

**MINUTES OF KERSEY PARISH COUNCIL ORDINARY MEETING HELD ON  
MONDAY 10 SEPTEMBER 2018 IN KERSEY VILLAGE HALL AT 7.30 PM**

**PRESENT**

John Hume – Chair, Giles Hollingworth, Kevin Pratt, Andrew Rogers, 7 members of the public and the Clerk – Sarah Partridge. Alan Ferguson and Robert Lindsay attended for part of the meeting.

**112/18 APOLOGIES** – Apologies for absence were received and accepted from Yvonne Martin and Veronica Partridge. Robert Lindsay had sent apologies that he will be late for the meeting.

**113/18 ACCEPT MEMBERS' DECLARATIONS OF INTEREST** - None

**114/18 CONSIDER ANY DISPENSATION REQUESTS FOR PECUNIARY INTERESTS RECEIVED FROM COUNCILLORS** – None received

**115/18 REPORTS**

**Babergh District Councillor** – Alan Ferguson gave his report. It is appended to the minutes of this meeting. Alan answered questions from the floor.

*Alan then gave his apologies and left the meeting.*

**116/18 CO-OPTION TO FILL THE VACANCY FOR ONE PARISH COUNCILLOR**

There were two applicants for the vacancy present at the meeting. Since two Parish Councillors were not at the meeting it was agreed to defer the co-option to a meeting on 1 October, when all Councillors are able to attend.

**117/18 MINUTES OF THE PREVIOUS MEETING**

The minutes of the meeting held on 6 August 2018 were signed and dated as being correct.

**118/18 CLERK'S REPORT**

The Clerk had notified SCC Highways of a concern that the road surface near The Splash may be causing problems for cyclists, SCC Highways responded to say one of their officers had visited and assessed the defect. They believe that at this time the defect does not warrant remedial action; however, they will continue to monitor the location as part of their routine inspections, and if the matter worsens significantly they will act. The landowner has been contacted about the state of some of the trees on Cherry Hill, there is a concern that some are falling down and may present a danger to road users or to overhead cables. The landowner had asked UK Power networks if they would carry out work on the trees near to cables but they did not consider them a line safety issue. The landowner will look into what permission he needs to fell the trees after an earlier tree consent had expired. The Clerk highlighted concerns with Robert Lindsay that many of the verges in the Parish and other rural roads have still not been cut this year. Robert spoke to the portfolio holder for highways who was going to discuss this when meeting with the officer in charge at SCC. The Clerk has spoken to the Community Heartbeat Trust about setting up the Village Emergency Telephone (VETS) system. Funding options have changed recently; they are going to confirm costs for the system and training later this week.

**119/18 CORRESPONDENCE**

All correspondence for the Parish Council had been circulated to Councillors. There were six items to note.

- a) Suffolk Police sent information about revised policing arrangements in Suffolk.
- b) Suffolk Police Unison secretary has written highlighting concerns about proposals to reduce the number of PCOS's in Suffolk.

The above two items were discussed at the recent Police and Parish Forum attended by Kevin Pratt. The new emphasis is on local policing and the cuts are necessary due to funding cutbacks.

- c) Babergh Licensing consultation to revise statutory Gambling Act 2005 – statement of principles policy document. It was agreed not to respond to this consultation.
- d) Local Government Boundary Commission has completed their review and produced final electoral arrangements for Babergh. Subject to Parliamentary approval the new arrangements will be in place at elections in May 2019. Babergh will have 32 Councillors, down from 43. Kersey will be in a revised ward called South East Cosford with Aldham, Elmsett, Chelsworth, Lindsey, Nedging-with-Naughton, Semer and Whatfield.
- e) Came & Company insurance renewal documents – It was agreed to approve renewal. The Council had reviewed their insurance needs at the meeting in July. This renewal meets these needs and is the second in a 3-year long term agreement.
- f) A letter had been received enquiring about a former resident, Hammond Innes. It was agreed the Chair would reply.

### **120/18 FINANCE**

- a) A copy of the accounts to date and a financial statement, showing bank balances, receipts and payments for approval were tabled by the Clerk; these are appended to the minutes. All payments were approved.
- b) Councillors had a copy of the budget which shows the actual spending against the budget, copy appended. This shows an estimate that the Parish Council will be within budget at the end of the year.
- c) Giles Hollingworth checked the bank reconciliations had been completed and verified them against the cash book. Giles signed to confirm they had been completed correctly.

### **121/18 TO CONFIRM DATE OF INTERNAL AUDIT**

Natalie Blyth will carry out an interim internal audit on 10 October.

### **122/18 PLANNING APPLICATIONS**

#### **a) Progress**

**DC/18/02565 1 Row Cottages, Priory Hill, Kersey, Ipswich Suffolk IP7 6DX**

Proposal: Householder Planning Application - Erection of two storey rear extension; Conversion of barn to store with first floor annexe with external staircase and other external alterations; Conversion of existing open store to domestic garage with associated alterations to adjacent stores.

Babergh granted permission 10 August 2018.

#### **b) There were no new planning applications to consider.**

### **123/18 KCPC WORKING GROUP - General Report**

The Clerk read a report from Jonathan Marsh, Chair of the KCPC Working Group. This is appended to the minutes.

### **124/18 FOOTPATH WORKING GROUP - General report**

Giles Hollingworth reported that as far as he knew all paths were walkable and machinery was working well. There is a Footpath Working Group meeting on Tuesday 25 September at 7.30pm in The Bell.

### **125/18 TO DISCUSS THE UPDATED GRIT BIN SERVICE PROVIDED BY SCC HIGHWAYS**

SCC had recently carried out a review of the grit bin service. This review highlighted some significant concerns about the effectiveness of grit heaps. They can damage the environment due to the leaching of salt into the highway verges and the underlying groundwater and watercourses. This leaching also reduces the effectiveness of the remaining material. Therefore, the provision of grit heaps across the county will no longer be supported. If Parish Councils wish to maintain a stock of grit at the location of a redundant grit heap the Parish Council can apply for a new grit bin at that location, if approved then the Parish Council would need to purchase and install an approved grit bin at their own expense, bins cost from £150 to £450. The Clerk had reviewed the location of grit heaps in Kersey and found that most are on a SCC gritting route so the majority of roads will be gritted ahead of any adverse weather.

After some discussion it was agreed the Clerk should get reassurance from SCC that routes advertised as being gritted will be and that our existing grit bins will be topped up.

### **126/18 REVIEW AND ADOPT POLICIES**

These new policies are necessary to ensure the Parish Council become compliant with the requirements of data protection regulations. Councillors all had a copy of the draft policies listed below. A small amendment was put forward for the Data Retention Policy - The retention period for personnel records was amended to 6 years after ceasing employment. All policies were approved and adopted.

- a) Data Protection and Information Security Policy
- b) Data Retention Policy
- c) Subject Access Request Policy

*Robert Lindsay joined the meeting.*

### **127/18 REPORTS**

**Suffolk County Councillor** - Robert Lindsay gave his report. It is appended to the minutes of this meeting. He then answered questions from the floor. There was a discussion about how difficult it is to contact SCC officers. This is a concern the Clerk had already raised with Robert Lindsay. Robert will be discussing this with the new CEO of SCC.

*Robert then gave his apologies and left the meeting.*

### **128/18 GDPR - UPDATE ON PROGRESS WORKING TOWARDS COMPLIANCE INCLUDING APPROVAL OF THE PRIVACY NOTICES AND SUBJECT ACCESS REQUEST PROCEDURE**

The Parish Council continues to work towards compliance and is making use of the support provided by SALC. The Clerk had written several new policies, notices and procedures which are on the agenda for approval at this meeting, some have been adapted from templates provided by SALC. Privacy Notices and the Subject Access Request Procedure were all approved for use by the Parish Council. The Clerk will shortly be updating and adding new information to the Kersey website. The Parish Council has registered with the Information Commissioners Office. The annual registration fee is £40, however, if the Parish Council pay by direct debit then there is an annual discount of £5, making it £35/year. The Parish Council agreed to pay this annual fee by Direct Debit and the instruction form was duly signed by two Councillors.

### **129/18 ARRANGE CLERK'S JOB APPRAISAL AND SALARY REVIEW**

It was agreed the Chair would carry out the appraisal and would arrange a meeting with the Clerk in October.

### **130/18 TRAINING**

Information about training courses is regularly circulated to all Councillors. Kevin Pratt recently attended the SALC councillor training course. He confirmed that this was a very useful course. The Clerk will be attending a GDPR workshop in September.

