

BRADFIELD ST. GEORGE PARISH COUNCIL MEETING HELD IN THE
VILLAGE HALL ON WEDNESDAY 15th JANUARY 2020

Present: Cllrs P Squirrell (Chairman), C Croot, C Stainer, A Therin & G Mulley.
WS. Cllr S Mildmay-White; C Cllr K Soons. One member of the public.

Apologies: N/A

The meeting opened at 7.30pm.

1. APOLOGIES

Noted.

3. INTERESTS

3.1 Cllrs GM, CS and CC declared an interest in items 5.3 and 8.3 below to the extent they are members of the Village Hall Management Committee;

3.2 No dispensation applications received.

4. MINUTES OF THE PARISH COUNCIL MEETING DATED 13th NOVEMBER 2019: the minutes of the Council meeting held on 13th November were unanimously **APPROVED** and signed as a true and accurate record of that meeting (subject to typo correction at item 3).

5. REPORTS

5.2 West Suffolk Council report. WS Cllr Mildmay-White presented her monthly report and highlighted; (i) the continuing availability of locality budget (which could be used for a community apple press); (ii) the commencement of on street parking enforcement by West Suffolk Council from April 2020. The withdrawal of WSC support for St George's Day as a civic day (with knock on implications for the usual scouts parade on Angel Hill) was queried.

5.3 Village Hall; Cllr Mulley reported on; (i) the recent successful theatre and Xmas dinner events; and (ii) the regular schedule of activities including quiz nights.

6. PLANNING APPLICATIONS, APPEALS AND NOTIFICATIONS

The following notifications were noted:-

6.1 6.1. DC/19/2466/VAR Consultation re Planning Application - Variation of condition 4 of SE/05/01720 to remove occupancy condition for detached dwelling at Martins Nursery Smallwood House Smallwood Green Bradfield St George IP30 0AJ. The meeting considered and resolved to **SUPPORT** this proposal which would enable the continuation of residential use of the property following any closure of the linked nursery through retirement or otherwise.

6.2 To receive notification of planning appeal in relation to application DC/19/0172/OUT land off Felsham Road Bradfield St George Suffolk

Ref: APP/F3545/W/19/3239210 - NOTED.

Cllr MW left the meeting at 8.10pm.

2. PUBLIC FORUM (taken out of turn)

A member of the public raised concerns about the poor state of the local roads, noting that potholes were not being repaired in a timely or satisfactory manner by SCC whose response was reactive rather than proactive.

7. TO CONSIDER

7.1 Agreeing response to planning survey circulated by SALC 13 December 2019 <https://www.surveymonkey.co.uk/r/QC92F7F> It was **AGREED** that the clerk would submit a response incorporating any comments received from Councillors (closing date 31 January 2020.)

7.2 Introduction of measures to ensure compliance with GDPR including personal data audit; data protection impact assessment; subject access request policy and subject access procedure policy; privacy policy and notices. The suite of policies/notices attached was **APPROVED**. Review date January 2021.

C Cllr K Soons joined the meeting at 8.40pm

Signature.....

5.1 County Council report. (taken out of turn) C Cllr K Soons presented her reports for December and January and highlighted; (i) the ongoing reorganisation in Children's Services; (ii) proposed new civil enforcement arrangements for parking in West Suffolk from April 2020; (iii) the new footway linking Rougham into Bury St Edmunds. The comments re potholes in item 2 (public participation) was relayed and C Cllr K Soons suggested that any outstanding highway repair reports should be forwarded to her to pursue with her highways colleagues.

7.3 Replacement bench The Council considered three quotes for a replacement bench for Oakey Lea and unanimously **APPROVED** the purchase of a new bench from <https://www/recycledfurniture.co.uk> in the sum of £345 plus VAT.

8. FINANCES

8.1 To receive and approve the bi-monthly financial summary for November-December 2019; received and **APPROVED**. It was **NOTED** that the sum of £4,500 had been transferred from the Lloyds account to the Santander account in January 2020. Applications have been submitted to enable online banking.

