# CYNGOR CYMUNED YSTALYFERA COMMUNITY COUNCIL

# DATA PROTECTION POLICY

## Background to this Policy

Ystalyfera Community Council is committed to ensuring it meets the lawful requirements of the Data Protection Act and the General Data Protection Regulations which came into force on 25th May 2018, and which are enforced by the Information Commissioner's Office. In doing so, we (the Data Controller) are obliged to inform members of the public about their rights regarding any data we hold or process about them (the Data Subjects). This policy indicates how we will deal with your personal data, and is published on the Council's website. We will not assume that we have consent from any member of the public to hold their data, except where we have a legitimate interest in doing so.

## What is Personal Data?

"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 direct, using the data itself, or indirect, by combining it with other information which helps to identify a living individual.

Personal Data helps us to perform our functions as a local council, and typically we might use –

- Names, titles, and aliases, photographs
- Contact details such as telephone numbers, addresses, and email addresses
- Where they are relevant to the services provided by the 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
- Where you pay for activities such as use of a Council community centre or playing field, financial identifiers such as bank account numbers, payment card numbers, payment/transaction identifiers, policy numbers, and claim numbers.

We may also use some personal information which is defined as 'special categories of data' and which needs more protection due to its sensitivity. It is often information you would not want widely known and is very personal to you. This is information that might reveal your –

- ethnicity
- physical or mental health
- sexuality and sexual health
- religious or philosophical beliefs
- genetic/biometric data
- trade union membership
- political opinion
- criminal history.

## Who has responsibility for Personal Data?

Personal Data is the responsibility of a data controller, and Ystalyfera Community Council is the data controller, under the legislation, in respect of your personal data which it collects. The Council's contact details are:

Ystalyfera Community Council
c/o 6 Llys Ynysgeinon
Godre'r Graig
SWANSEA SA9 2BJ
Telephone 07570 961946
E-mail ystalyfera@hotmail.com

The Council's Data Processing Officer is Nia Parr-Williams, Clerk to the Council and Responsible Financial Officer.

The Council works closely with a range of other organisations, each of which will have its own Data Controller. This includes –

- Neath Port Talbot County Borough Council
- Emergency Services
- National Health Service
- HMRC
- Voluntary and Community Groups
- Contractors and Suppliers

We may need to share Personal Data with them, and they with us to fulfil our respective responsibilities. In specific circumstances we will, therefore, be either joint or individual data controllers.

## How does the Council take decisions and process Personal Data?

The Council's powers derive from legislation, and accordingly decisions are usually taken at the Council or Committee meetings, although it can delegate decisions to an officer.

When using Personal Data, the Council will comply with a series of data protection principles, which are in place to protect you. The Council will –

- Process all personal information lawfully, fairly and in a transparent manner
- Collect personal information for a specified, explicit and legitimate purpose
- Ensure that the personal information processed is adequate, relevant and limited to the purposes for which it was collected
- Ensure the personal information is accurate and up to date
- Keep your personal information for no longer than is necessary for the purpose(s) for which it was collected
- Keep your personal information securely using appropriate technical or organisational measures.

**How does the law allow the Council to use your Personal Data?**

The law allows the Council to use your personal data –

- where you, or your representative, has given explicit consent for specific processing purpose(s)
- you have undertaken a contract with the Council or have undertaken steps leading to the award of a contract
- for employment purposes
- to comply with the Council's statutory duties
- to protect you or another individual's "vital interests" in an emergency
- to undertake a task carried out in the public interest or in the exercise of authority given to the Council
- to deal with a legal and other claim(s)
- you have made your data publicly available
- for archiving, research or statistical purposes, and
- for legitimate interests - note the Council can only rely on this ground if it is processing for a legitimate reason other than performing tasks as a public authority.

There are alternative rules for the processing of the "sensitive"/special categories of Personal Data referred to above.

**Why does the Council process Personal Data?**

We use Personal Data for some or all of the following reasons –

- To deliver and manage public services to you and the locality which the Council represents, understand your needs and requirements and what we can do to meet them, particularly in relation to community centres, playing fields playgrounds and open spaces, allotments, events, planning applications, consultations enquiries and complaints, grants, legal and other claims
- To train and manage staff to deliver the services
- To monitor services and check the quality of provision
- To plan our finances and monitor expenditure on/income from services

Not always, but on occasions and before using the personal data received, the Council may require your consent. If your consent is required you will be invited to sign a consent notice and return it to the Council. However, you will NOT be obliged to give your consent and any consent given can be withdrawn.

**When and for how long will the Council use the Personal Data?**

The Council will only collect and use personal information if it is needed to deliver a service or meet a requirement. If the Council uses your personal data for research and analysis, it will be kept anonymous or use a different name unless you have agreed that your personal data can be used.

The Council does not sell your personal information.

