

INFORMATION AND DATA PROTECTION POLICY

APPROVED AT POLICY AND RESOURCES COMMITTEE 21 MARCH 2023

1. Introduction

1.1 To conduct its business, deliver its services and comply with its duties Hereford City Council (the Council) holds a wide range of data relating to its own operations and some which relate to the activities of partners. This can be broadly classified as:

- Data shared in the public arena about the services it offers, its mode of operations and other information it is required to make available to the public.
- Confidential information not in the public arena such as ideas for proposals which are being worked on.
- Confidential information from other organisations such as commercially sensitive details or quotes.
- Personal data concerning its present or past employees, elected members or volunteers.
- Personal data concerning people who contact it for services or information or to make a complaint.
- Historic data concerning individuals who have held offices, attending civic ceremonies or received awards from the Council.

1.2 The Council will adopt procedures and manage responsibly all data which it handles and will respect the confidentiality of both its own data and that belonging to partner organisations it works with and members of the public. In some cases, it may have contractual obligations regarding confidential data. In addition, it has specific legal obligations for personal and sensitive data under data protection legislation.

1.3 The Council is committed to being transparent to the public concerning its operations and expenditure. Therefore, in all cases which are not confidential or sensitive, information will be made available through the Scheme of Publication.

2. Protecting Confidential or Sensitive Information

2.2 The Council recognises that it must, at times, process confidential or sensitive information, including personal information, about its employees and the public. It has therefore adopted this policy not only to meet its legal obligations but to ensure high standards.

2.3 The General Data Protection Regulations became law on 25th May 2018 and, like the Data Protection Act 1998, seek to strike a balance between the rights of individuals and sometimes competing rights of the Council or other bodies with legitimate reasons for holding and processing personal information.

2.4 This policy is based on the premise that to be lawful the following conditions must be observed in processing personal data:

- It must be processed fairly, lawfully and transparently in relation to the data subject.
- It must be collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes.
- It must be adequate, relevant and limited to what is necessary in relation to the purposes for which the data are processed.
- It must be accurate and where necessary updated.
- It must be kept in a form which permits identification of the data subjects for no longer than is necessary for the purposes for which the data are processed.
- It must be processed in a manner that ensures appropriate security of the personal data including protection against unauthorised or unlawful processing and against any accidental loss, destruction or damage, using appropriate technical or organisational measures.

2.5 The Council process personal data in order to:

- Fulfil its duties as an employer, by complying with terms of contracts of employment, employment law and making statutory returns regarding pay, national insurance, pension and conditions of service.
- Pursue the legitimate interests of the Council and its duties as a public body, to fulfil contract terms required by other organisations and to comply with the law.
- Monitor the delivery of its service with particular regard to equality of service delivery and opportunity for service and employment access.
- Fulfil its obligations as a manager of premises and a delivery agent for public events, including planning for safety, emergencies and risk management.
- Process information including access and contact details as specified by the data subjects for elected members of the council.
- Enable emergency contact with key officers and contractors/suppliers to enable business continuity.
- Maintain records of attendance and participation in significant public events and to maintain a historic archive of civic events.
- Undertake research, audit and evaluation into the Council's delivery of its services and to consult the public about their wishes regarding the Council's activities.
- Carry out administration.

2.6 Such processing may be carried out with other appropriate bodies from time to time.

2.7 The Council will ensure that at least one of the following conditions is met for personal information to be considered processed:

- The individual has consented to the processing.
- Processing is necessary to perform a contractual obligation or agreement with the individual.
- Processing is required to meet a legal obligation.
- Processing is necessary to protect a vital interest of an individual.
- Processing is necessary to carry out a public function.
- Processing is necessary to pursue the legitimate interests of the Council or a third party where appropriate.

2.8 In addition, where the information is sensitive it will not be processed unless:

- The individual has given explicit consent; or
- The data must be processed without consent to meet a legal obligation; or
- There is an urgent need to process the data without consent to protect a vital interest of any individual.

3. Monitoring

3.1 The Council will give guidance and instruction to employees, members, partner organisations and volunteers regarding the processing of data through a privacy notice and ensure that individuals on whom personal information is kept are aware of their rights and have easy access to that information on request.

3.2 Appropriate technical and organisational measures will be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.

3.3 Personal data shall not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures a level of protection for their rights and freedoms under data protection legislation that is compatible with their rights under UK law.

