

WICKHAM MARKET PARISH COUNCIL ESSENTIALS

No.10: GDPR and Data Management



1. Data Protection Legislation

- 1.1. The Data Protection Act 2018 originates from the General Data Protection Regulation¹ [GDPR] which came into force in May 2018.
- 1.2. Data Protection (Charges and Information) Regulations 2018 which requires organisations that control data to pay a fee to the Information Commissioner's Office [ICO]

2. Key Principles of Data Protection

The GDPR has a number of underlying principles. These include that personal data:

- 2.1. Must be processed lawfully, fairly and transparently.
- 2.2. Is only used for a specified, lawful purpose that the data subject has been made aware of. Consent is required to use personal data for other purposes.
- 2.3. Should be adequate, relevant and limited i.e. only the minimum amount of data should be kept for specific processing.
- 2.4. Must be accurate and kept up to date.
- 2.5. Should not be stored for longer than is necessary, and that storage is safe and secure.
- 2.6. Should be processed in a manner that ensures appropriate security of the data, including safeguards against unlawful processing.
- 2.7. Must not be transferred outside the European Economic area unless that country has similar data protection legislation.

3. Core Documents required by Wickham Market Parish Council

- 3.1. **Privacy Notice General**²: Identifies to the data subject what data is being held and why. It summarises the data subject's rights and the responsibilities of the data controller.
- 3.2. **Privacy Notice Employee**: Similar to the General notice but focusses on the data held relating to employees, job applicants, contractors and is referred to as HR related data.
- 3.3. **Freedom of Information Policy**³: Outlines the process for responding to freedom of information requests including timescales and costs where applicable.
- 3.4. **Freedom of Information Publication Scheme**⁴: Outlines the principal documents that are available and how the information can be obtained.
- 3.5. **Document Retention Policy**: Specifies which documents must be retained with a timescale. Once the identified documents have passed their retention timescale they should be destroyed. This includes electronic documentation.
- 3.6. **Risk Assessment**: Data protection risks are assessed and approved annually within the council's overall risk assessment.

4. Wickham Market Parish Council Processes for implementing the legislation.

- 4.1. Wickham Market Parish Council have implemented this legislation by reviewing and adopting model policies recommended by the ICO and NALC⁵. These are reviewed on an annual basis and published on the Council's website. Councillors and employees are offered training on GDPR and the Clerk acts as Data Controller, providing advice to Councillors. Councillors are provided with dedicated Council email accounts for Council business.

¹ EU Regulation 2016/79 GDPR

² <https://wickhammarketpc.com/assets/Parish-Council-Documents-/WMPC-Docs-2023/WMPC-Privacy-Notice.pdf>

³ <https://wickhammarketpc.com/assets/Parish-Council-Documents-/WMPC-Docs-2023/WMPC-FOI-Policy.pdf>

⁴ <https://wickhammarketpc.com/assets/Parish-Council-Documents-/WMPC-Docs-2023/WMPC-Freedom-of-Information-Publication-Scheme.pdf>

⁵ National Association of Local Councils