal data.
  - 2.1.5 Training needs are identified and provided to ensure that those handling personal data are trained appropriately.
  - 2.1.6 There is an appointed officer within the organisation who has specific responsibility and knowledge about data protection compliance covering all aspects within the scope of this policy and who is a point of contact for all queries.
  - 2.1.7 Data Subjects Rights<sup>ii</sup> can be fully exercised.
  - 2.1.8 Subject Access Requests<sup>iii</sup> (SAR), a formal request from an individual (the data subject) to an organization to access the personal information the organization holds about them, are dealt with promptly and courteously.
  - 2.1.9 Any new projects being implemented that involve personal data will undergo a privacy impact assessment.
- 2.2 The Council will review and update this policy, procedure and guidance for Councillors and officials to identify areas that might cause compliance issues and use this to inform the Council's risk assessments.

## 3 INFORMATION HELD BY THE COUNCIL

- 3.1 The Council is required by law to share or make available some of the personal data it collects and holds. This information may be shared for a number of reasons

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including safeguarding public funds or the detection and prevention of fraud or other crimes.

- 3.2** The Council is registered with the Information Commissioner's Office<sup>iv</sup> (ICO). Its registration number is Z8073908.

## **4 MEETING THE COUNCIL'S POLICY OBJECTIVES**

- 4.1** The Council, to meet the objectives listed in section 2, will ensure that the following are considered and that appropriate controls and procedures are in place to ensure compliance with the GDPR.

### Collecting and Processing Personal Data

- 4.2** When collecting personal data, the Council we will ensure that, where required, it make individuals aware that their information is being collected, the purpose for collecting the data specified, and whether it will be shared with any third parties. This will be done through the use of privacy notices<sup>v</sup>. When reviewing documents and forms, the Council will consider whether a privacy notice should be included.

- 4.3** No new purpose for processing data will take place until the ICO has been notified of the relevant new purpose and the data subjects have been informed and consent has been sought where required.

### Data Security

- 4.4** Under the terms of GDPR, an organisation must appoint a Data Protection Officer<sup>vi</sup> (DPO) with the appropriate knowledge, support and authority to take responsibility for data protection if it is:

**4.4.1** A public authority.

**4.4.2** An organisation that carries out the regular and systematic monitoring of individuals on a large scale; or

**4.4.3** An organisation that carries out the large-scale processing of special categories of data, such a health records, or information about criminal convictions.

- 4.5** The ICO has confirmed that Local Councils (Parish, Town and City Councils) do not need to appoint a DPO. Notwithstanding the ICO announcement, the Council will appoint the Deputy Chief Officer as the DPO and given them the authority and support to undertake this position. The DPO will report directly to the Full Council.

- 4.6** Councillors and officials must report any suspected data breaches to the DPO for investigation and where necessary the DPO will notify the ICO.

- 4.7** Councillors and officials must use appropriate levels of security to store or share personal data (PD026).

- 4.8** When new projects involving personal data are being developed, Privacy Impact Assessments<sup>v</sup> will be carried out by the Project Manager and reviewed by the DPO to assess any privacy risks.

- 4.9** An Information Asset Register will be maintained by the DPO identifying:

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- 4.9.1** All personal data held.
- 4.9.2** Where it is held.
- 4.9.3** How it is processed.
- 4.9.4** What teams have access to it.
- 4.9.5** Who has overall responsibility for the data.

- 4.10** Personal data will not be shared with a third-party organisation without a valid business reason and where required the Council will notify individuals that the sharing will take place in the form of a privacy notice. If any new purposes for the data sharing are to take place, the Council will seek consent from the individuals concerned.
- 4.11** When personal data is to be shared regularly with a third party, a Data Sharing Agreement must be implemented.
- 4.12** Any data sharing will also take into consideration:
  - 4.12.1** Any statutory basis of the proposed information sharing.
  - 4.12.2** Whether the sharing is justified.
  - 4.12.3** How to ensure the security of the information being shared.

### Data Access

- 4.13** Councillors and officials will have access to personal data only where it is required to fulfil their role.
- 4.14** All data subjects have a right of access to their own personal data; officials will be made aware of and will provide advice to data subjects about how to request or access their personal data held by the Council.
- 4.15** Councillors and officials will be made aware of what to do when requests for information are made under the GDPR.
- 4.16** Councillors and officials will be made aware that in the event of a Subject Access Request being received, their emails may be searched and relevant content disclosed.
- 4.17** Privacy Notices will include a contact address for data subjects to use should they wish to submit a SAR, make a comment or complaint about how the Council are processing their data, or about the handling of a SAR.
- 4.18** A SAR will be acknowledged to the data subject within 1 working day, with the final response and disclosure of information (subject to exemptions) within 30 calendar days.
- 4.19** A data subject's personal data will not be disclosed to them until their identity has been verified.
- 4.20** Third party personal data will not be released by the Council when responding to a SAR (unless consent is obtained, it is required to be released by law, or it is deemed reasonable to release).

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### 5 COMPLIANCE WITH THIS POLICY

- 5.1** This Policy applies to all Councillors, officials and all people or organisations acting on behalf of the Council.
- 5.2** If any Councillors, officials or persons acting on the Council's behalf are found to knowingly or recklessly breach this Policy, appropriate disciplinary and/or legal action will be taken.
- 5.3** Implementation of this policy will be led by the DPO. Any questions or concerns about this policy should be addressed to the DPO.

<b>SIGNED</b>	
COUNCILLOR WENDY PLANT, PARISH COUNCIL CHAIRMAN	

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- i [UK GDPR guidance and resources | ICO](#)
- ii [Data Protection: rights for data subjects - GOV.UK](#)
- iii [A guide to subject access | ICO](#)
- iv [Information Commissioner's Office](#)
- v [What privacy information should we provide? | ICO](#)
- vi [Data protection officers | ICO](#)