4. Information Provided by Us

4.1 The information provided (personal information such as name, address, email address, phone number) will be processed and stored so that it is possible for us to respond to or contact the individual so as to conduct the transaction requested by the individual. By transacting with the Council individuals are deemed to have given their consent for the personal data they have provided to be used and transferred in accordance with the policy. However, where possible, specific written consent will be sought. It is the responsibility of those individuals to ensure that the Council can keep their personal data and to update it to enable the transaction(s) to continue. The personal information will not be shared or provided to any third party or used for any purpose other than that for which it was provided.

5. Information Security

- 5.1 The Council accepts a responsibility to ensure the security of personal data. The Council will take all reasonable steps to ensure that personal data is protected from unauthorised access, loss, manipulation, falsification, destruction or unauthorised disclosure. This is done through appropriate technical means such as the use of strong passwords to protect data held on computers, and not using laptops or other devices vulnerable to theft to store personal data and to ensuring physical records are kept securely locked within the Council's offices.
- 5.2 The Council will only keep personal data for as long as is necessary for the purposes set out above and will periodically reviews its data to ensure that information no longer required is securely and safely destroyed.
- 5.3 General staff records should be kept for 6 years after termination, with a few important caveats:
- Staff who work with children – keep records for 25 years.
 - Information relating to pensions – keep until end of pension period + 6 years.
 - Information relating to Health and Safety and Occupational Health etc – keep until employee is 75 years old.
 - Training records relating to the health and safety of the employee – keep for 50 years.
- 5.4 In the event of any reported or apparent breach of data security, the Council will work through the appropriate actions using the Society of Local Council Clerks published guidance notes to ensure all relevant matters are considered.

6. Children

- 6.1 The Council will not process personal data regarding any child under the age of 13 years without explicit written consent of the parent or guardian. The Junior Mayor's family will be made aware that some data such as photographs of the Junior Mayor at civic events will be in the public arena and their explicit consent for this will be obtained before their child takes up the role.

7. Rights of a Data Subject

- 7.1 An individual has the right to request access to the information we hold about them. They can do this by contacting the Town Clerk who acts as the Council's Data Protection Compliance Officer.
- 7.2 If an individual believes the data we hold contains any inaccuracies they may request that it be corrected.
- 7.3 If an individual wishes their data to be deleted they can make a request of the Town Clerk, which will be met unless there is an over-riding reason to retain the data in which case they will be given a written explanation of why it is not possible to delete their data.
- 7.4 The Council will ensure that individuals are able to obtain information about their rights regarding the data the Council holds about them and publish the details of the Town Clerk as the officer to who such access requests should be made.

7.5 Any individual who has a complaint regarding the way their personal data has been processed is urged to contact the Town Clerk by email on clerk@herefordcitycouncil.gov.uk, telephone on 01432 260429 or by letter to Town Clerk, Town Hall, St. Owen Street, Hereford, HR1 2PJ. If this does not resolve the matter they are advised to contact the Information Commissioner's Office on casework@ico.gov.uk or telephone 0303 123 1113.

8. Making Information Available – Scheme of Publication

8.1 The Publication Scheme is a means by which the Council can make a significant amount of information available routinely, without waiting for someone to request it. The scheme is intended to encourage local people to take an interest in the work of the Council and its role within the community.

8.2 In accordance with the Freedom of Information Act 2000 this Scheme specifies the classes of information which the Council publishes or intends to publish.

8.3 All formal meetings of the Council and its Committees are subject to statutory notice periods being given on the Town Hall notice board and the website. The Council publishes its programme and this is available on the website. All formal meetings are open to the public and agendas are published on the website (except for matters deemed confidential under the relevant legislation). Non-confidential reports are available on request. All draft minutes of open business are published on the website once they have been approved by the Committee Chair or Mayor. Minutes of confidential matters are not published.

8.4 The Council publishes a schedule of payments of all items over £500-00 every month as part of its regular reporting to its Finance and Policy Committee. In addition, the report of all items of spending and the bank reconciliations are open items at that Committee and are published.

8.5 Details of any urgent or non-routine actions taken by officers between meetings of committees will also be published in accordance with the Openness of Public Bodies Regulations 2014.

8.6 The same regulations also expanded the rights of the public under the Public Bodies (Admission To Meetings) Act 1960 to allow sound and video recording of meetings provided such recording does not disrupt the business of the meeting and that any individual who does not wish to be filmed is excluded from any filming.

9. Review

9.1 The Council will periodically review this policy in the light of experiences, comments from data subjects and guidance from the Information Commissioner's Office, and at least once per administration. The next regular review is therefore expected to be in the Spring of 2027.

Steve Kerry
Town Clerk