



**Policy Number: BSCPC Pol 6**

**Date Original Policy 25.10.2022**

**Reviewed 7 Re-Adopted 17/2/26 Cllr. J Davys**

### **The Data Protection Act**

The Data Protection Act 2018 sets out standards for the handling of personal information and protecting individuals' rights for privacy. It also regulates how personal information can be collected, handled and used. The Data Protection Act applies to anyone holding personal information about people electronically or on paper. As a local authority, Brightwell-cum-Sotwell Parish Council has a number of procedures in place to ensure that it complies with The Data Protection Act 2018 when holding personal information. The Parish Council has also notified the Information Commissioner's Office that it holds personal data about individuals. When dealing with personal data, Brightwell-sum-Sotwell Parish Council's Clerk and Councillors must ensure that:

- Data is processed fairly and lawfully. Personal information should only be collected from individuals if staff and Councillors have been open and honest about why they want the personal information.
- Data is processed for specified purposes only.
- Data is relevant to what it is needed for. Data will be monitored so that too much or too little is not kept; only data that is needed should be held.
- Data is accurate and kept up to date. Personal data should be accurate, if it is not, it should be corrected.
- Data is not kept longer than it is needed for its original purpose or anticipated needs. • Data is processed in accordance with the rights of individuals. Individuals must be informed, upon request, of all the personal information held about them (subject access.) • Data is kept securely. Only staff and Councillors can access the data. It should be stored securely so it cannot be accessed by members of the public.

### **GDPR**

The GDPR is the General Data Protection Regulation. It sets out the key principles, rights and obligations for the processing of personal data – but it does not apply to processing for law enforcement purposes. The GDPR provides the following rights for individuals: -

1. The right to be informed
2. The right of access
3. The right to rectification
4. The right to erasure
5. The right to restrict processing
6. The right to data portability
7. The right to object
8. Rights in relation to automated decision making and profiling

### **Freedom of Information Act (FOI)**

The Freedom of Information Act 2000 provides public access to information held by public authorities. It does this in two ways: -

- public authorities are obliged to publish certain information about their activities.
- members of the public are entitled to request information from public authorities.

Recorded information includes printed documents, computer files, letters, emails, photographs, and sound or video recordings. The Act does not give people access to their own personal data (information about themselves) such as their health records or credit reference file. If a member of the public wants to see information that a public authority holds about them, they should make a data protection subject access request.

### **Subject Access**

The Parish Council recognises that people have the right to access any personal information that is held about them. If a person requests to see any data (a subject access request) that is being held about them:

- they must be sent all the personal information that is being held about them
- there must be an explanation for why it has been stored
- there must be a list of who has seen it
- it must be sent within one calendar month.

### **Disclosure of personal information**

If a Councillor needs to access personal information to help carry out their duties, this is acceptable. They are only able to access as much personal information as necessary and it should only be used for that specific purpose. However, before they access any sensitive

personal information about a person, they would need consent to do this from the Parish Clerk. Data should never be used for political reasons unless the data subjects have consented.

### **Confidentiality**

Brightwell-cum-Sotwell Parish Council Councillors and staff must be aware that when complaints or queries are made, they must remain confidential unless the subject gives permission otherwise. When handling personal data, this must also remain confidential.

### **Data Breach**

Not every breach needs to be reported but where it is necessary, Brightwell-cum-Sotwell Parish Council will report any personal data breach to the ICO without undue delay and, where feasible, within 72 hours.

**This policy is to be reviewed within two years or when an update is received from the Information Commissioner, if sooner.**

**Re-adopted on 17/2/2026 - @ Parish Council Meeting**