

# **Ideford Parish Council**

## **Data Protection Policy**

## **Freedom of Information Policy**

## **Information available under the model publication scheme**

Revised 20 March 2015

Adopted by Ideford Parish Council on 1 April 2015

## **Data Protection Act 1998**

**This statement relates to the Data Protection Policy adopted by Ideford Parish Council.**

In the course of its normal business the Council collects and uses certain types of information about residents of the parish and others in order to carry out its functions. This information includes current, past and prospective employees, suppliers, clients, customers, service users and others.

Parish Councils are also required by law to collect and use certain types of information to fulfil their statutory duties and also to comply with the requirements of the Government. However it is collected, this personal information must be dealt with according to the safeguards in the Data Protection Act 1998 (DPA1998) whether on paper, or other media.

Ideford Parish Council regards the lawful handling of personal information as critical to its successful operation. It is also vital in maintaining confidence between those with whom it deals and the Council. To this end the Council adheres to the Principles of data protection as stated in the DPA1998.

### **The Principles of Data Protection:**

1. Personal data shall be processed fairly and lawfully and, in particular, shall not be processed unless specific conditions are met.
2. Personal data shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes.
3. Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed.
4. Personal data shall be accurate and, where necessary, kept up to date.
5. Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes.
6. Personal data shall be processed in accordance with the rights of data subjects under the Act.
7. Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.
8. Personal data shall not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

### **Data Protection Policy**

Ideford Parish Council will, through appropriate management and strict application of controls:

1. Observe fully, conditions regarding the fair collection and use of information.
2. Meets its legal obligations to specify the purposes for which information is used.
3. Collect and process appropriate information only to the extent that it is needed to fulfil operational needs or comply with any legal requirements.
4. Ensure the quality of information used.
5. Apply strict checks to determine the length of time information is held.
6. Ensure that the rights of people, about whom information is held, can be fully exercised under the Act. This includes: the right to be informed that processing is being undertaken, the right of access to the Council's Data Protection Policy, access to one's personal information, the right to prevent processing in certain circumstances and the right to rectify, block or erase information which is regarded as incorrect).

7. Take appropriate technical and organisational security measures to safeguard personal information.
8. Ensure that any third party processors contracted by the Council adhere to appropriate controls.

### **Responsibilities and Roles**

1. The Clerk has specific responsibility for data protection in the organisation.
2. Everyone managing and handling personal information understands that they are contractually responsible for following good data protection practice.
3. Documents and any storage media containing paper or electronic material detailing personal information will be held, transported and disposed of with due regard to sensitivity.
4. Confidential paper output no longer required will be shredded before it is included in the recycling process.
5. In legal terms, the overall responsibility for the notification of the Council as a data controller and for ensuring compliance rests with the Parish Clerk.
6. The Clerk and all Councillors are required to be aware of the provisions of the Data Protection Act 1998, such as keeping records up to date and accurate, and its impact on the work they undertake on behalf of the Council.
7. Any breach of the Data Protection Policy, whether deliberate or through negligence, may lead to disciplinary action being taken or even a criminal prosecution.
8. Personal information is not disclosed deliberately or accidentally either orally or in writing to any unauthorised third party

### **Access to Data**

1. An individual is entitled, on making a written request, to be supplied with a copy of all information, with limited exceptions, which forms the personal data held about them.
2. A request for subject access must be responded to within 40 days. If it is not, the individual is entitled to complain to the Information Commissioner.
3. All data subject access requests must be referred to the Parish Clerk, who will co-ordinate the processing of the requests.

## Freedom of Information Policy

### This statement relates to the Freedom of Information Policy adopted by Ideford Parish Council

Ideford Parish Council (hereafter 'the council') has a Publication Scheme which can be found on its website and on the notice board in the Village Hall. This scheme enables members of the public to view and access information held by the Council.

#### How to Obtain Information

1. Parish Council web site at [www.ideford-parish.co.uk](http://www.ideford-parish.co.uk) The web site holds the type of information which the Council routinely publishes e.g. Council Policies, Minutes of Meetings and Agendas for forthcoming meetings, Annual Statement of Accounts and Public Notices.
2. Documents held by the Parish Clerk on behalf of the Council. If you wish to view other documents please contact the Clerk, either by post or by email. All requests for information should be in writing and include your name, contact details for correspondence and a detailed description of the information you require.

#### Council's Response to a Written Request

Within 20 working days of receipt of your written request the Council will:

1. Confirm to you whether or not it holds the information
2. Advise you if a fee will be charged
3. Provide you with the information after any relevant fee has been paid (unless an exemption applies).

#### Exemptions

The Freedom of Information Act contains 23 exemptions to the right of access, for example, personal data about individuals which is protected by the Data Protection Act 1998, or commercially confidential information. The exemptions listed in part 2 of the Act set the boundaries to the rights of access: if information is exempt then individuals do not have a right of access to it under the Act. The exemptions ensure a proper balance is achieved between the right to know, the right to personal privacy and the delivery of effective government.