8.2 To receive and approve quarterly financial summary to 31 December 2019; received and **APPROVED**.

8.3 To approve cheques to be issued;

The following cheques were unanimously **APPROVED**:-

Detail	Cheque no	Net (of VAT)	Vat	TOTAL
HMRC	812	96.96		96.96
C Hibbert – wages (Sept-Dec 19)	811	438.16		438.16
BSG VH committee	813	20		20

9. CORRESPONDENCE AND CIRCULARS

The following correspondence was **NOTED**:-

9.1 Various emails from Area Neighbourhood Watch Coordinator

9.2 Email of thanks re Xmas Carol dated 22/12/19 from a resident

9.3 Ballot information for chairman ticket to Royal Garden Party dated 18/12/19

9.4 Fly Tipping campaign information dated 13.12.19

9.5 NALC advice note on financial support for church affairs circulated 9.12.19

9.6 SALC e bulletins 13/11/19, 22/11/19

It was **AGREED** that crime stats referred to in item 9.1 should be posted to the website.

10. DATE OF NEXT MEETING

The date of the next meeting is Wednesday 11th March 2020 at 7.30pm.

The meeting closed at 8.45 p.m.

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**GENERAL DATA PROTECTION REGULATIONS 2018- STATEMENT FOR WEBSITE
GENERAL DATA PROTECTION REGULATION (GDPR)**

The General Data Protection Regulation (GDPR) is a new regulation which has been incorporated into the Data Protection Act (DPA) 2018.

It strengthens the previous Data Protection Act 1998 (DPA) and gives individuals more rights and protections. It sets out the requirements for how all organisations handle personal data and came into effect as of 25th May 2018.

The GDPR applies to personal data which covers any information relating to an identifiable person who can be directly or indirectly identified in particular by reference to an identifier.

The GDPR requires personal data to be processed in a manner that ensures its security. This must include protection against unauthorised or unlawful processing and against accidental loss, destruction or damage.

The GDPR requires organisations to have a valid basis in order to process personal data. There are six lawful bases for processing data and the Parish Council will ensure that it uses the basis the most appropriate when processing such data.

Lawful Basis for Processing Data:

- Consent
- Contract
- Legal Obligation
- Vital Interests
- Public Task
- Legitimate Interests

For more details on the lawful basis used by Bradfield St George Parish Council for processing personal data please click [here](#).

The GDPR creates some new rights for individuals and strengthens some of the rights that previously existed under the DPA as follows:

- 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
- Rights in relation to automated decision making and profiling.

Individuals have the right to be informed about the collection and use of their personal data. This is a key transparency requirement under the GDPR. Further details on the Parish Council's purposes for processing data and with whom it will be shared are contained within Bradfield St George PC's [Privacy Notice>>](#)

Signature.....

For a copy of the retention periods for all data, including personal data, Bradfield St George PC's [Data and Document Retention Policy](#) can be seen here>>

The GDPR introduces the 'right of access' for individuals and from 25 May, data subjects will have the right to request:

- the reasons why their data is being processed;
- the description of the personal data concerning them;
- anyone who has received or will receive their personal data; and
- details of the origin of their data if it was not collected from them.

A Subject Access Request (SAR) is a request for personal information that the Parish Council may hold about an individual. If an individual wishes to exercise their subject access right, the request must be made in writing. The purpose of a SAR is to make individuals aware of and allow them to verify the lawfulness of processing of their personal data. Under the GDPR and the current Data Protection Act (DPA), individuals have the right to obtain confirmation as to whether personal data is being processed. To view Bradfield St George PC's [Subject Access Request Policy](#) please click here.

Signature.....

BRADFIELD ST GEORGE PARISH COUNCIL

GENERAL PRIVACY NOTICE

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). Identification can be directly using the data itself or by combining it with other information which helps to identify a living individual (e.g. a list of staff may contain personnel ID numbers rather than names but if you use a separate list of the ID numbers which give the corresponding names to identify the staff in the first list then the first list will also be treated as personal data). 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 (the “GDPR”) and other legislation relating to personal data and rights such as the Human Rights Act.

Who are we?

This Privacy Notice is provided to you by Bradfield St George Parish Council which is the data controller for your data.

Other data controllers the Council works with:

- Local authorities such as Suffolk County Council and West Suffolk Council
- HM Revenue and Customs
- Suffolk Constabulary
- Contractors (ie payroll/website/maintenance suppliers)

We may need to share your personal data we hold with them so that they can carry out their responsibilities to the council. If we and the other data controllers listed above are processing your data jointly for the same purposes, then the council and the other data controllers may be “joint data controllers” which mean we are all collectively responsible to you for your data. Where each of the parties listed above are processing your data for their own independent purposes then each of us will be independently responsible to you and if you have any questions, wish to exercise any of your rights (see below) or wish to raise a complaint, you should do so directly to the relevant data controller.