### **131/18 REPORTS FROM MEETINGS**

Police and Parish Forum. Kevin Pratt had attended. The main discussion was around the reduction in PCSO and controlling the budget. It is a meeting where there is the opportunity to highlight any local issues and hear what community officers are doing. Some councils sent their Neighbourhood Watch representative to these meetings. Reviving the Neighbourhood Watch scheme is something Kersey should consider. Information from the police about security issues had been published in the Kersey Newsletter. Internet crime and scams are something residents need to be aware of.

### **132/18 FORTHCOMING MEETINGS**

24 September SALC/Babergh Area. Apologies to be given.

25 Sept Footpath Working Group meeting

10 October Police and Parish Forum – Kevin Pratt to attend.

11 October Babergh Parish Liaison – John Hume and the Clerk to attend.

### **133/18 ANY OTHER BUSINESS**

There was some concern expressed about fallen over bins and rubbish at Cherryhill Cottage, this presents environmental concerns for the area very near to the school. The Clerk will contact the landlord.

There are damaged road signs and blocked road drains on Church Hill. Kevin Pratt will report these to highways.

### **134/18 PARISH TIME**

There was a question asked about pot hole repairs – who makes the decisions about whether to do a quick repair or a long term one. It seems that it would be far more effective to repair them properly or to consider resurfacing the whole road rather than quick temporary repairs which fail in a very short time. It was confirmed that this is a SCC highways responsibility.

There being no further business the meeting closed at 8.52pm.

Appended to these minutes are 26 pages:

- Babergh District Council report from Alan Ferguson
- Kersey Parish Council receipts and payments to date (2 pages)
- Kersey Parish Council finance sheet for 10 September 2018
- Kersey Parish Council Budget sheet
- KCPC Working Group report
- Data Protection and Information Security Policy (4 pages)
- Data Retention Policy (3 pages)
- Subject Access Request Policy
- Suffolk County Council report from Robert Lindsay
- Privacy Notice – General (3 pages)
- Privacy Notice – Staff (5 pages)
- Subject Access Request Procedure (3 pages)

## DISTRICT COUNCILLOR'S REPORT FOR KERSEY PARISH COUNCIL

10th SEPTEMBER 2018

### Introduction

As you know, the Council tries to minimise business in August due to summer holiday plans etc and for this reason alone, my report this evening will be short.

### Boundary Commission

The Boundary Commission has confirmed its final recommendations for restructuring the current Babergh Ward patterns. As expected the number of District Councillors will come down from 43 to 32 and the new Ward (SE Cosford) will comprise the parishes of – Aldham, Elmsett, Whatfield, Nedging & Naughton, Kersey, Semer, Chelsworth and Lindsey – two more than the present arrangement.

The Secretary of State is expected to sign off the new Ward structure for implementation at the next local elections in May 2019.

As regards my position, I need to clarify where I stand. I have been selected as a Conservative candidate for Babergh Council elections in 2019, but the process to select me (or not) as the candidate for SE Cosford is due to take place on 24<sup>th</sup> September 18. If you are a member of the Conservative Association you should have been invited to attend the selection meeting in Semer Village Hall. Can I encourage you to go along.

### Private Sector Housing

You will be pleased to know that following a recalculation using the gov't's formula, Babergh DC now **has a 5 year land supply** for the private sector housing. This will allow the Planning Committee more flexibility when assessing planning applications than has been the case over the last two years or so.

### Merger of Babergh & MSDCs

As you know, the proposal to merge MS with Babergh was put on hold until Suffolk CC had the results of a study initiated by Colin Noble (the then Leader) into a Unitary Authority solution for Suffolk.

I am reliably informed that the new Leader of Suffolk CC is less enthusiastic about the concept and he has pressed the "pause" button with the study team. If this is the case, my expectation is that merger Babergh/MS will be back on the Agenda in the not too far distant future.

### Disposal of Corks Lane Buildings

The recommendation for redevelopment of the old Babergh Council offices (about 56 houses/flats) is expected to go before the Planning Committee in October 18. I will keep you advised.

### Angel Court

The plans for the redevelopment of Angel Court (21 x one and two bedroom flats) are pegged to the fence for inspection if you are interested. Good news story for Hadleigh. Much needed.

### Parish Liaison Meeting

Planned for Thursday 11<sup>th</sup> October in Pinewood Community Hall, Ipswich. Hosted by Chief Exec.

*Alan Ferguson*

KERSEY PARISH COUNCIL  
1 April 2018 - 31 March 2019

Printed on 10/09/2018

**RECEIPTS**

<b>Date</b>	<b>Credit ref</b>	<b>Detail</b>	<b>Precept</b>	<b>KCPC</b>	<b>Footpath</b>	<b>Other Receipts</b>	<b>VAT</b>	<b>Total Receipts</b>	<b>Sub total</b>
1-Apr-18		Balance brought forward		£ 2,889.33	£ 1,736.75	£ 11,733.32		£ 16,359.40	
3-Apr-18	Direct C	Babergh 50% Precept	£ 3,976.50					£ 3,976.50	£ 20,335.90
4-Jun-18	Bank	Bank Interest 5 Mar-3 Jun				£ 9.14		£ 9.14	£ 20,345.04
			£ 3,976.50	£ 2,889.33	£ 1,736.75	£ 11,742.46	£ -	£ 20,345.04	

KERSEY PARISH COUNCIL  
1 April 2018- 31 March 2019

Printed on 10/09/2018

**PAYMENTS**

Date	Cheque No	Detail	General Admin	Clerk's Salary & Staff Costs	Training/ external meetings	Street Lighting	KCPC	Footpath	S137	Other Payments	VAT	Total Payments	Sub total
9-Apr-18	101164	c Suffolk.cloud - website hosting	£ 100.00									£ 100.00	
9-Apr-18	101165	c WJ Green - Footpath						£ 204.09			£ 40.82	£ 244.91	£ 344.91
14-May-18	101166	c SALC - Annual Subscription	£ 178.80									£ 178.80	£ 523.71
9-Jul-18	101167	c G Hollingworth - Footpath exp						£ 25.86			£ 5.18	£ 31.04	
9-Jul-18	101168	c WJ Green - Footpath						£ 20.79			£ 4.16	£ 24.95	
9-Jul-18	101169	c S Partridge - Clerk's Exp	£ 10.84								£ 2.16	£ 13.00	
9-Jul-18	101170	c S Partridge Clerk's home working	£ 52.00									£ 52.00	
9-Jul-18	101171	c S Partridge Clerk's Salary		£ 1,166.16								£ 1,166.16	£ 1,810.86
			£ 341.64	£ 1,166.16	£ -	£ -	£ -	£ 250.74	£ -	£ -	£ 52.32	£ 1,810.86	

**KERSEY PARISH COUNCIL  
FINANCE**

**Details for Parish Council Meeting, 10 September 2018**

**Bank Balances At 31 July 2018**

Business Premium Account	£18,028.25
Current Account	£505.93
	<u>£18,534.18</u>

**Transfers between Business Premium and Current account since the last meeting**

10-Jul-18	Transferred from Business Premium to Current	£1,500.00
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**Income received since the last meeting**

None	<u>£0.00</u>
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**Payments made since the last meeting**

<u>Date</u>	<u>Chq no.</u>		
6-Aug-18	101172	SALC - Councillor training day 1	£75.00
6-Aug-18	10173	SALC - Clerks newtorking	£20.40
			<u>£0.00</u>

**Payments Due**

<u>Chq no.</u>		
101173	Came & Company - Insurance	£331.76
101175	Kersey Playing Field Association - Glebe insurance	£39.90
101176	SALC - Councillor training day 2	£61.80
101177	S Partridge - Clerk's Expenses	£14.17
101178	S Partridge - Clerk's Working from Home expenses	£52.00
101179	S Partridge - Clerk's Salary	£1,166.16
101180	Kersey Village Hall - Hire	£35.00
		<u>£1,700.79</u>

Expenditure Agreed .....

