

Data Protection Policy

May 2018 to be reviewed May 2019

1. Introduction

1.1 An essential activity of Warminster Town Council is the requirement to gather, process and store information about its employees, people in the community, suppliers, business contacts and other sources in order to operate efficiently.

2. General Data Protection Regulation (GDPR) May -2018Data-Protection-Act

2.1 ~~The GDPR 2018~~~~The Data Protection Act 1998~~ was put into place to help protect people's personal data. It aims to ensure that people know where their data is held, what it is used for and who it is shared with. It also ensures that an organisation treats people's data correctly and has systems and controls in place for effective management of that data. A key principle of the GDPR is that you process personal data is processed securely by means of 'appropriate technical and organisational measures' – this is the 'security principle'.

2.2 A Council acting as an employer is required to comply with the GDPRData-Protection-Act. In such circumstances, the Council will be deemed to be a 'data controller' ~~-~~for the purposes of the Regulation Act and in this capacity it will determine the purposes for which and the manner in which any personal data is, or is to be, processed. 'Processing' includes obtaining, recording, holding or using information. The '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 – for example Wiltshire Pension Fund.

2.3 The GDPR-Data-Protection-Act is underpinned by six important principles which state that personal data must be:

1. Processed lawfully, fairly and in a transparent manner in relation to the individual.~~and lawfully processed~~
2. Collected for specified, explicit and legitimate purpose(s).~~processed for limited purposes~~
3. Adequate, relevant and limited to the purpose(s) for which it was they are processed.~~not excessive~~
4. Accurate and kept up to date; inaccurate data shall be erased or rectified without delay.
5. ~~not to be~~ Kept for no longer than is necessary for the purpose(s) for which it was processed.
- ~~6. processed in line with the data subject's (individual) rights~~
6. Secure, using appropriate technical or organizational measures.

The controller shall be responsible for, and be able to demonstrate, compliance with the principles.

~~3. not transferred to countries outside of the EU without adequate protection~~

4.3. Subject Rights

3.1 The [GDPR Act](#) creates rights for those people who have their data stored and also responsibilities for those who store, process or collect personal data.

3.2 A person who has their data processed by the Council has a number of rights in relation to the data which is held about them. The person has the following rights:

- [the right to be informed;](#)
 - [the right of access;](#)
 - [the right to rectification;](#)
 - [the right to erasure;](#)
 - [the right to restrict processing;](#)
 - [the right to data portability;](#)
 - [the right to object; and](#)
 - [the right not to be subject to automated decision-making including profiling.](#)
- ~~View the data which is held for a maximum fee of £10;~~
 - ~~Request that information which is incorrect be corrected;~~
 - ~~Require that data is not used in a way which may cause damage or distress;~~
 - ~~Require that their data is not used for direct marketing.~~

9.4. Subject Access Requests

4.1 ~~Under section 7 of the Data Protection Act, a person may make a subject access request in relation to information held about them. A person who makes a request and pays a maximum £10 fee is entitled to the following information:~~

- [confirmation that their data is being processed;](#)
 - [access to their personal data; and](#)
 - [other supplementary information – this largely corresponds to the information that should be provided in a privacy notice.](#)
- ~~To be told whether any personal data is being processed;~~
 - ~~A description of the personal data which is held, why the data is being processed and whether this data will be given to any other organisations or people;~~
 - ~~A copy of the information comprising the data; and~~
 - ~~The source of the data.~~

4.2 Once the Council receives such a request, should the data be disclosable, the request must be dealt with [within one month](#) ~~within 40 calendar days~~ of receiving the request.

~~4.3 The Council can refuse or charge for requests that are manifestly unfounded or excessive.~~

~~4.4 If the Council refuses a request they must tell the individual why and that they have the right to complain to the supervisory authority and to a judicial remedy. The Council must do this without delay and at the latest within one month of receipt~~[within one month, or without due delay.](#)

