

**Berkhamsted Town Council  
General Data Protection Regulations  
Privacy Statement  
March 2019**

## **1. Introduction**

Berkhamsted Town Council is committed to respecting your privacy and this document describes how we collect, store and use information shared with us. We will protect your privacy and ensure that when you provide us with personally identifiable information it will only be used in accordance with this document which has been prepared to comply with the General Data Protection Regulations 2018 (GDPR). All Town Councillors, Town Council staff, volunteers and working group members will comply with the requirements of this privacy statement and attachments. All data processors acting on behalf of the Town Council will be GDPR compliant (see 2 below).

## **2. Data Protection Impact Analysis**

Berkhamsted Town Council carried out a detailed data protection impact analysis in 2018. This will be reviewed annually and as required when new activities are planned, changes to systems take place or new contracts are entered into. As a data controller, Berkhamsted Town Council has obtained written confirmation from its data processors, who handle contracts for services such as payroll, IT support and bespoke software packages for finance and allotments, of their GDPR compliance.

## **3. Compliance with the Regulations**

The personal information we hold about you must be

- (i) Used lawfully, fairly and in a transparent way;
- (ii) Collected only for valid purposes;
- (iii) Relevant to and limited only to these purposes;
- (iv) Accurate and kept up to date;
- (v) Kept only as long as necessary for the purposes explained to you;
- (vi) Kept and destroyed securely; technical and security measures are in place to protect your personal data from loss, misuse, unauthorised access and disclosure.

## **4. Useful Definitions**

**GDPR** – General Data Protection Regulations;

**ICO** – Information Commissioner's Office (The ICO is the UK's independent body set up to uphold information rights);

**Data Controller** - 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 are, or are to be, processed.

**Data Processor** – in general a data processor processes any data that the data controller gives them and is usually a third-party company that the data controller chose to use and process the data;

**Data subject** - any individual person who can be identified, directly or indirectly, via an identifier such as a name, an ID number, location data, or via factors specific to the person's physical, physiological, genetic, mental, economic, cultural or social identity (see para. 12 below also).

## **5. Legal Basis for Processing Your Information**

The Regulations set out lawful reasons for processing data which are:

- (i) That the data subject has given consent;
- (ii) For the performance of a contract or the steps required in advance of entering into a contract;
- (iv) For compliance with a legal obligation to which the Town Council is subject;
- (v) In order to protect the vital interest of the data subject;
- (vi) Performance of a task carried out in the public interest or arising from official authority vested in the Town Council;
- (vii) For the purpose of legitimate interest.

## **6. The activities we undertake that require the processing of your data include**

- (i) Employment of staff and all associated administrative and statutory duties and activities;
- (ii) The appointment of councillors and all associated administrative and statutory duties and activities;
- (iii) Provision of allotment plots and all associated administrative and statutory duties and activities;
- (iv) Administration of working groups and sub committees (membership can include members of the public or outside organisations);
- (v) Communicating with and responding to enquiries (whether by telephone, in person, in writing, by e-mail or via the web-site) from members of the public and other individuals, organisations and bodies in pursuance of the Town Council's statutory duties and powers;
- (vi) The organisation of events in Berkhamsted;
- (vii) The hiring out of facilities.

## **7. How Your Information will be Processed**

- (i) All data is retained exclusively within the United Kingdom, or transferred only to 'third countries' where 'adequacy of protection' or specific certification as defined by the Regulations has been confirmed.
- (ii) The information that we collect about you will only be used lawfully (in accordance with the Data Protection Act 1998 and the General Data Protection Regulation 2018).

- (iii) This information will not be disclosed to anyone outside Berkhamsted Town Council or its associated organisations, partners, and other companies with which Berkhamsted Town Council has arranged services for your benefit.
- (iv) We expect the information we hold to be accurate and up to date. You have the right as an individual to find out what information we hold about you and make changes if necessary; you also have the right, assuming we are not obligated by law to refuse, to ask us to stop using the information. To have your information removed or rectified, please contact our data protection officer at the following e-mail address [dpo@berkhamstedtowncouncil.gov.uk](mailto:dpo@berkhamstedtowncouncil.gov.uk).