Prepared by the Clerk for Kersey Parish Council

Final agreed budget/precept for 2018/2019  
Agreed 22 Jan 18, minute ref 17/18

KERSEY PARISH COUNCIL  
Budget to 31 Mar 2019 and Precept for 2019/2020

VAT not included in budget figures	2018/19	2018/19	2018/19	2018/19	2019/20	
	Budget/ Precept 2018/2019	Actual to 31 July 2018	Estimated balance to 31 March 2019	Estimated total to 31 March 2019	Budget/ Precept 2019/2020	Notes:
<b>Parish Council</b>						
Post/Tel/Stationery/copier cartridge	£135.00	£10.84	£124.16	£135.00		
Clerk's working from home exp	£208.00	£52.00	£156.00	£208.00		£4/week
Hall Hire:Parish Council 11 @ £5	£55.00		£55.00	£55.00		
Annual Parish Assembly @ £10	£10.00		£10.00	£10.00		
SALC subscription	£180.00	£178.80	£0.00	£178.80		
External Audit	£100.00		£100.00	£100.00		External audit fees for 17/18 to 21/22 £200 unless exempt (18/19 to new audit reserve fund)
Data Protection	£188.00		£188.00	£188.00		ICO reg £35 paid by DD minute ref 128/18. new GDPR May 2018 DPO Yr 1 £150, Yr 2 £50 (DPO not required Gov agreed May 18)
Website hosting	£100.00	£100.00	£0.00	£100.00		Suffolk.cloud
<b>Sub total for Admin</b>	<b>£976.00</b>	<b>£341.64</b>	<b>£633.16</b>	<b>£974.80</b>	<b>£0.00</b>	
Clerk's Salary & Staff Costs	£4,915.00	£1,166.16	£3,748.84	£4,915.00		SCP27 18/19 £12.815/hr. 18/19 Clerk Salary plus extra GDPR hours - 12 approx £150, mileage £100
Training/External Meetings	£250.00		£250.00	£250.00		LCPAS whole cl £120, Cllr £110, Clerk netwk x2 £20, others £50
Street Lighting	£225.00		£225.00	£225.00		
Parish Council Insurance	£340.00		£340.00	£340.00		Oct 17 new 3 year Long term agreement with Came & Co
Glebe Insurance	£50.00		£50.00	£50.00		
Hedge Cut - The Glebe	£80.00		£80.00	£80.00		
Playground Safety Inspection	£87.00		£87.00	£87.00		
Dog Litter Bin emptying charge	£45.00		£45.00	£45.00		
St Mary's Church	£420.00		£420.00	£420.00		18/19 split £265 Churchyd £110 Nletter £45 Clock (last increased Nov 2017)
Defibrillator & Village Emergency Tel	£135.00		£135.00	£135.00		CHT memb'shp inc Defib managed solution £135, VETS £100 (18/19 reduced by £100 funded from Defib & VETS reserve)
Chairman's Allowance	£0.00		£0.00	£0.00		
Election costs	£25.00		£25.00	£25.00		Routine elections every 4 years, next election in May 2019
Church Walk future maintenance	£130.00		£130.00	£130.00		
Footpath Map printing reserve	£75.00		£75.00	£75.00		Build up reserve for reprint £75/year (approx 1,000 maps/yr)
Contingencies	£200.00		£200.00	£200.00		18/19 Reduced by £100 to cover GDPR additional cost for year 1.
<b>Precept</b>	<b>£7,953.00</b>	<b>£1,507.80</b>	<b>£6,444.00</b>	<b>£7,951.80</b>	<b>£0.00</b>	<b>Precept for 2018/19 £7953 / Tax base 180.98 = £43.94 for a band D property. Budget approved 22 Jan 18 minute ref 17/18</b>
<i>Other PC income</i>	£9.14					Bank interest
<b>PC Income</b>	<b>£7,962.14</b>					
Agreed spending from PC reserves:	£100.00		£100.00	£100.00	£100.00	Defibrillator costs funded from Defib and VETS reserve
		£204.09				FP reserve - repair to old DR mower
	<b>£8,062.14</b>	<b>£1,711.89</b>	<b>£6,544.00</b>	<b>£8,051.80</b>		<b>Total Budget</b>
						<b>KCPC Income 17/18 - Estimated £820.00. Actual £</b>
						<b>Footpath Income 18/19 - Estimated £729.18. Actual £</b>
						<b>Millennium Book Fund Income 18/19 - Est £2.80. Actual £</b>
<b>KCPC</b>	£1,017.00		£1,017.00	£1,017.00		
<b>Footpath</b>	£382.00	£46.65	£335.35	£382.00		Plus spent £204.09 on repairs to old DR mower from FP reserve
<b>Millennium Book Fund</b>	£0.00			£0.00		
Total actual spend		£1,758.54				
<b>Reserves (Cash at Bank)</b>	<b>At 1.4.18</b>		<b>Estimated at 31.3.19</b>			
KCPC Working Group (Ring fenced)	£2,889.33					
Footpath Working Group	£1,736.75					
Defib & VETS reserve	£649.06					Precept for 2017/18 £7340 (approved 16 Jan 17 min ref 15/17)
Election costs reserve	£837.50					Tax base 183.47 = £40 for a band D property
Church Walk Maintenance Reserve	£1,560.00					
Training reserve	£497.69					
Footpath Map printing reserve	£188.50					Precept for 2016/17 £6,786 plus CTax Support Grant £43.08
Fixed Asset Reserve	£1,996.05					Tax Base 181.25 = £37.44 for a band D property
Council Tax Support grant money	£729.50					Budget approved 25 Jan 16 minute ref 18/16
General Parish Council Reserve	£5,275.02					
	<b>£16,359.40</b>					Precept for 2015/16 £6,700 plus a CTax Support Grant £86.17
Millennium Book Fund Account	£2,847.60					Tax Base 180.31 = £37.16 for a band D property
General PC reserves - advice is to hold between 6-12 months gross expenditure (£5,000 - £10,000) General PC reserves vary from year to year partly due to VAT being paid one year and reclaimed the following year.						

# **KERSEY COMMUNITY PLAYGROUND COMMITTEE**

## **REPORT 7<sup>th</sup> Sept 2018**

The KCPC held a meeting on the 6<sup>th</sup> Sept 2018.

The Quiz night was set for Friday the 9<sup>th</sup> November 2018 in the Village Hall. A notice will be put in the next newsletter. The format will follow previous years. The entrance fee will be £11, a rise of £1 as Fish & Chips are now over £6.

A short maintenance day was organised ahead of the annual inspection, the report we await.

The grass cutting rota worked and was helped by the very dry conditions in June and July.

The problem reported with the base of the slide has been fixed as has the pinch issue with the gate.

A maintenance day to put the playground to bed for the winter was fixed for Saturday 10<sup>th</sup> November at 9.30am.

The cricket net and exercise equipment have been available for use throughout the summer.

The mower will be serviced over the winter as in previous years.

Jonathan Marsh

# Kersey Parish Council Data Protection and Information Security Policy

## Introduction

Kersey Parish Council has a responsibility under the Data Protection Act 2018 and other regulations to hold, obtain, record, process, store and destruct all personal data relating to an identifiable individual in a secure, appropriate and lawful manner. Data may be held in paper or electronic form.

Kersey Parish Council recognises it must at times, keep and process sensitive and personal information about both employees and the public, it has therefore adopted this policy not only to meet its legal obligations but to ensure high standards.

This policy sets out the Parish Council's rules on data protection and the legal conditions that must be satisfied in relation to personal data. This policy applies to all Parish Council employees, councillors, volunteers and contractors.

The Parish Council as a corporate body has ultimate responsibility for ensuring compliance with the Data Protection legislation. The Parish Council is the data controller. The Clerk as Proper Officer of the Parish Council is the data protection lead for Kersey Parish Council.

## Data Protection Terminology

**Data** is information which is stored electronically, on a computer, or in certain paper-based filing systems.

**Data Subject** - means the person whose personal data is being processed. This includes all living individuals about whom we hold personal data. All data subjects have legal rights in relation to their personal data.

**Personal Data** - means any information relating to a natural person or data subject that can be used directly or indirectly to identify the person. It can be anything from a name, a photo, and an address, date of birth, an email address or it can be an opinion such as a performance appraisal.

**Sensitive Personal Data** - includes information about racial or ethnic origin, political opinions, and religious or other beliefs, trade union membership, medical information, sexual orientation, genetic and biometric data or information related to offences or alleged offences where it is used to uniquely identify an individual. Sensitive personal data can only be processed under strict conditions and will usually require the express consent of the person concerned.

**Data Controller** - means a person who (either alone or jointly or in common with other persons) determines the purposes for which and the manner in which any personal data is to be processed.

**Data Processor** - in relation to personal data, means any person (other than an employee of the data controller) who processes the data on behalf of the data controller. This could include contractors which handle personal data on our behalf.

**Processing Information or Data** – is any activity that involves use of data. It includes obtaining, recording or holding the information or data or carrying out any operation or set of operations on the information or data. This includes organising, amending, retrieving, using, disclosing, erasing or destroying it. Processing also includes transferring personal data to third parties.

## Data Protection Principles

The Parish Council fully endorses and adheres to the data protection principles as set out in the Act. All data covered by the Act must be handled in accordance with the Six Data Protection Principles:

- Processed fairly, lawfully and in a transparent manner in relation to the data subject.
- Processed for limited, legitimate purposes and in an appropriate way.

- Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.
- Accurate and, where necessary, kept up to date.
- Not kept longer than necessary for the purpose.
- Processed in a manner that ensures appropriate security of the personal data including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

### **Data Processing in Line with Data Subject's Rights**

Data must be processed in line with data subjects' rights. The Parish Council must ensure individuals can exercise their rights in the following ways:

- Right to be informed
  - o providing privacy notices
  - o keeping a record of how the Parish Council uses personal data to demonstrate compliance
- Right of access:
  - o enabling individuals to access their personal data and supplementary information
  - o allowing individuals to be aware of and verify the lawfulness of the processing activities
- Right to rectification:
  - o rectifying or amending personal data of the individual if requested
  - o carrying out the above process within one month
- Right to erasure:
  - o deleting or removing an individual's data if requested and there is no compelling reason for its continued processing
- Right to restrict processing:
  - o complying with any request to restrict, block or suppress the processing of personal data
  - o retaining only enough data to ensure the right to restriction is respected in the future
- Right to data portability:
  - o providing individuals with their data so that they can reuse it for their own purposes
  - o providing it in a commonly used format (i.e. machine-readable format)
- Right to withdraw consent
  - o respecting the right of an individual to withdraw consent to the processing at any time for any processing of data to which consent was obtained
  - o withdrawal can be by telephone, email or by post
- The right to lodge a complaint with the Information Commissioner's Office.
  - o contacting the Information Commissioners Office on 0303 123 1113 or via email <https://ico.org.uk/global/contact-us/email/> or at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF

### **Roles and Responsibilities**

The Clerk and Councillors will ensure that:

- Personal information is treated in a confidential manner in accordance with this and any associated policies.
- The rights of data subjects are respected at all times.
- Privacy notices will be made available to inform individuals how their data is being processed.
- Personal information is only used for the stated purpose, unless explicit consent has been given by the Data Subject to use their information for a different purpose.

- Personal information is only disclosed on a strict need to know basis, to recipients who are entitled to that information.
- Personal information is recorded accurately and is kept up to date.
- They appropriately handle any subject access requests and/or requests in relation to the rights of individuals.
- They appropriately handle actual or potential breaches of the Data Protection Act as soon as the breach is discovered.
- It is the responsibility of the Clerk and Councillors to ensure that they comply with the requirements of this policy and any associated policies or procedures.

#### Contractors

Where contractors are used, the contracts between the Parish Council and these third parties should contain mandatory information assurance clauses to ensure that the contract staff are bound by the same rules, as listed above for the Clerk and Parish Councillors in relation to the Data Protection Act.

#### Volunteers

All volunteers are bound by the same rules, as listed above for the Clerk and Parish Councillors in relation to the Data Protection Act.

### **Data Security**

The Parish Council will ensure that appropriate security measures are taken against unlawful or unauthorised processing of personal data, and against the accidental loss of, or damage to, personal data.

The Act requires us to put in place procedures and technologies to maintain the security of all personal data from the point of collection to the point of destruction. Personal data may only be transferred to a third-party data processor if they agree to comply with those procedures and policies, or if they put in place adequate measures.

Maintaining data security means guaranteeing the confidentiality, integrity and availability of the personal data, defined as follows:

- Confidentiality means that access to data is limited to the Proper Officer or other authorised persons for whom access is necessary in the course of their work.
- Integrity means that personal data should be accurate and suitable for the purpose for which it is processed.
- Availability means that authorised users should be able to access the data if they need it for authorised purposes.

Security procedures include:

- Secure lockable drawers and/or cupboards. Drawers and cupboards should be kept locked if they hold confidential information of any kind.
- All computers used to access or process Parish Council personal data eg. e-mails must have virus protection and a firewall.
- Password protection is used.
- Methods of disposal. Paper documents should be shredded or burnt. Electronic data will be deleted.

The Parish Council will ensure that information is not transferred to countries outside the European Economic Area (EEA) unless that country has an adequate level of protection for security and confidentiality of information which has been confirmed by the Information Commissioner.

## **Records Management and Data Audit**

Good records management plays a pivotal role in ensuring that the Parish Council is able to meet its obligations to provide information, and to retain it, in a timely and effective manner in order to meet the requirements of the Act. The Parish Council has carried out a data audit which will be regularly updated. All records should be retained and disposed of in accordance with the Parish Council Data Retention Policy.

## **Data Protection Impact Assessments**

Data protection impact assessments will be carried out where appropriate as part of the design and planning of projects, systems and programmes.

## **Data Breaches**

Under the GDPR, the Parish Council is required to report a personal data breach, which meets the reporting criteria, to the Information Commissioner within 72 hours of the Council becoming aware of the breach. Guidance states that organisations should notify the Information Commissioners Office of a breach where it is likely to result in a risk to the rights and freedoms of individuals or if it could result in discrimination, damage to reputation, financial loss, loss of confidentiality or any other significant economic or social disadvantage.

A personal data breach is one that leads to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to personal data.

In the event of a data breach the Proper Officer will immediately inform the Chair of the Parish Council. They will then take all the necessary measures to manage the breach.

Where a breach is likely to result in a high risk to the rights and freedoms of individuals, the Parish Council will notify those individuals concerned directly.

In line with the accountability requirements, all data breaches must be recorded by the Parish Council along with details of actions taken. This record will help to identify system failures and should be used to improve the security of personal data.

## **Dealing with Subject Access Requests (SAR)**

Individuals wishing to request their information as a subject access request should contact the Parish Council, who will arrange for the information to be processed in accordance with the Data Protection Act and Kersey Parish Council's Subject Access Request Policy.

## **Access to Policies Referred to Under this Policy**

For details of all policies relevant to Kersey Parish Council as a local government authority please visit the Parish Council's website [www.kersey.suffolk.gov.uk](http://www.kersey.suffolk.gov.uk)

The Parish Council will periodically review and revise this policy in the light of experience, comments from data subjects and guidance from the Information Commissioners Office.

Data Protection and Information Security Policy adopted on: 10 September 2018 Minute ref: 126/18

## **Kersey Parish Council Data Retention Policy**

Kersey Parish Council recognises that the efficient management of its records is necessary to comply with its legal and regulatory obligations and to contribute to the effective overall management of the Parish Council. These records may be created, received or maintained in hard copy or electronically.

Kersey Parish Council will ensure that information is not kept longer than is necessary and will retain the minimum amount of information that it is required to hold to meet its statutory functions and the provision of its services. Anything that is no longer of use or value can be destroyed but if the council is in any doubt it will seek advice from Suffolk Association of Local Councils (SALC) and retain that document until advice has been received.

Documents of historical importance, if not retained by the council, will be offered first to the county record office.

### **Responsibilities**

Council records will be managed in such a way as to promote compliance with this policy so that information can be retrieved easily, appropriately and in a timely manner. The person with overall responsibility for the implementation of this policy is the Clerk to the Parish Council.

Parish Councillors are required to pass all documents and records whether received electronically or in hard copy to the Parish Clerk for retention in accordance with this policy and in the event of a Parish Councillor resigning or failing to retain their post as a result of an election, it is the Parish Councillor's responsibility to ensure anything that remains within their possession but is related to the business of the Parish Council is passed to the Parish Clerk within 10 working days of ceasing to hold the position of a Parish Councillor.

### **Retention of Documents for Legal Purposes**

Most legal proceedings are governed by 'the Limitation Acts' which state that legal claims may not be commenced after a specified period. The specified period varies, depending on the type of claim in question. Below is a list setting out the limitation periods for the different categories of claim:

Negligence (and other Torts) 6 years

Defamation 1 year

Contract 6 years

Leases 12 years

Sums recoverable by statute 6 years

Personal injury 3 years

To recover land 12 years

Rent 6 years

Breach of Trust None

## Retention Periods for Documents and Data

### Administration:

Document	Minimum Retention Period	Reason
Minute Book	Indefinite	Archive
Agenda	3 years	Management
Personnel records	6 years after ceasing employment	Management/Legal
Declaration of Acceptance of Office Councillor/Chair	Term of Office	Code of Conduct/Management
Register of Interests	Register of Interest and relevant documents are retained by and available from Babergh District Council Website. Original copy held on file until individual ceases to be a member.	Code of Conduct/Management
Planning Applications	All planning applications and relevant decision notices are available on the Babergh District Council website. There is no requirement to retain duplicates locally. All Parish Council recommendations in connection with these applications are recorded in the Council minutes and are retained indefinitely.	
Playground Inspection Reports	40 years	Insurance
Routine Correspondence/Emails	Retain as long as useful	Management

### Finance:

Document	Minimum Retention Period	Reason
Receipt and Payment Accounts	Indefinite	Archive
Annual Return	Indefinite	Archive
Asset Register	Indefinite	Archive
Bank Statements	8 years	Audit/Management
Bank paying-in books & cheque book stubs	2 years	Audit/Management
Paid Invoices	8 years	VAT/Audit
VAT records	8 years	VAT/Audit
Tax records	8 years	Audit/Legal
Insurance policies	While valid	Management
Certificates for Insurance against Liability for Employees	40 years from date on which insurance commenced or was renewed	Management/Audit/Legal - The Employers' Liability (Compulsory Insurance) Regulations 1998 (SI 2753)
Certificate of Public Liability	40 years from date on which insurance commenced or was renewed	Management/Audit/Legal
Quotations/tenders	12 years/Indefinite	Audit
Title deeds, leases, agreements and contracts	Indefinite	Audit/Management

An annual review of all data and documentation should be carried out and items that have reached their deletion or destruction date being deleted/destroyed and the remainder being considered for archiving.