A description of what personal data the council processes and for what purposes is set out in this Privacy Notice.

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.

The council will comply with data protection law.

This says that the personal data we hold about you must be:

- Used lawfully, fairly and in a transparent way.

Signature.....

- Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.
- Relevant to the purposes we have told you about and limited only to those purposes.
- Accurate and kept up to date.
- Kept only as long as necessary for the purposes we have told you about.
- Kept and destroyed securely including ensuring that appropriate technical and security measures are in place to protect your personal data to protect personal data from loss, misuse, unauthorised access and disclosure.

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 or telephone;
 - 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.

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

Sharing your personal data

Signature.....

This section provides information about the third parties with whom the council may share your personal data. These third parties have an obligation to put in place appropriate security measures and will be responsible to you directly for the manner in which they process and protect your personal data. It is likely that we will need to share your data with some or all of the following (but only where necessary):

- The data controllers listed above under the heading “Other data controllers the council works with”;
- Our agents, suppliers and contractors. For example, we may ask a commercial provider to publish or distribute newsletters on our behalf, or to maintain our database software
- On occasion, other local authorities or not for profit bodies with which we are carrying out joint ventures e.g. in relation to facilities or events for the community.

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 HM Revenue and Customs 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).

Signature.....

4. 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.
5. 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.
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.

Transfer of Data Abroad

Any personal data transferred to countries or territories outside the European Economic Area ("EEA") will only be placed on systems complying with measures giving equivalent protection of personal rights either through international agreements or contracts approved by the European Union. Our website is also accessible from overseas so on occasion some personal data (for example in a newsletter) may be accessed from overseas.

Further processing

If we wish to use your personal data for a new purpose, not covered by this Privacy Notice, then we will provide you with a new notice explaining this new use prior to commencing the processing and setting out the relevant purposes and processing conditions. Where and whenever necessary, we will seek your prior consent to the new processing.

Changes to this notice

We keep this Privacy Notice under regular review and we will place any updates on the website.

This notice was last updated in January 2020. Review due January 2021.

Contact Details

Please contact us 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 at:

The Data Controller, Bradfield St George Parish Council, c/o Brokesbourne, Stanningfield Road, Great Whelnetham Suffolk IP30 0TY.

Tel: 01284 388504

e-mail: parishclerk@bradfieldstgeorge.uk;

Signature.....

website: <https://bradfieldstgeorge.suffolk.cloud/>

Signature.....

BRADFIELD ST GEORGE PARISH COUNCIL

DOCUMENT AND ELECTRONIC DATA RETENTION POLICY

1. Introduction

This Retention Policy applies to Bradfield St George Parish Council (BSGPC) and covers all records and documentation, whether analogue or digital and are subject to the retention requirements of this Policy. For the purpose of this Policy, the terms 'document' and 'records' include information in both hard copy and electronic form and have the same meaning whether referred to as Documents or Documentation. This Policy will also aid paper records and electronic data storage issues identified and will eliminate the need to retain paper and electronic records unnecessarily. BSGPC will ensure that information is not kept longer than is necessary and will retain the minimum amount of information that it is required to hold to meet its statutory functions and the provision of its services. Any such system or policies relating to record management will include a review of council documentation on an annual basis. Anything that is no longer of use or value can be destroyed but if the council is in any doubt it will seek advice from Suffolk Association of Local Councils (SALC) and retain that document until that advice has been received. Documents of historical importance, if not retained by the council, will be offered first to the county record office.

2. Retention of documents

2.1 Appendix 1 indicates the appropriate retention period for audit and other purposes and the reasons for retention. Appendix 2 indicates the appropriate retention period for documentation relating to information technology.

2.2 In respect of the retention of documents in case of a legal dispute, Council's policy is set out under Section 3.

2.3 Other documents not mentioned in the Appendices will be treated as follows:

Planning Papers

- Where planning permission is granted, the planning application, any plans and the decision letter will be retained until the development has been completed, so that, if necessary, the Clerk can check that the development proceeds in accordance with the terms and conditions of the permission.
- Where planning permission is granted on appeal, a copy of the appeal decision will also be retained likewise
- Where planning permission is refused, the papers will be retained until the period within which an appeal can be made has expired. If an appeal is made, and dismissed, the decision letter will be retained against further applications relating to that site.
- Copies of Structure Plans, Local Plans and similar documents will be retained as long as they are in force.