## 8. Cookies Policy

When using our website, [www.berkhamstedtowncouncil.gov.uk](http://www.berkhamstedtowncouncil.gov.uk), your visit to the site is anonymous (no personal information about you is recorded or gathered) unless you contribute it or fill in a form requesting information. We use cookies to assist in the delivery of services to you and for some technical reasons. If you are registered to the site you can use cookies to stay logged in when returning. You can use your browser software to restrict or to refuse to accept these, or at a later point in time, to remove them. We do not pass on information gathered from these cookies to any third party. Our web-site package provider is UK Local Councils (UKLC) and the content is managed by the Town Council. A copy of the privacy notice that applies specifically to our website, prepared by UKLC is attached at **appendix 1**.

## Contact Details

- (i) Town Clerk

Data Protection Officer  
Civic Centre  
161 High Street  
Berkhamsted  
HP4 3HD

Townclerk@berkhamstedtowncouncil.gov.uk  
01442 800152

## 9. The Data we will collect.

The information that we will collect on you, and you voluntarily provide to us via by e-mail, letter, telephone or our website includes:

- Your name;
- Address;
- Telephone number(s);
- E-mail address;
- IP address;
- Interest area eg you may have expressed concern about planning proposals, or applied for grant funding or allotments.

In circumstances where you are not under any statutory or contractual requirement or obligation to provide us with your personal information we will require at least the information above in order for us to deal with you as a service user in an efficient and effective manner.

We may, in further dealings with you, extend this information to include your address, purchases, services used, and subscriptions, records of conversations and agreements and payment transactions.

The legal basis for processing your data is based on the lawful reasons set out in 3 above. Therefore we will not store, process or transfer your data outside the parties detailed in 4 above unless we have an appropriate lawful reason to do so. Unless we are precluded from doing so by law, you have the right to remove your consent at any time by contacting us and requesting that processing of your details be restricted or deleted.

Unless otherwise required by law and as set out in **appendix 2** of this document your data will be stored for a period of 5 years after our last contact with you at which point it will be deleted (see 7 (iv) above).

## **10. Protection of Personal Information**

Berkhamsted Town Council takes precautions, including administrative, technical, and physical measures, to safeguard your Data against loss, theft, and misuse, as well as against unauthorized access, disclosure, alteration, and destruction. Details of the procedures that are followed to ensure this are attached at **appendix 3**.

Berkhamsted Town Council uses industry-standard efforts to safeguard the confidentiality of Data, including encryption, firewalls and SSL (Secure Sockets Layer). We have implemented reasonable administrative, technical, and physical security controls to protect against the loss, misuse, or alteration of your Data.

Berkhamsted Town Council also retains paper records containing your Data and such records are stored in lockable cabinets and cupboards in a locked office.

If you have a concern about how we handle your data, or you would like to lodge a complaint with the appropriate outside body, you may do so by contacting The Information Commissioners Office.

## **11. Use of Sensitive Personal information**

Under GDPR sensitive personal information refers to your physical or mental health or condition. These types of data are described as “special categories of data” and require a high level of protection. There are limited circumstances when Berkhamsted Town Council would retain such data, the majority would be related to the employment of staff in accordance with rights and obligations in the field of employment and social security law. However, there are occasions when such data could be shared voluntarily

by you in the context of provision of services eg allotments, to facilitate continuance of the provision of that service.

## **12. Dealing with and Reporting Data Breaches**

The procedure set out below would apply in the event of “a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored or otherwise processed in connection with the provision of a public electronic communications service”.

Staff, councillors or contractors shall report any personal breach to the Town Clerk who is the Town Council’s Data Protection Officer immediately:  
[townclerk@berkhamstedtowncouncil.gov.uk](mailto:townclerk@berkhamstedtowncouncil.gov.uk).

An assessment will be made whether the personal data breach is likely to result in a risk to the rights and freedoms of the data subjects affected. If a risk to these rights is likely, the Town Clerk will report the breach to the ICO without delay and within 72 hours. The following information must be provided:

- A description of the nature of the breach;
- The categories of personal information affected;
- Approximated number of data subjects affected;
- Approximate number of data records affected;
- Name and contact details of the DPO and Town Clerk;
- Likely consequences of the breach;
- Any measures that have been or will be taken to address and mitigate the breach;
- Any other information relating to the data breach; this may be provided in phases.

## **13. Data Breach Register**

The Town Clerk will retain a log of any data breaches.