**Disposal Procedures for Data No Longer Required**

Paper documents containing confidential information will be shredded or burnt.

Paper documents with no confidential information can be recycled.

Electronic data will be deleted.

Electronic equipment with the capability of storing information will have all information deleted before being disposed of appropriately.

Data Retention Policy Adopted on: 10 September 2018      Minute Reference: 126/18

## **Kersey Parish Council Subject Access Request (SAR) Policy**

### **Upon receipt of a SAR Kersey Parish Council will:**

- Verify whether the Parish Council is the controller of the data subject's personal data. If it is not a controller, but merely a processor, the Proper Officer of the Parish Council will inform the data subject and refer them to the actual controller.
- Verify the identity of the data subject; if needed, request any further evidence on the identity of the data subject.
- Verify the access request; is it sufficiently substantiated? Is it clear to the data controller what personal data is requested? If not: request additional information.
- Verify whether requests are unfounded or excessive (in particular because of their repetitive character); if so, the Parish Council may refuse to act on the request or charge a reasonable fee.
- Promptly acknowledge receipt of the SAR and inform the data subject of any costs involved in the processing of the SAR.
- Verify whether the Parish Council processes the data requested. If it does not process any data, inform the data subject accordingly. At all times make sure the internal SAR policy is followed and progress can be monitored.
- Ensure data will not be changed as a result of the SAR. Routine changes as part of the processing activities concerned are permitted.
- Verify whether the data requested also involves data on other data subjects and make sure this data is filtered before the requested data is supplied to the data subject; if data cannot be filtered, ensure that other data subjects have consented to the supply of their data as part of the SAR.

### **Responding to a SAR**

Kersey Parish Council will respond to a SAR within one month after receipt of the request:

- If more time is needed to respond to complex requests, an extension of another two months is permissible, provided this is communicated to the data subject in a timely manner within the first month;
- If the Council cannot provide the information requested, it should inform the data subject on this decision without delay and at the latest within one month of receipt of the request.

If a SAR is submitted in electronic form, any personal data should preferably be provided by electronic means as well.

If data on the data subject is processed, the Parish Council will make sure to include as a minimum the following information in the SAR response:

- the purposes of the processing;
- the categories of personal data concerned;
- the recipients or categories of recipients to whom personal data has been or will be disclosed, in particular in third countries or international organisations, including any appropriate safeguards for transfer of data, such as Binding Corporate Rules or EU model clauses;
- where possible, the envisaged period for which personal data will be stored, or, if not possible, the criteria used to determine that period;
- the existence of the right to request rectification or erasure of personal data or restriction of processing of personal data concerning the data subject or to object to such processing;
- the right to lodge a complaint with the Information Commissioners Office ("ICO");
- if the data has not been collected from the data subject: the source of such data;
- the existence of any automated decision-making, including profiling and any meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for the data subject.

The Parish Council will provide a copy of the personal data undergoing processing.

SAR Policy Adopted on: 10 September 2018

Minute Reference: 126/18

# Robert Lindsay Report for Kersey PC 10.9.18

## Public Sector Leaders Group

They have confirmed that they will hold five public meetings a year with minutes and agendas published – there will be some private meetings in between. I am told this is purely for planning rather than decision purposes.

## Suffolk scheduled to overspend by £8.6m this year.

Based on its spending in the first quarter of the 2018/19 financial year, the county council is forecast to overspend its £501 million budget by 1.7%. It is now attempting to reduce costs and make savings by 31 March next year. It says the overspend is mainly driven by rising demand for services and increased costs in Children and Young People's Services, (accounting for almost £5 million of the projected overspend). This includes services for looked-after children, specialist social care for children and home-to-school transport.

## Barley Homes

The county is pulling out of its 50:50 house building joint venture with St Edmundsbury and Forest Heath District Councils having failed to build a single home in three years. The idea of this venture was to raise income for the county. A better model for SCC as a landowner would be case by case with experienced builders such as the development at Cockfield with a housing association.

## Special Educational Needs crisis

A report to cabinet is projecting a rise of 18% in SEN children in the next two years, they will be short 300-400 places equivalent to three special schools. SEN kids already face either a long wait or are placed out of county, contributing to the budget overspend. Officers have consulted and are recommending cabinet provide new places via a mix of some new schools and provide specialist support centres within existing schools.

## Unitaries

I have learnt that the new leader Cllr Hicks is not in favour of his predecessor Colin Noble's single unitary idea and is dropping the study that Respublica had been tasked with. However because Respublica has already been paid he is looking to task them with something else.

## Cycling network plans for next five years

At full council last week, I proposed two motions,

- One asking a cross party working group to draw up a costed five- year plan for a network of cycle paths
- The other to commit 5% of the annual integrated transport budget, which the council gets from central government, to cycling infrastructure.

The first was unanimously carried, the second was voted down by the Conservative majority administration. I am awaiting further information regarding the cross-party group that will draw up a cycling plan, and will keep you updated as this progresses.

## Final decision reached on school transport policy changes

On Monday 9 July, the Scrutiny Committee determined that the concerns my political group raised about the costs of this proposed policy were not valid and so rejected the call-in. This means that the Cabinet's decision was endorsed and the planned changes to the school transport policy will be implemented from September 2019.

**Verge cutting** – I see the scheduled date has slipped again to 10 Sept for Kersey. I have been chasing this up with Mary Evans and will chase again for adequate explanation.

# Kersey Parish Council

## GENERAL PRIVACY NOTICE

### Your personal data – what is it?

“Personal data” is any information about a living individual which allows them to be identified from that data (for example a name, photographs, videos, email address, or address). Identification can be directly using the data itself or by combining it with other information which helps to identify a living individual (e.g. a list of staff may contain personnel ID numbers rather than names but if you use a separate list of the ID numbers which give the corresponding names to identify the staff in the first list then the first list will also be treated as personal data). The processing of personal data is governed by legislation relating to personal data which applies in the United Kingdom including the General Data Protection Regulation (the “GDPR”) and other legislation relating to personal data and rights such as the Human Rights Act.

### Who are we?

This Privacy Notice is provided to you by Kersey Parish Council which is the data controller for your data.

### Other data controllers the council works with:

- Local authorities – such as Suffolk County Council and Babergh District Council
- Community groups
- Charities
- Other not for profit entities
- Contractors

We may need to share your personal data we hold with them so that they can carry out their responsibilities to the council. If we and the other data controllers listed above are processing your data jointly for the same purposes, then the council and the other data controllers may be “joint data controllers” which mean we are all collectively responsible to you for your data. Where each of the parties listed above are processing your data for their own independent purposes then each of us will be independently responsible to you and if you have any questions, wish to exercise any of your rights (see below) or wish to raise a complaint, you should do so directly to the relevant data controller.

A description of what personal data the council processes and for what purposes is set out in this Privacy Notice.

### The council will process some or all of the following personal data where necessary to perform its tasks:

- Names, titles, and aliases, photographs;
- Contact details such as telephone numbers, addresses, and email addresses;
- Where they are relevant to the services provided by a council, or where you provide them to us, we may process information such as gender, age, marital status, nationality, education/work history, academic/professional qualifications, hobbies, family composition, and dependants;
- The personal data we process may include sensitive or other special categories of personal data such as criminal convictions, racial or ethnic origin, mental and physical health, details of injuries, medication/treatment received, political beliefs, trade union affiliation, genetic data, biometric data, data concerning and sexual life or orientation.