Insurance Policies

Signature.....

- Insurance policies and significant correspondence will be kept for as long as it is possible to make a claim under the policy.
- Article 4 of the Employers Liability (Compulsory Insurance) Regulations 1998 (SI 2753) requires that local councils, as employers, retain certificates of insurance against liability for injury or disease to their employees arising out of their employment for a period of 40 years from the date on which the insurance is commenced or renewed. Circulars and legal topic notes from SALC, NALC and other bodies such as principal authorities will be retained for as long as the information contained therein is useful and relevant.

Correspondence

- If related to audit matters, correspondence will be kept for the appropriate period specified to the Appendices.
- In planning matters correspondence will be retained for the same period as suggested for other planning papers.
- All other correspondence will be kept for as long as the matter contained therein is still of interest or use to the council and or the parish.

Personnel matters

- Article 5 of GDPR provides “personal data must be kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed”. This Policy will ensure that necessary records, documents and electronic data of BSGPC are adequately protected, archived and disposed of at the correct retention period, and to provide all staff with clear instructions regarding the appropriate retention and disposal of such Documentation.

3. Retention of documents for legal purposes

3.1 Most legal proceedings are governed by 'the Limitation Acts' which state that legal claims may not be commenced after a specified period. The specified period varies, depending on the type of claim in question.

3.2 The table below sets out the limitation periods for the different categories of claim.

Claims under category	Limitation period
Negligence (and other Torts) 6 years	6 years
Defamation	1 year
Contract	6 year
Leases	12 years
Sums recoverable by statute	6 years
Personal injury	3 years
To recover land rent	12 years
Breach of Trust	6 years

Signature.....

3.3 If a type of legal proceeding falls into two or more categories, the documentation will be kept for the longer of the limitation period.

3.4 As there is no limitation period in respect of trust, the council will retain all trust deeds and schemes and other similar documentation.

4. Retention of encrypted data

For any information retained under this Policy that is in an encrypted format, consideration must be taken for the secure storage of any encryption keys. Encryption keys must be retained for as long as the data that the keys decrypt is retained.

5. Disposal of documents or documentation disposal can be achieved by a range of processes:

- Any record containing confidential information must either be disposed of in a confidential waste bin or shredded using a cross-cut shredder.
- Disposal of documents that do not contain confidential information may be disposed of in the normal way or recycled.
- Deletion – where computer files are concerned
- Transfer of document to external body - this method of disposal will be relevant where documents or records are of historic interest and/or have intrinsic value. Such a third party could be the County Archivist or a local Museum.

6. Disposal of electrical hardware

6.1 IT equipment and devices that have the ability and capability to store personal data include:

- PC's
- Laptops
- Mobile Phones
- Multi-Functional Devices – printers / scanners
- Servers
- USB Memory Sticks and external hard drives.

6.2 IT equipment disposal must be managed by the Chair in conjunction with the Proper Officer.

6.3 All computer equipment, recycling or refurbishing must be disposed of in accordance with the Waste Electric and Electronic Equipment Regulations 2013.

7. Documenting disposal

Signature.....

BSGPC will keep a record detailing the document disposed of, the date, and the officer who authorised disposal. In particular, the record should be able to demonstrate that the disposal was in accordance with this policy or set out the reasons for departing from it.

The table at Appendix 1 – Retention of Records Schedule sets out the limitation periods for the different categories of claim.

The table at Appendix 2 – Retention of Digital Records – provides the required retention periods for all digital Documents.

APPENDIX 1 - RETENTION OF DOCUMENTS REQUIRED FOR THE AUDIT OF PARISH COUNCILS

Document	Minimum retention period	Reason
Minute Books	Indefinite	Archive
Receipt and payment accounts	Indefinite	Archive
Receipt Books	6 years	VAT
Bank paying in books	Last completed audit year	Audit
Chq book stubs	Last completed audit year	Audit
Supplier contracts	6 years	Limitation Act 1980 as amended
Quotations/tenders	12 years/indefinite	Limitation Act 1980 as amended
Paid invoices	6 years	VAT
Paid cheques	6 years	Limitation Act 1980 as amended
VAT records	6 years	VAT
Timesheets	Last completed audit year	Audit
Insurance policies While valid Management	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
Title deeds, leases, Agreements, contracts	Indefinite	Management/audit
Staff attendance records	Indefinite	H&S Act 1974
Members allowances register	6 years	Limitation Act 1980 (as amended)
Recreation grounds hire info	6 years	VAT

APPENDIX 2 - RETENTION OF DOCUMENTS REQUIRED RELATING TO INFORMATION TECHNOLOGY

In all cases identify the documents that need to be retained in accordance with the Retention of records Schedule (attached at Appendix 1).

