



# Ross-on-Wye Town Council

## Data Protection Policy

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### Statement of Policy

Ross-on-Wye Town Council is committed to the eight Data Protection Principles.

Schedule 1 to the Data Protection Act lists the data protection principles in the following terms:

1. Personal data shall be processed fairly and lawfully and, in particular, shall not be processed unless - (a) at least one of the conditions in Schedule 2 is met, and (b) in the case of sensitive personal data, at least one of the conditions in Schedule 3 is also 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 this 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.

### Sensitive Data

The Data Protection Act 1998 defines eight categories of sensitive personal data. These are:

- a) the racial or ethnic origin of data subjects;
- b) their political opinions,
- c) their religious beliefs or other beliefs of a similar nature,
- d) whether they are a member of a trade union,
- e) their physical or mental health or condition,
- f) their sexual life,
- g) the commission or alleged commission by them of any offence, or
- h) any proceedings for any offence committed or alleged to have been committed by them, the disposal of such proceedings or the sentence of any court in such proceedings.

If you hold personal data falling into these categories it is likely that you will need the explicit consent of the individual concerned. You will also need to ensure that your security is adequate for the protection of sensitive data.

## Manual Data

The Data Protection Act 1998 also covers some records held in paper form. Such records need not be notified to the Commissioner, but should be handled in accordance with the data protection principles. Manual records are covered by the Act if they form part of a relevant filing system. It is for data controllers to assess their manual records.

It is important to note that individuals may seek **compensation** through the courts if they have suffered damage because of **any** contravention of the Act. If the Town Council receives a written subject access request, it must deal with it promptly, and in any case within 40 days from the date of receipt. If further information is required before a response can be made, the 40 days will begin when this further information is received. The Town Council is entitled to ask for a fee of not more than £10 and the 40 days does not begin until this is received. In response to a subject access request individuals are entitled to a copy of the information held about them, both on computer and as part of a relevant filing system. They also have the right to receive a description of why their information is processed, anyone it may be disclosed to, and any information available to the Town Council about the source of the data.

## Data Controller

The Data Protection Act 1998 requires every data controller (eg organisation, sole trader) who is processing personal information to register with the ICO, unless they are exempt. The Town Clerk is the registered Data Controller on behalf of the Council.

*Adopted by the Policy & Management Committee Meeting 3rd April 2017*