### How we use sensitive personal data

- We may process sensitive personal data including, as appropriate:
  - your racial or ethnic origin or religious or similar information in order to monitor compliance with equal opportunities legislation;
  - in order to comply with legal requirements and obligations to third parties.
- These types of data are described in the GDPR as “Special categories of data” and require higher levels of protection. We need to have further justification for collecting, storing and using this type of personal data.
- We may process special categories of personal data in the following circumstances:
  - In limited circumstances, with your explicit written consent.
  - Where we need to carry out our legal obligations.
  - Where it is needed in the public interest.
- Less commonly, we may process this type of personal data where it is needed in relation to legal claims or where it is needed to protect your interests (or someone else’s interests) and you are not capable of giving your consent, or where you have already made the information public.

### Do we need your consent to process your sensitive personal data?

- In limited circumstances, we may approach you for your written consent to allow us to process certain sensitive personal data. If we do so, we will provide you with full details of the personal data that we would like and the reason we need it, so that you can carefully consider whether you wish to consent.

**The council will comply with data protection law. This says that the personal data we hold about you must be:**

- Used lawfully, fairly and in a transparent way.
- Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.
- Relevant to the purposes we have told you about and limited only to those purposes.
- Accurate and kept up to date.
- Kept only as long as necessary for the purposes we have told you about.
- Kept and destroyed securely including ensuring that appropriate technical and security measures are in place to protect your personal data to protect personal data from loss, misuse, unauthorised access and disclosure.

**We use your personal data for some or all of the following purposes:**

- To deliver public services including to understand your needs to provide the services that you request and to understand what we can do for you and inform you of other relevant services;
- To confirm your identity to provide some services;
- To contact you by post, email, telephone or using social media (e.g., Facebook, Twitter, WhatsApp);
- To help us to build up a picture of how we are performing;
- To prevent and detect fraud and corruption in the use of public funds and where necessary for the law enforcement functions;
- To enable us to meet all legal and statutory obligations and powers including any delegated functions;
- To carry out comprehensive safeguarding procedures (including due diligence and complaints handling) in accordance with best safeguarding practice from time to time with the aim of ensuring that all children and adults-at-risk are provided with safe environments and generally as necessary to protect individuals from harm or injury;
- To promote the interests of the council;
- To maintain our own accounts and records;
- To seek your views, opinions or comments;
- To notify you of changes to our facilities, services, events and staff, councillors and other role holders;
- To send you communications which you have requested and that may be of interest to you. These may include information about campaigns, appeals, other new projects or initiatives;
- To process relevant financial transactions including grants and payments for goods and services supplied to the council
- To allow the statistical analysis of data so we can plan the provision of services.

**What is the legal basis for processing your personal data?**

The council is a public authority and has certain powers and obligations. Most of your personal data is processed for compliance with a legal obligation which includes the discharge of the council's statutory functions and powers. Sometimes when exercising these powers or duties it is necessary to process personal data of residents or people using the council's services. We will always take into account your interests and rights. This Privacy Notice sets out your rights and the council's obligations to you.

We may process personal data if it is necessary for the performance of a contract with you, or to take steps to enter into a contract.

Sometimes the use of your personal data requires your consent. We will first obtain your consent to that use.

**Sharing your personal data**

This section provides information about the third parties with whom the council may share your personal data. These third parties have an obligation to put in place appropriate security measures and will be responsible to you directly for the manner in which they process and protect your personal data. It is likely that we will need to share your data with some or all of the following (but only where necessary):

- The data controllers listed above under the heading "Other data controllers the council works with";
- Our agents, suppliers and contractors. For example, we may ask a commercial provider to publish or distribute newsletters on our behalf, or to maintain our database software;
- On occasion, other local authorities or not for profit bodies with which we are carrying out joint ventures e.g. in relation to facilities or events for the community.

**How long do we keep your personal data?**

We will keep some records permanently if we are legally required to do so. We may keep some other records for an extended period of time. For example, it is currently best practice to keep financial records for a minimum period of 8 years to support HMRC audits or provide tax information. We may have legal obligations to retain some data in connection with our statutory obligations as a public authority. The council is permitted to retain data in order to defend or pursue claims. In some cases the law imposes a time limit for such claims (for example 3 years for personal injury claims or 6 years for contract claims). We will retain some personal data for this purpose as long as we believe it is necessary to be able to defend or pursue a claim. In general, we will endeavour to keep data only for as long as we need it. This means that we will delete it when it is no longer needed.

## Your rights and your personal data

You have the following rights with respect to your personal data:

When exercising any of the rights listed below, in order to process your request, we may need to verify your identity for your security. In such cases we will need you to respond with proof of your identity before you can exercise these rights.

### 1) **The right to access personal data we hold on you**

- At any point you can contact us to request the personal data we hold on you as well as why we have that personal data, who has access to the personal data and where we obtained the personal data from. Once we have received your request we will respond within one month.
- There are no fees or charges for the first request but additional requests for the same personal data or requests which are manifestly unfounded or excessive may be subject to an administrative fee.

### 2) **The right to correct and update the personal data we hold on you**

- If the data we hold on you is out of date, incomplete or incorrect, you can inform us and your data will be updated.

### 3) **The right to have your personal data erased**

- If you feel that we should no longer be using your personal data or that we are unlawfully using your personal data, you can request that we erase the personal data we hold.
- When we receive your request, we will confirm whether the personal data has been deleted or the reason why it cannot be deleted (for example because we need it to comply with a legal obligation).

### 4) **The right to object to processing of your personal data or to restrict it to certain purposes only**

- You have the right to request that we stop processing your personal data or ask us to restrict processing. Upon receiving the request, we will contact you and let you know if we are able to comply or if we have a legal obligation to continue to process your data.

### 5) **The right to data portability**

- You have the right to request that we transfer some of your data to another controller. We will comply with your request, where it is feasible to do so, within one month of receiving your request.

### 6) **The right to withdraw your consent to the processing at any time for any processing of data to which consent was obtained**

- You can withdraw your consent easily by telephone, email, or by post (see Contact Details below).

### 7) **The right to lodge a complaint with the Information Commissioner's Office.**

- You can contact the Information Commissioners Office on 0303 123 1113 or via email <https://ico.org.uk/global/contact-us/email/> or at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

## Transfer of Data Abroad

Any personal data transferred to countries or territories outside the European Economic Area ("EEA") will only be placed on systems complying with measures giving equivalent protection of personal rights either through international agreements or contracts approved by the European Union. Our website is also accessible from overseas so on occasion some personal data (for example in a newsletter) may be accessed from overseas.

## Further processing

If we wish to use your personal data for a new purpose, not covered by this Privacy Notice, then we will provide you with a new notice explaining this new use prior to commencing the processing and setting out the relevant purposes and processing conditions. Where and whenever necessary, we will seek your prior consent to the new processing.

## Changes to this notice

We keep this Privacy Notice under regular review and we will place any updates on our website. [www.kersey.suffolk.gov.uk](http://www.kersey.suffolk.gov.uk) This Notice was last updated in September 2018.

## Contact Details

Please contact us if you have any questions about this Privacy Notice or the personal data we hold about you or to exercise all relevant rights, queries or complaints at:

The Data Controller, Kersey Parish Council, Bridges Farm, The Tye, Kersey, Ipswich, Suffolk IP7 6HB

Email: [kerseypc@gmail.com](mailto:kerseypc@gmail.com) Tel: 01787 210859

# Kersey Parish Council

## PRIVACY NOTICE

### For staff\*, councillors and Role Holders\*\*

\*"Staff" means employees, workers, agency staff and those retained on a temporary or permanent basis

\*\*Includes, volunteers, contractors, agents, and other role holders within the council including former staff\* and former councillors. This also includes applicants or candidates for any of these roles.

#### Your personal data – what is it?

"Personal data" is any information about a living individual which allows them to be identified from that data (for example a name, photograph, video, email address, or address). Identification can be directly using the data itself or by combining it with other information which helps to identify a living individual (e.g. a list of staff may contain personnel ID numbers rather than names but if you use a separate list of the ID numbers which give the corresponding names to identify the staff in the first list then the first list will also be treated as personal data). The processing of personal data is governed by legislation relating to personal data which applies in the United Kingdom including the General Data Protection Regulation (the "GDPR") and other legislation relating to personal data and rights such as the Human Rights Act.

#### Who are we?

This Privacy Notice is provided to you by Kersey Parish Council which is the data controller for your data.

#### The council works together with:

- Other data controllers, such as local authorities, public authorities, central government and agencies such as HMRC and DVLA
- Staff pension providers
- Former and prospective employers
- DBS services suppliers
- Payroll services providers

We may need to share personal data we hold with them so that they can carry out their responsibilities to the council and our community. The organisations referred to above will sometimes be "joint data controllers". This means we are all responsible to you for how we process your data where for example two or more data controllers are working together for a joint purpose. If there is no joint purpose or collaboration then the data controllers will be independent and will be individually responsible to you.