Signature.....

DOCUMENT	MINIMUM RETENTION PERIOD	REASON
Email	2 years	To satisfy customer complaints
Electronic Back Up Tapes	12 months	To protect records from loss, destruction or falsification
Electronic files	3 years from date last used	
All portable / removeable storage media	At end of work cycle / project	Data shall be copied or stored on removable media only by authorized users in the performance of official duties
Cryptographic keys - access limited to user/role	Encryption keys must be retained for as long as the data that the keys decrypt is retained	See Appendix relating to legislation

Signature.....

**BRADFIELD ST GEORGE PARISH COUNCIL
SUBJECT ACCESS REQUEST (SAR) POLICY**

1. Upon receipt of a SAR, Bradfield St George Parish Council will:

- (a) Verify whether BSGPC is the controller of the data subject's personal data. If it is not a controller, but merely a processor, BSGPC will inform the data subject and refer them to the actual controller.
- (b) Verify the identity of the data subject; if needed, request any further evidence on the identity of the data subject.
- (c) Verify the access request; is it sufficiently substantiated? Is it clear to the data controller what personal data is requested? If not: request additional information.
- (d) Verify whether requests are unfounded or excessive (in particular because of their repetitive character); if so, BSGPC may refuse to act on the request or charge a reasonable fee.
- (e) Promptly acknowledge receipt of the SAR and inform the data subject of any costs involved in the processing of the SAR.
- (f) Verify whether BSGPC processes the data requested. If it does not process any data, inform the data subject accordingly. At all times make sure the internal SAR procedure is followed and progress can be monitored.
- (g) Ensure data will not be changed as a result of the SAR. Routine changes as part of the processing activities concerned are permitted.
- (h) Verify whether the data requested also involves data on other data subjects and make sure this data is filtered before the requested data is supplied to the data subject; if data cannot be filtered, ensure that other data subjects have consented to the supply of their data as part of the SAR.

2. Responding to a SAR

- (a) Bradfield St George Parish Council will respond to a SAR within one month after receipt of the request:
 - (i) If more time is needed to respond to complex requests, an extension of another two months is permissible, provided this is communicated to the data subject in a timely manner within the first month;
 - (ii) if the council cannot provide the information requested, it should inform the data subject on this decision without delay and at the latest within one month of receipt of the request.
- (b) If a SAR is submitted in electronic form, any personal data should preferably be provided by electronic means as well.
- (c) If data on the data subject is processed, make sure to include as a minimum the following information in the SAR response: (i) the purposes of the processing; (ii) the categories of personal data concerned; (iii) the recipients or categories of recipients to whom personal data has been or will be disclosed, in particular in third countries or international organisations, including any appropriate safeguards for transfer of data, such as Binding Corporate Rules or EU model clauses ; (iv) where possible, the envisaged period for which personal data will be stored or, if not possible, the criteria used to determine that period; (v) the existence of the right to request rectification or erasure of personal data or restriction of processing of personal data concerning the data subject or to object to such processing; (vi) the right to lodge a complaint with the Information Commissioners Office ("ICO"); (vii) if the data has not been collected from the data subject: the source of such data; (viii) the existence of any automated decision-making, including profiling and any

Signature.....

meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for the data subject.

(d) Bradfield St George Parish Council will provide a copy of the personal data undergoing processing.

Signature.....

BRADFIELD ST GEORGE PARISH COUNCIL

c/o Brokesbourne
Stanningfield Road
Great Whelnetham
Suffolk
IP30 0TY
Tel: 01284 388504
e-mail: parishclerk@brafieldstgeorge.uk
website: <https://brafieldstgeorge.suffolk.cloud/>

Lawful basis for processing data

1. Lawful basis for processing data

The GDPR sets out six lawful bases for processing data. Unless an exemption applies, at least one of these will apply in all cases. It is possible for more than one to apply at the same time. One of the new requirements for Privacy Notices is that you must set out in the Privacy Notice which Lawful basis you are relying on. For most councils, the relevant ones will be: 1 – Consent (but not for staff, councillors and other role holders), 2 – compliance with a legal obligation (which includes performance of statutory obligations), 3 – Contractual necessity (for example with contractors), etc. Slightly different lawful bases apply in each of the sample Privacy Notices as some will only apply to staff, councillors and other role holders.