The Council will only keep your information for as long as it is required to be retained and the retention period is either set out in the Council's Records Management Policy or in legislation. There will be a good or legal reason for keeping your personal data for a set period or, where required, indefinitely. Once your information is no longer needed it will be securely and confidentially destroyed. A copy of the Council's policy can be viewed on our website, or obtained by contacting the Council.

**Who may also receive your information?**

As indicated above, there are occasions when the Council has a legal duty to provide your personal data to other organisations and this may override your right to privacy, for example -

- in order to find and stop crime and fraud, or
- if there are serious risks to the public, or staff, or
- if there is an emergency.

Unless required by law, and before sharing the information, the Council will seek to ensure that the sharing organisation itself complies with the legislation

**What are your rights?**

Under the legislation, you have certain rights with respect to your Personal Data, namely –

- The right of access to any personal information the Council holds about you, why we hold it, who has access to it, and where we obtained it from
- The right of rectification - the Council must correct data which is out of date, inaccurate or incomplete if you advise us that this is the case
- The right to erasure - you have the right to have your personal data deleted and to prevent processing , for valid reasons, unless the Council has a reason or legal obligation to process your personal data, and we will advise you when this has been done or if it cannot be done
- The right to object to or restrict processing to certain purposes - we will confirm if we can comply or if there is a legal obligation on us
- The right to data portability - the Council will provide you with your personal data in a structured, commonly used, electronic readable form when asked and transfer the data to another data controller if requested, where feasible, and
- The right to object to your personal data being used for profiling, direct marketing or research purposes (see below).

To request a copy of your Personal Data you must make a subject access request in writing to the Council's Data Protection Officer, either by way of a letter, email or by an agreed alternative method. To enable the Council to deal with the request you will need to include your current name and address, proof of identity (such as copy of your driving license, passport or two different utility bills that display your name and address), and as much detail as possible so that the authority can identify any information it may hold. The Council will not let you have data involving –

- Confidential information about other people
- Data that will cause serious harm to your or someone else's physical or mental wellbeing
- Information that may obstruct the Council from preventing or detecting a crime.

You will receive a free copy of your Personal Data within a calendar month of receipt of your request. Additional requests for the same Personal Data, or requests which are manifestly unfounded or excessive may be subject to an administrative fee.

**Does the Council's transfer personal data abroad and where is the personal data kept?**

The Council stores paper copy data and electronic data on am external hard drive under lock and key in its office and electronic personal data in the "cloud" possibly outside the UK and the EU. The internet is global and the Council's website is widely accessible. There may be occasions when the data may leave the UK. It is also possible that information provided will be temporarily transferred via a route outside the EU as it passes between you and the Council.

You should also be aware that data transmitted via the Internet cannot be guaranteed to be completely secure during transmission. The Council cannot ensure nor warrant the security of any information you transmit to the Council whether by email or otherwise.

**Does the Council's transfer personal data to a third country and where is the personal data kept?**

The Council stores paper copy data under lock and key in its office and electronic personal data in the "cloud" possibly outside the UK and the EU. The internet is global, and there may be occasions when the data may leave the UK. It is also possible that information provided will be temporarily transferred via a route outside the EU as it passes between you and the Council.

You should also be aware that data transmitted via the Internet cannot be guaranteed to be completely secure during transmission. The Council cannot ensure nor warrant the security of any information you transmit to the Council whether by email or otherwise.

**Security of your information and how does the Council protect the personal data?**

The Council will do what it can to make sure that data is held in a secure way whether on paper or electronically. The security includes, for example –

- Controlling access to systems and networks to stop people who are not allowed to view your personal information from getting access to it
- Keeping up to date on the latest security updates (commonly called patches)
- Redacting personal information on all e-mails and correspondence to the office being put into the public domain

- Ensuring that email correspondence does not include confidential information unless you consent to this
- Using information provided to us via our website only for the reasons that we reasonably believe it was provided for
- Ensuring that telephone calls are not recorded
- Training staff to make them aware of how to handle information and how and when to report when something goes wrong.

**Further processing**

If we wish to use your personal data for a new purpose, not covered by this Policy and our 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 Policy and our Privacy Notice under regular review and we will place any updates on www.ystalyferacommunitycouncil.org
This Policy and Notice was last updated in May 2021.

**How to make a complaint or comment?**

If you wish to make a complaint or comment, please contact the Council by letter or email.

You may also contact the Information Commissioner's Office at –

The Information Commissioner's Office, Wales, 2nd Floor, Churchill House, Churchill Way, Cardiff, CF10 2HH
Telephone: 029 2067 8400
Fax: 029 2067 8399
Email: wales@ico.org.uk<mailto:wales@ico.org.uk>

The office welcomes calls in Welsh on 029 2067 8400. Mae'r swyddfa yn croesawu galwadau yn Gymraeg ar 029 2067 8400, or

The Information Commissioner Wycliffe House Water Lane Wilmslow Cheshire SK9 5AF Phone: 08456 30 60 60  Website: www.ico.gov.uk