#### The council will comply with data protection law. This says that the personal data we hold about you must be:

- Used lawfully, fairly and in a transparent way.
- Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.
- Relevant to the purposes we have told you about and limited only to those purposes.
- Accurate and kept up to date.
- Kept only as long as necessary for the purposes we have told you about.
- Kept and destroyed securely including ensuring that appropriate technical and security measures are in place to protect your personal data to protect personal data from loss, misuse, unauthorised access and disclosure.

#### What data do we process?

- Names, titles, and aliases, photographs.
- Start date / leaving date
- Contact details such as telephone numbers, addresses, and email addresses.
- Where they are relevant to our legal obligations, or where you provide them to us, we may process information such as gender, age, date of birth, marital status, nationality, education/work history, academic/professional qualifications, employment details, hobbies, family composition, and dependants.
- Non-financial identifiers such as passport numbers, driving licence numbers, vehicle registration numbers, taxpayer identification numbers, staff identification numbers, tax reference codes, and national insurance numbers.
- Financial identifiers such as bank account numbers, payment card numbers, payment/transaction identifiers, policy numbers, and claim numbers.
- Financial information such as National Insurance number, pay and pay records, tax code, tax and benefits contributions, expenses claimed.

- Other operational personal data created, obtained, or otherwise processed in the course of carrying out our activities, including but not limited to, recordings of telephone conversations, IP addresses and website visit histories, logs of visitors, and logs of accidents, injuries and insurance claims.
- Next of kin and emergency contact information
- Recruitment information (including copies of right to work documentation, references and other information included in a CV or cover letter or as part of the application process and referral source (e.g. agency, staff referral))
- Location of employment or workplace.
- Other staff data (not covered above) including; level, performance management information, languages and proficiency; licences/certificates, immigration status; employment status; information for disciplinary and grievance proceedings; and personal biographies.
- Information about your use of our information and communications systems.

**We use your personal data for some or all of the following purposes: -**

Please note: We need all the categories of personal data in the list above primarily to allow us to perform our contract with you and to enable us to comply with legal obligations.

- Making a decision about your recruitment or appointment.
- Determining the terms on which you work for us.
- Checking you are legally entitled to work in the UK.
- Paying you and, if you are an employee, deducting tax and National Insurance contributions.
- Providing any contractual benefits to you
- Liaising with your pension provider.
- Administering the contract we have entered into with you.
- Management and planning, including accounting and auditing.
- Conducting performance reviews, managing performance and determining performance requirements.
- Making decisions about salary reviews and compensation.
- Assessing qualifications for a particular job or task, including decisions about promotions.
- Conducting grievance or disciplinary proceedings.
- Making decisions about your continued employment or engagement.
- Making arrangements for the termination of our working relationship.
- Education, training and development requirements.
- Dealing with legal disputes involving you, including accidents at work.
- Ascertaining your fitness to work.
- Managing sickness absence.
- Complying with health and safety obligations.
- To prevent fraud.
- To monitor your use of our information and communication systems to ensure compliance with our IT policies.
- To ensure network and information security, including preventing unauthorised access to our computer and electronic communications systems and preventing malicious software distribution.
- To conduct data analytics studies to review and better understand employee retention and attrition rates.
- Equal opportunities monitoring.
- To undertake activity consistent with our statutory functions and powers including any delegated functions.
- To maintain our own accounts and records;
- To seek your views or comments;
- To process a job application;
- To administer councillors' interests
- To provide a reference.

Some of the above grounds for processing will overlap and there may be several grounds which justify our use of your personal data.

We will only use your personal data when the law allows us to. Most commonly, we will use your personal data in the following circumstances:

- Where we need to perform the contract we have entered into with you.
- Where we need to comply with a legal obligation.

We may also use your personal data in the following situations, which are likely to be rare:

- Where we need to protect your interests (or someone else's interests).
- Where it is needed in the public interest or for official purposes.

## How we use sensitive personal data

- We may process sensitive personal data relating to staff, councillors and role holders including, as appropriate:
  - information about your physical or mental health or condition in order to monitor sick leave and take decisions on your fitness for work;
  - your racial or ethnic origin or religious or similar information in order to monitor compliance with equal opportunities legislation;
  - in order to comply with legal requirements and obligations to third parties.
- These types of data are described in the GDPR as "Special categories of data" and require higher levels of protection. We need to have further justification for collecting, storing and using this type of personal data.
- We may process special categories of personal data in the following circumstances:
  - In limited circumstances, with your explicit written consent.
  - Where we need to carry out our legal obligations.
  - Where it is needed in the public interest, such as for equal opportunities monitoring or in relation to our pension scheme.
  - Where it is needed to assess your working capacity on health grounds, subject to appropriate confidentiality safeguards.
- Less commonly, we may process this type of personal data where it is needed in relation to legal claims or where it is needed to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.

## Do we need your consent to process your sensitive personal data?

- We do not need your consent if we use your sensitive personal data in accordance with our rights and obligations in the field of employment and social security law.
- In limited circumstances, we may approach you for your written consent to allow us to process certain sensitive personal data. If we do so, we will provide you with full details of the personal data that we would like and the reason we need it, so that you can carefully consider whether you wish to consent.
- You should be aware that it is not a condition of your contract with us that you agree to any request for consent from us.

## Information about criminal convictions

- We may only use personal data relating to criminal convictions where the law allows us to do so. This will usually be where such processing is necessary to carry out our obligations and provided we do so in line with our data protection policy.
- Less commonly, we may use personal data relating to criminal convictions where it is necessary in relation to legal claims, where it is necessary to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.
- We will only collect personal data about criminal convictions if it is appropriate given the nature of the role and where we are legally able to do so.

## What is the legal basis for processing your personal data?

Some of our processing is necessary for compliance with a legal obligation.

We may also process data if it is necessary for the performance of a contract with you, or to take steps to enter into a contract.

We will also process your data in order to assist you in fulfilling your role in the council including administrative support or if processing is necessary for compliance with a legal obligation.

## Sharing your personal data

Your personal data will only be shared with third parties including other data controllers where it is necessary for the performance of the data controllers' tasks or where you first give us your prior consent. It is likely that we will need to share your data with:

- Our agents, suppliers and contractors. For example, we may ask a commercial provider to manage our HR/ payroll functions, or to maintain our database software;
- Other persons or organisations operating within local community.

- Other data controllers, such as local authorities, public authorities, central government and agencies such as HMRC and DVLA
- Staff pension providers
- Former and prospective employers
- DBS services suppliers
- Payroll services providers
- Professional advisors
- Trade unions or employee representatives

### **How long do we keep your personal data?**

We will keep some records permanently if we are legally required to do so. We may keep some other records for an extended period of time. For example, it is currently best practice to keep financial records for a minimum period of 8 years to support HMRC audits or provide tax information. We may have legal obligations to retain some data in connection with our statutory obligations as a public authority. The council is permitted to retain data in order to defend or pursue claims. In some cases, the law imposes a time limit for such claims (for example 3 years for personal injury claims or 6 years for contract claims). We will retain some personal data for this purpose as long as we believe it is necessary to be able to defend or pursue a claim. In general, we will endeavour to keep data only for as long as we need it. This means that we will delete it when it is no longer needed.

### **Your responsibilities**

It is important that the personal data we hold about you is accurate and current. Please keep us informed if your personal data changes during your working relationship with us.

### **Your rights in connection with personal data**

You have the following rights with respect to your personal data: -

When exercising any of the rights listed below, in order to process your request, we may need to verify your identity for your security. In such cases we will need you to respond with proof of your identity before you can exercise these rights.

#### **1. *The right to access personal data we hold on you***

- At any point you can contact us to request the personal data we hold on you as well as why we have that personal data, who has access to the personal data and where we obtained the personal data from. Once we have received your request we will respond within one month.
- There are no fees or charges for the first request but additional requests for the same personal data or requests which are manifestly unfounded or excessive may be subject to an administrative fee.

#### **2. *The right to correct and update the personal data we hold on you***

- If the data we hold on you is out of date, incomplete or incorrect, you can inform us and your data will be updated.

#### **3. *The right to have your personal data erased***

- If you feel that we should no longer be using your personal data or that we are unlawfully using your personal data, you can request that we erase the personal data we hold.
- When we receive your request, we will confirm whether the personal data has been deleted or the reason why it cannot be deleted (for example because we need it to comply with a legal obligation).