In many situations, more than one lawful basis may apply. For example, a council may be processing personal data about a staff member in connection with an employment contract and at the same time have a legal obligation to process the same personal data.

The six lawful bases for processing personal data under the GDPR are:

Consent

A controller must be able to demonstrate that consent was given. Transparency is key: consents given in written declarations which also cover other matters must be clearly distinguishable, and must be intelligible, easily accessible and in clear and plain language. Consent is defined as any freely given, specific, informed and unambiguous indication of the data subject's wishes – either by a statement or by a clear affirmative action.

Legitimate interests

This involves a balancing test between the controller (or a third party's) legitimate interests and the interests or fundamental rights of and freedoms of the data subject – in particular where the data subject is a child. The privacy policy of a controller must inform data subjects about the legitimate interests that are the basis for the balancing of interests.

Councils and parish meetings are public authorities and under the GDPR public authorities cannot rely on legitimate interests as a legal basis for processing personal data.

Contractual necessity

Personal data may be processed if the processing is necessary in order to enter into or perform a contract with the data subject (or to take steps prior to entering into a contract).

Compliance with legal obligation

Personal data may be processed if the controller is legally required to perform such processing e.g. complying with the requirements of legislation.

Vital Interests

Signature.....

Personal data may be processed to protect the 'vital interests' of the data subject e.g. in a life or death situation it is permissible to use a person's medical or emergency contact information without their consent.

Public Interest

Personal data may be processed if the processing is necessary for the performance of tasks carried out by a public authority or private organisation acting in the public interest.

2. Which lawful bases apply to councils?

As set out above, for most councils a number of different lawful bases will apply at the same time. Often councils will be performing a task in the public interest, under a legal obligation e.g. processing data in the exercise of a statutory power and sometimes as a result of contractual necessity.

3. How do I show that I am processing personal data lawfully?

For example, the lawful basis for processing the personal data contained in planning applications is 'compliance with a legal obligation'. This is because this processing activity is a requirement of legislation. However, disclosure of a person's details to a third party may require the individual's consent.

4. When can I process 'sensitive personal data' (special category data)?

Sensitive personal data, which the GDPR refers to as 'special category data', means information about a person's racial or ethnic origin, political opinions, religious or similar , trade union membership, physical or mental health, and sexual life. The GDPR adds the following new additional categories: genetic data, biometric data and sexual orientation. To process sensitive personal data one of the following should apply – however please note that:

More than one of the criteria below can apply at the same time. Data controllers need to establish a lawful basis for processing any personal data and, if they are processing sensitive personal data they must also establish that **at least one** of the criteria below applies:

Explicit consent of the data subject has been obtained (which can be withdrawn).

Employment Law – if necessary for employment law or social security or social protection.

Vital Interests – e.g. in a life or death situation where the data subject is incapable of giving consent.

Charities, religious organisations and not for profit organisations – to further the interests of the organisation on behalf of members, former members or persons with whom it has regular contact such as donors. Please note councils and parish meetings cannot rely on (iv) as a lawful basis for processing personal sensitive data.

Data made public by the data subject – the data must have been made public 'manifestly'.

Legal Claims – where necessary for the establishment, exercise or defence of legal claims or for the courts acting in this judicial capacity.

Reasons of substantial public interest – where proportionate to the aim pursued and the rights of individuals are protected.

Medical Diagnosis or treatment – where necessary for medical treatment by health professionals including assessing work capacity or the management of health or social care systems.

Public Health – where necessary for reasons of public health e.g. safety of medical products.

Historical, Statistical or scientific purposes – where necessary for statistical purposes in the public interest for historical, scientific research or statistical purposes.

In a council context the most relevant lawful basis for processing under Special Category Data are likely to be:-

Signature.....

- Explicit consent from a person; or
- Employment law (for staff);
- Reasons of substantial public interest (in performing the public authority role of the council)

Signature.....