## **14. Next review date of this Notice:**

March 2020 (see also paragraph 2 above).

## **Cookies Policy on Website and GDPR for website users**

### **Privacy and Cookies**

This local council respects your privacy. The information that you provide us with, or that is gathered automatically, helps us to monitor our services and provide to you the services that you are entitled to as a local resident or visitor to our website.

Is my visit to this web site anonymous? Yes! Your visit to our site is anonymous (no personal information about you is recorded or gathered) unless you contribute it or fill in a form requesting information.

**Cookies and Traffic Logs** Our website uses 'cookies' which we do not use to identify an individual. We use cookies to assist in the delivery of services to you and for some technical reasons. If you are registered to the site you can use cookies to stay logged in when returning. You can use your browser software to restrict or to refuse to accept these, or at a later point in time, to remove them. We do not pass on information gathered from these cookies to any third party.

**What's a Cookie?** A cookie is small file placed on a user's computer by a Website, which logs information about the user and their previous/current visits for the use of the site next time the user visits the site. More information about cookies can be found in Guidance to the Privacy and Electronic Communications (EC Directive) Regulations 2003 which can be accessed by going to the Information Commissioner's website and following the relevant link.

**What are Traffic Logs?** We use traffic logs to identify which pages are being used. This helps us analyse data about web page traffic and improve our Website in order to tailor it to customer needs. We only use this information anonymously for statistical analysis purposes.

**Links** Our website contains links to other sites. We are not responsible for the privacy practices within any of these other sites. We encourage you to be aware of this when you leave our site and to read the privacy statements on other websites you visit.

### **General Data Protection Regulation (GDPR)**

This Privacy Notice is provided to you by this local council which is the data controller for your data.

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). 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 (GDPR), the Data Protection Act 2018 and other legislation relating to personal data and rights such as the Human Rights Act.

Making sure your data is safe.

GDPR is designed to create common privacy requirements across the EU. It is a development of existing data protection legislation and is based on seven key principles that can be summarised as:

- Personal information that we hold will be processed lawfully, fairly and in a transparent manner.
- Personal data will only be used for specific and legitimate purposes.
- The information that we hold shall be limited to what is necessary.
- Information shall be accurate.
- Information shall be held no longer than is necessary.
- Information shall be kept safe and secure.
- We are accountable and can demonstrate compliance with GDPR.

Other data controllers the council works with:

We may need to share your personal data with others tiers of local government and partners so that they can carry out their responsibilities to the council.

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;
- Where you pay for activities such as use of a council hall, financial identifiers such as bank account numbers, payment card numbers, payment/transaction identifiers.

How we use sensitive personal data:

We may process 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.

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.

Our processing may also include the use of CCTV systems for the prevention and prosecution of crime.

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. An example of this would be processing your data in connection with the use of sports facilities, or the acceptance of an allotment garden tenancy

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

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 for to comply with a legal obligation).

4) 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.

5) 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.

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.

Changes to this notice.

We keep this Privacy Notice under regular review and we will place any updates on this web page  
This Notice was last updated in May 2018.

Contact Details.

Please contact us (The Data Controller) 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. Our contact details can be found at the bottom of this page.

Parish - Privacy & Cookies.

## ANNEX TO LEGAL TOPIC NOTE 40

## RETENTION OF DOCUMENTS REQUIRED FOR THE AUDIT OF PARISH COUNCILS

DOCUMENT	MINIMUM RETENTION PERIOD	REASON
▪ Minute books	Indefinite	Archive
▪ Scales of fees and charges	6 years	Management
▪ Receipt and payment account(s)	Indefinite	Archive
▪ Receipt books of all kinds	6 years	VAT
▪ Bank statements, including deposit/savings accounts	Last completed audit year	Audit
▪ Bank paying-in books	Last completed audit year	Audit
▪ Cheque book stubs	Last completed audit year	Audit
▪ Quotations and tenders	6 years	Limitation Act 1980 (as amended)
▪ Paid invoices	6 years	VAT
▪ Paid cheques	6 years	Limitation Act 1980 (as amended)
▪ VAT records	6 years generally but 20 years for VAT on rents	VAT
▪ Petty cash, postage and telephone books	6 years	Tax, VAT, Limitation Act 1980 (as amended)
▪ Timesheets	Last completed audit year 3 years	Audit (requirement) Personal injury (best practice)
▪ Wages books	12 years	Superannuation
▪ Insurance policies	While valid	Management
▪ Certificates for Insurance against liability for employees	40 years from date on which insurance commenced or was renewed	The Employers' Liability (Compulsory Insurance) Regulations 1998 (SI. 2753), Management.
▪ Investments	Indefinite	Audit, Management
▪ Title deeds, leases, agreements, contracts	Indefinite	Audit, Management

