MERTON PARISH COUNCIL

DATA PROTECTION POLICY

The Data Protection Act
The Data Protection Act 1998 and General Data Protection Regulations set out high standards for the handling of personal information and protecting individuals' rights for privacy. They also regulate how personal information can be collected, handled and used. The Data Protection Act and GDPR apply to anyone holding personal information about people electronically or on paper.

As a local authority Merton Parish Council has a number of procedures in place to ensure that it complies with The Data Protection Act 1998 and GDPR when holding personal information. The Parish Council has also notified the Information Commissioner that it holds personal data about individuals.

When dealing with personal data, Merton Parish Council 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**
  Data will not be 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.

- **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.

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; and**
- **members of the public are entitled to request information from public authorities**.

The Act covers any recorded information that is held by a public authority in England, Wales and Northern Ireland, and by UK-wide public authorities based in Scotland.

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 as this is covered under Data Protection Act 1998.

Environmental Information Regulations (EIR)

The Environmental Information Regulations 2004 provide public access to environmental information held by public authorities. The Regulations do this in two ways:

- **public authorities must make environmental information available proactively;**
- **members of the public are entitled to request environmental information from public authorities.**

The Regulations cover any recorded information held by public authorities in England, Wales and Northern Ireland. Environmental information held by Scottish public authorities is covered by the Environmental Information (Scotland) Regulations 2004.

The Regulations apply only to the environmental information held by public authorities. The Freedom of Information Act gives people access to most other types of information held by public authorities.

The Regulations and the Freedom of Information Act do not give people access to their own personal data (information about themselves), such as their health records or credit reference files. Individuals have a right of access to information held about them under the Data Protection Act 1998.

Storing and accessing data

Merton Parish Council recognises its responsibility to be open with people when taking personal details from them. The Councillors and Clerk must be honest about why they want a particular piece of personal information. If, for example, a member of the public gives their telephone number to the Clerk or a member of the Parish Council, this will only be used for the purpose it has been given and will not be disclosed to anyone else.

The Parish Council may hold personal information about individuals such as their addresses and telephone numbers. This information will be kept in a secure location at the home of the Parish Clerk and is not available for public access. All electronic data stored by the Parish Council is password protected. Once data is not needed anymore, if it is out of date or has served its use, it will be deleted or disposed of securely.

The Parish Council is aware that people have the right to access any personal information that is held about them. If a person requests to see any data 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 40 days.**

A fee to cover photocopying and postage charges will be charged to the person requesting the personal information. This fee will be agreed by the Parish Council and amended in line with inflation from time to time. Currently this fee must not exceed £10.

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.

Reporting on requests

The Parish Council will maintain a Disclosure Log which will be reported annually. The Log will include how many requests for information have been received under which item of legislation (DPA, GDPR, FOI or EIR), whether the statutory response timescales have been complied with and the sector the request had come from (business, local MPs, members of the public within the district, or members of the public outside the district).

Confidentiality

The Clerk and Councillors 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.

Review:

This policy was adopted by Merton Parish Council on **14 November 2022 (Minute Ref: M9/22-2.6-c)** to be reviewed within two years or when an update is received from the Information Commissioner, if sooner.

Reviewed and adopted by Merton Parish Council on **10 March 2025 (Minute Ref: M3/2025-8.6-b** to be reviewed within two years or when an update is received from the Information Commissioner, if sooner.