

**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.

8. Cookies Policy

When using our website, 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.

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:

June 2021 (see also paragraph 2 above).