▪ Members allowances register	6 years	Tax, Limitation Act 1980 (as amended)
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DOCUMENT	MINIMUM RETENTION PERIOD	REASON
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**For Halls, Centre, Recreation Grounds**

<ul style="list-style-type: none"> <li>▪ application to hire</li> <li>▪ lettings diaries</li> <li>▪ copies of bills to hires</li> <li>▪ record of tickets issued</li> </ul>	6 years	VAT
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**For Allotments**

▪ register and plans	Indefinite	Audit, Management
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**For Burial Grounds**

<ul style="list-style-type: none"> <li>▪ register of fees collected</li> <li>▪ register of burials</li> <li>▪ register of purchased graves</li> <li>▪ register/plan of grave spaces</li> <li>▪ register of memorials</li> <li>▪ applications for interment</li> <li>▪ applications for right to erect memorials</li> <li>▪ disposal certificates</li> <li>▪ copy certificates of grant of exclusive right of burial</li> </ul>	Indefinite	Archives, Local Authorities Cemeteries Order 1977 (Sl. 204)
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**Berkhamsted Town Council  
General Data Protection Regulations  
Privacy Statement  
March 2019  
Precautions Taken to Protect Data  
Appendix 3**

**1. The office environment and paper documents**

- i. Personally identifiable Information (pii) in paper format will be retained in lockable cabinets, cupboards or drawers in the Town Council offices;
- ii. Access to such cabinets etc. will be limited to members of staff dealing with the data subject;
- iii. Steps will be taken to reduce the amount of paper documentation by scanning documents as necessary into the G drive;
- iv. Redundant paper documentation (or documentation that is beyond the retention date) will be shredded using as a minimum a DIN 66399 level three shredder;
- v. Where paper pii information is passed to data processors it will be stored securely in keeping with i and ii above;
- vi. Paper documentation containing pii information used by interview panels or members of the Support Services Group will be returned to the Town Clerk and shredded and/or retained in a locked cabinet.

**2. Electronically stored data**

- i. All office computers are password protected and passwords should not be shared;
- ii. If access to a particular computer is required by another member of staff a separate password is to be obtained from iQuDa (IT services contractor) to ensure an audit trail or in the event of a data breach;
- iii. All computers are subject to iQuDa provided internet security and spam monitoring systems;
- iv. Virtual Private Network (VPN) access – this will be reviewed every six months. When a member of staff or councillor leaves access will be removed immediately;
- v. Use of own devices by staff or councillors – If working from home a secure Wi-Fi connection should be used and up-to-date internet security must be in place. Staff and councillors are required to advise the Town Clerk of the measures in place and a register will be kept. The Town Council will provide mobile phones to staff for work purposes if required;
- vi. Use of memory sticks/flash drives – only Berkhamsted Town Council devices can be used and these will be stored securely at all times. When in use they

must not be left unattended by the user. When being transported they must be in the user's personal possession at all time. A register will be retained of such devices and a log kept of when they are taken from the office and the time returned. This will be monitored by the Town Clerk/Deputy Town Clerk.

- vii. The Town Council uses two commercial software packages that store pii; RBS Omega for accounts and Colony for allotments. Both systems are GDPR compliant. Where pii data is transferred to data processors the information is encrypted, password protected or transferred through a secure portal.

### **3. Employee rules, Town Council Policies and Councillors Code of Conduct**

- i The requirements set out in The Town Council's Privacy Statement and appendices will be incorporated into the employee rules, the Council's Financial Regulations, Standing Orders and the Code of Conduct for Town Councillors. Adherence to the principles contained therein will be a requirement of outside members of Town Council working parties and sub-committees.

### **4. Training**

Town Council staff and councillors together with allotment representatives will be provided with GDPR training to give them the confidence to undertake their duties so that they can comply with the requirements of the GRPD regulations and the Town Council's Privacy Statement.