#### Charges

1. Disbursement costs such as printing, photocopying and postage; and
2. For the majority of requests, or a series of requests from the same applicant within a 12 month period, it is expected that the charge for locating and compiling information will be less than £450 and therefore, except for disbursement costs, no reimbursement can be sought. However, where costs are estimated to exceed £450 (based on an hourly charge-out rate of £20), the Council can decide to:
  - a. refuse the request
  - b. comply with the request and charge for allowable costs as prescribed in the regulations
  - c. comply with the request free of charge.
  - d. A fee notice will be sent to the applicant requesting the appropriate fee.
  - e. The request will not be answered until the fee has been received.
  - f. Where the cost is less than the estimated cost then the difference will be refunded to the applicant.

## **Further Help**

Please contact the Parish Clerk if you need help in accessing information from the Council under the Freedom of Information Act. There is further information on the website of the Information Commissioner

## **Complaints**

If you are dissatisfied with the response from the Council then please put your complaint in writing to the Parish Clerk. If you are still dissatisfied, you may wish to contact the Information Commissioner at:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire SK9 5AF

## Information available from Ideford Parish Council under the model publication scheme

Information to be published	How the information can be obtained	Cost
<b>Class 1 - Who we are and what we do</b> (Organisational information, structures, locations and contacts - This will be current information only).		
Who's who on the Council	Via Parish Website / Hardcopy	10p per A4 Sheet
Contact details for Parish Clerk	Via Parish Website / Newsletter	
Contact details for Council members	Via Parish Website / Hardcopy	10p per A4 Sheet
<b>Class 2 – What we spend and how we spend it</b> (Financial information relating to projected & actual income & expenditure, procurement, contracts & audit)		
Annual return form and report by auditor	Via Parish Website / Hardcopy	10p per A4 Sheet
Finalised budget	Hardcopy	10p per A4 Sheet
Precept	Hardcopy	10p per A4 Sheet
Financial Regulations	Via Parish Website / Hardcopy	10p per A4 Sheet
Grants given and received	Hardcopy	10p per A4 Sheet
List of current contracts awarded and value of contract	Hardcopy	10p per A4 Sheet
Members' allowances and expenses	Hardcopy	10p per A4 Sheet
<b>Class 3 – What our priorities are and how we are doing</b> (Strategies and plans, performance indicators, audits, inspections and reviews)		
Annual Report to the Parish Meeting	Via Parish Website	
<b>Class 4 – How we make decisions</b> (Decision making processes and records of decisions)		
Timetable of meetings	Via Parish Website / Noticeboards / Hardcopy	10p per A4 Sheet
Agendas of meetings	Via Parish Website / Hardcopy	10p per A4 Sheet

Minutes of meetings	Via Parish Website / Hardcopy	10p per A4 Sheet
Reports presented to council meetings	Hardcopy	10p per A4 Sheet
Responses to consultation papers	Hardcopy	10p per A4 Sheet
Responses to planning applications	Hardcopy	10p per A4 Sheet
<b>Class 5 – Our policies and procedures</b>		
Current written protocols, policies and procedures for delivering our services and responsibilities		
Policies and procedures for the conduct of council business: Standing Orders: Procedural Code of Conduct Financial Regulations	Via Parish Website / Hardcopy	10p per A4 Sheet
Policies and procedures for the conduct of Council business: Complaints procedures Equality and Diversity policy Grievance procedure Media, Filming and Recording Procedure Policy and procedure for handling requests for information	Via Parish Website	10p per A4 Sheet
Records management policies (records retention, destruction and archive)	Via Parish Website	10p per A4 Sheet
Data Protection & Information Security policy	Via Parish Website	10p per A4 Sheet
Schedule of charges (for the publication of information)	Via Parish Website	10p per A4 Sheet
<b>Class 6 – Lists and Registers</b>		
Currently maintained lists and registers only		
Any publicly available register or list (if any are held this should be publicised; in most circumstances existing access provisions will suffice)		
Assets register	Hardcopy	10p per A4 Sheet
Register of members' interests	Via Parish Website / Hardcopy	10p per A4 Sheet

<b>Class 7 – The services we offer</b> (Information about the services we offer, including leaflets, guidance and newsletters produced for the public and businesses)		
Seating and Noticeboards	Hardcopy	10p per A4 Sheet
Bus shelter	Hardcopy	10p per A4 Sheet

### Contact details:

Mrs Ashley Lamb  
Parish Clerk  
Coombe Farm  
Ideford Combe  
Newton Abbot  
TQ12 3GS

Telephone: 07860 157687

Email: [idefordclerk@hotmail.co.uk](mailto:idefordclerk@hotmail.co.uk)

### SCHEDULE OF CHARGES

This describes how the charges have been arrived at and should be published as part of the guide.

TYPE OF CHARGE	DESCRIPTION	BASIS OF CHARGE
<b>Disbursement cost</b>	A4 Black & White Photocopying @ 10p per sheet	Actual cost
	A4 Colour Photocopying @ 20p per sheet	Actual cost
	Postage	Actual cost of Royal Mail standard 1 <sup>st</sup> class
	Postage	Actual cost of Royal Mail standard 2 <sup>nd</sup> class
<b>Statutory Fee</b>		In accordance with Freedom of Information Act 2000
<b>Other</b>	Hourly Rate for information retrieval	£20.00 per hour
		Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004, the “appropriate limit” is set at £450 for Local Authorities