

Wheatley Neighbourhood Plan - Data Protection as of 25th May 2018

A. Background

GDPR and UK Data Protection Acts

Data protection used to be governed in the UK by the Data Protection Act 1998. Since 25th May it has been governed by the General Data Protection Regulation (“GDPR”, an EU regulation that applies directly in all member states without any need for local enabling legislation). The GDPR does enable member states to make certain provisions for how it applies in their country. The UK passed the Data Protection Act 2018 on 23rd May to make such provisions and this Act superseded the DPA 1998. The GDPR and DPA 2018 need to be read together.

The Steering Committee is registered with the Information Commissioner’s Office (“ICO”).

The Steering Committee decided after its inception that its collection and processing of (albeit limited) information on members of our community required that it be registered as a Data Controller with the Information Commissioner’s Office (“ICO”). This was done under the DPA 1998. This registration remains valid now, but in due course will need to be renewed under the GDPR/DPA 2018.

To see the details of the registration, go to ico.org.uk/register and enter registration number ZA218210.

Audrey Parsons completed the registration and is the designated point of contact so any questions about it or comments on it should be addressed to Audrey*.

The information collected and processed is ‘Personal Data’

The information collected during the Neighbourhood Planning group’s activities includes details such as name, address, telephone number and email address (with telephone numbers and email addresses being personally provided). It also includes information as to whether meetings were attended and/or surveys responded to concerning neighbourhood planning.

The purpose for which we process the data is to produce a database to enable and record contact with community members.

For the purposes of the GDPR, that information constitutes ‘personal data’, because of its personal nature and how it is processed.

If such personal information is held on a computer, then it is subject to the GDPR. Most of our information is held on a computer.

Also, personal information held in a manual filing system is covered if the records are structured in a way that allows ready access to information about individuals. Some of our information may be held in this way.

The Steering Committee is the 'Data Controller'

Whenever 'personal data' are 'processed' (that term includes collection) there must be a 'Data Controller' responsible for complying with the requirements of the GDPR/DPA 2018.

The Data Controller is 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.

The Data Controller in our case is the Steering Committee (rather than the Parish Council, say).

B. Data Protection Principles

1. The WNP Lawful basis for processing is 'performing a specific task in the public interest that is set out in law' – in this case the 'Localism Act 2011', which set up Neighbourhood Planning. This has been called a 'Public Task' by the ICO.

2. The Data Protection Principles lay down the requirements of the GDPR for processing of 'personal data'. We must comply with these as per Article 5.

In brief, these are that personal information must be:

- processed lawfully, fairly and in a transparent manner (ensuring to give individuals access to the privacy policy – see 'WNP Privacy Policy May 2018.doc');
- collected for specified, explicit and legitimate purposes and not further processed in an incompatible manner;
- adequate, relevant and limited to what is necessary for the purposes for which they are processed;
- accurate and, where necessary, kept up to date;
- kept for no longer than is necessary for the purposes for which the data are processed
- processed in a manner that ensures appropriate security of the data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate measures.

The GDPR requires that the controller is responsible for and able to demonstrate compliance with these.

3. Data subjects have rights under the GDPR to access their personal data and data must be processed in accordance with them.

If anyone gets a request from a data subject re their data, please pass on the request to Audrey Parsons via:

letter – WNP, Wheatley Parish Council Office, Merry Bells, 89A High Street, Wheatley OX33 1XP

email – info@wheatleyneighbourhoodplan.co.uk

4. The GDPR imposes restrictions on the transfer of personal data outside the European Union, to third countries or international organisations.

This will not affect us, as we will not transfer the data outside the UK.