#### **4. *The right to object to processing of your personal data or to restrict it to certain purposes only***

- You have the right to request that we stop processing your personal data or ask us to restrict processing. Upon receiving the request, we will contact you and let you know if we are able to comply or if we have a legal obligation to continue to process your data.

#### **5. *The right to data portability***

- You have the right to request that we transfer some of your data to another controller. We will comply with your request, where it is feasible to do so, within one month of receiving your request.

#### **6. *The right to withdraw your consent to the processing at any time for any processing of data to which consent was obtained***

- You can withdraw your consent easily by telephone, email, or by post (see Contact Details below).

#### **7. *The right to lodge a complaint with the Information Commissioner's Office.***

- You can contact the Information Commissioners Office on 0303 123 1113 or via email <https://ico.org.uk/global/contact-us/email/> or at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

### **Transfer of Data Abroad**

Any personal data transferred to countries or territories outside the European Economic Area ("EEA") will only be placed on systems complying with measures giving equivalent protection of personal rights either through international agreements or contracts approved by the European Union. Our website is also accessible from overseas so on occasion some personal data (for example in a newsletter) may be accessed from overseas.

### **Further processing**

If we wish to use your personal data for a new purpose, not covered by this Privacy Notice, then we will provide you with a new notice explaining this new use prior to commencing the processing and setting out the relevant purposes and processing conditions. Where and whenever necessary, we will seek your prior consent to the new processing, if we start to use your personal data for a purpose not mentioned in this notice.

### **Changes to this notice**

We keep this Privacy Notice under regular review.

This Notice was last updated in September 2018.

### **Contact Details**

Please contact us if you have any questions about this Privacy Notice or the personal data we hold about you or to exercise all relevant rights, queries or complaints at:

The Data Controller, Kersey Parish Council, Bridges Farm, The Tye, Kersey, Ipswich, IP7 6HB

Tel: 01787 210859 Email: kerseypc@gmail.com

You can contact the Information Commissioners Office on 0303 123 1113 or via email <https://ico.org.uk/global/contact-us/email/> or at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

## Kersey Parish Council Subject Access Request (SAR) Procedure

Kersey Parish Council will follow the below procedure when a Subject Access Request is received. The Proper Officer of the Parish Council will be responsible for responding to Subject Access Requests.

### What must I do?

1. MUST: On receipt of a subject access request you must forward it immediately to the Proper Officer of the Parish Council.
2. MUST: We must correctly identify whether a request has been made under the Data Protection legislation.
3. MUST: The Clerk, and as appropriate, councillor, who receives a request to locate and supply personal data relating to a SAR must make a full exhaustive search of the records to which they have access.
4. MUST: All the personal data that has been requested must be provided unless an exemption can be applied.
5. MUST: We must respond within one calendar month after accepting the request as valid.
6. MUST: Subject Access Requests must be undertaken free of charge to the requestor unless the legislation permits reasonable fees to be charged.
7. MUST: Councillors and the Clerk must ensure they are aware of and follow this guidance.
8. MUST: Where a requestor is not satisfied with a response to a SAR, the council must manage this as a complaint.

### How must I do it?

1. Notify the Proper Officer upon receipt of a request. The Proper Officer to inform the Chair of the Parish Council about the request.
2. We must ensure a request has been received in writing where a data subject is asking for sufficiently well-defined personal data held by the council relating to the data subject. You should clarify with the requestor what personal data they need. They must supply their address and valid evidence to prove their identity. The council accepts the following forms of identification (\* These documents must be dated in the past 12 months, +These documents must be dated in the past 3 months):
  - Current UK/EEA Passport
  - UK Photocard Driving Licence (Full or Provisional)
  - Firearms Licence / Shotgun Certificate
  - EEA National Identity Card
  - Full UK Paper Driving Licence
  - State Benefits Entitlement Document\*
  - State Pension Entitlement Document\*
  - HMRC Tax Credit Document\*
  - Local Authority Benefit Document\*
  - State/Local Authority Educational Grant Document\*
  - HMRC Tax Notification Document
  - Disabled Driver's Pass
  - Financial Statement issued by bank, building society or credit card company+
  - Judiciary Document such as a Notice of Hearing, Summons or Court Order
  - Utility bill for supply of gas, electric, water or telephone landline+
  - Most recent Mortgage Statement
  - Most recent council Tax Bill/Demand or Statement
  - Tenancy Agreement
  - Building Society Passbook which shows a transaction in the last 3 months and your address

3. Depending on the degree to which personal data is organised and structured, you will need to search emails (including archived emails and those that have been deleted but are still recoverable), Word documents, spreadsheets, databases, systems, removable media (for example, memory sticks, floppy disks, CDs), tape recordings, paper records in relevant filing systems etc. which your area is responsible for or owns.
4. You must not withhold personal data because you believe it will be misunderstood; instead, you should provide an explanation with the personal data. You must provide the personal data in an “intelligible form”, which includes giving an explanation of any codes, acronyms and complex terms. The personal data must be supplied in a permanent form except where the person agrees or where it is impossible or would involve undue effort. You may be able to agree with the requester that they will view the personal data on screen or inspect files on our premises. You must redact any exempt personal data from the released documents and explain why that personal data is being withheld.
5. Make this clear on forms and on the council website.
6. You should do this through the use of induction, performance management and training, as well as through establishing and maintaining appropriate day to day working practices.
7. A database is maintained allowing the council to report on the volume of requests and compliance against the statutory timescale.
8. When responding to a complaint, we must advise the requestor that they may complain to the Information Commissioners Office (“ICO”) if they remain unhappy with the outcome.

### **Sample letters**

All letters must include the following information:

- a) the purposes of the processing;
- b) the categories of personal data concerned;
- c) the recipients or categories of recipients to whom personal data has been or will be disclosed, in particular in third countries or international organisations, including any appropriate safeguards for transfer of data, such as Binding Corporate Rules or EU model clauses;
- d) where possible, the envisaged period for which personal data will be stored, or, if not possible, the criteria used to determine that period;
- e) the existence of the right to request rectification or erasure of personal data or restriction of processing of personal data concerning the data subject or to object to such processing;
- f) the right to lodge a complaint with the Information Commissioners Office (“ICO”);
- g) if the data has not been collected from the data subject: the source of such data;
- h) the existence of any automated decision-making, including profiling and any meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for the data subject.

### **Replying to a subject access request providing the requested personal data**

“[Name] [Address]

[Date]

Dear [Name of data subject]

#### Data Protection subject access request

Thank you for your letter of [date] making a data subject access request for [subject]. We are pleased to enclose the personal data you requested.

Include (a) to (h) above.

Copyright of the personal data you have been given belongs to the council or to another party. Copyright material must not be copied, distributed, modified, reproduced, transmitted, published or otherwise made available in whole or in part without the prior written consent of the copyright holder.

Yours sincerely”

**Release of part of the personal data, when the remainder is covered by an exemption**

“[Name] [Address]

[Date]

Dear [Name of data subject]

Data Protection subject access request

Thank you for your letter of [date] making a data subject access request for [subject]. To answer your request we asked the following areas to search their records for personal data relating to you:

- [List the areas]

I am pleased to enclose [some/most] of the personal data you requested. [If any personal data has been removed] We have removed any obvious duplicate personal data that we noticed as we processed your request, as well as any personal data that is not about you. You will notice that [if there are gaps in the document] parts of the document(s) have been blacked out. [OR if there are fewer documents enclose] I have not enclosed all of the personal data you requested. This is because [explain why it is exempt].

Include (a) to (h) above.

Copyright of the personal data you have been given belongs to the council or to another party. Copyright material must not be copied, distributed, modified, reproduced, transmitted, published, or otherwise made available in whole or in part without the prior written consent of the copyright holder.

Yours sincerely”

**Replying to a subject access request explaining why you cannot provide any of the requested personal data**

“[Name] [Address]

[Date]

Dear [Name of data subject]

Data Protection subject access request

Thank you for your letter of [date] making a data subject access request for [subject].

I regret that we cannot provide the personal data you requested. This is because [explanation where appropriate].

[Examples include where one of the exemptions under the data protection legislation applies. For example the personal data might include personal data is ‘legally privileged’ because it is contained within legal advice provided to the council or relevant to on-going or preparation for litigation. Other exemptions include where the personal data identifies another living individual or relates to negotiations with the data subject. Your data protection officer will be able to advise if a relevant exemption applies and if the council is going to rely on the exemption to withhold or redact the data disclosed to the individual, then in this section of the letter the council should set out the reason why some of the data has been excluded.]

Yours sincerely”

SAR Procedure approved and adopted by Kersey Parish Council 10 September 2018.