

Ash Parish Council



Data Protection Policy

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Ash Parish Council

Data Protection Policy

Introduction

To conduct its business, services and duties, Ash Parish Council (“the Council”) processes a wide range of data relating to its own operations and some of which it handles on behalf of partners. In broad terms, this data can be classified as:

- a) Data shared in the public arena about the services it offers, its mode of operations and other information it is required to make available to the public.
- b) Personal data concerning individuals who contact it for information, to access its services or facilities or to make a complaint.
- c) Confidential information and data not yet in the public arena such as ideas or policies that are being worked up.
- d) Confidential information about other organisations because of commercial sensitivity.
- e) Personal data concerning its current, past, and potential employees, Councillors, and volunteers.

The Council will adopt procedures and manage responsibly, all data which it handles and will respect the confidentiality of both its own data and that belonging to partner organisations it works with and members of the public. In some cases, it will have contractual obligations towards confidential data, but in addition will have specific legal responsibilities for personal and sensitive information under data protection legislation.

The Council will periodically review and revise this policy in the light of experience, comments from data subjects and guidance from the Information Commissioners Office.

The Council will be as transparent as possible about its operations and will work closely with the public, community, and voluntary organisations. Therefore, in the case of all information which is not personal or confidential, it will be prepared to make it available to partners and members of the community. Details of information which is routinely available is contained in the Council’s Publication Scheme which is based on the statutory model publication scheme for local councils.

Protecting Personal Or Sensitive Information

The Council recognises it must at times, keep and process personal and sensitive information about both employees and the public. It has therefore adopted this policy not only to meet its legal obligations but to ensure high standards.

The Data Protection Act 2018 (“the 2018 Act”) came into force on 25 May 2018. The 2018 Act gives effect in UK law to the General Data Protection Regulation (“GDPR”). It provides the statutory framework for the use of computerised information (including microfiche, audio and visual systems) and certain manual records about living identifiable individuals in the United Kingdom. Data Protection legislation does not prohibit disclosures of such information to third parties, but it regulates the circumstances in which they can be made. It gives enhanced “subject access rights” and creates a new category of “sensitive data”. It also prohibits the transfer of personal data to countries which do not have an “adequate level of protection”.

The Council will seek to strike a balance between the rights of individuals and the sometimes-competing interests of those such as the Council, with regards to processing people’s personal information.

This policy is based on the premise that personal or sensitive data must be:

- a) Processed fairly, lawfully and in a transparent manner in relation to the data subject.
- b) Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes.
- c) Adequate, relevant, and limited to what is necessary in relation to the purposes for which they are processed.
- d) Accurate and, where necessary, kept up to date.
- e) Kept in a form that permits identification of data subjects for no longer than is necessary for the purposes for which the personal data is processed.
- f) Processed in a manner that ensures appropriate security of the personal data including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

Data Protection Definitions

Data controller - means the natural or legal person who, alone or jointly with others, determines the purposes and means of the processing of personal data.

Data subject - means the identified or identifiable living individual to whom personal data relates.

Personal data - means any information relating to an identified or identifiable living individual.

Sensitive data – means personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation.

Identifiable living individual - means a living individual who can be identified, directly or indirectly, in particular by reference to:

- An identifier such as a name, an identification number, location data or an online identifier.
- One or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of the individual.

Processing - in relation to information, means an operation or set of operations which is performed on information or on sets of information, such as:

- Collection, recording, organisation, structuring or storage.
- Adaptation or alteration.
- Retrieval, consultation or use.
- Disclosure by transmission, dissemination or otherwise making available.
- Alignment or combination.
- Restriction, erasure or destruction.

Processor - means a natural or legal person, public authority, agency or other body which processes personal data on behalf of the controller.

Reasons For Processing Personal Data

The Council has a right to process personal data under the 2018 Act as long as:

1. Processing is with consent of the data subject.
2. Processing is necessary for compliance with a legal obligation.
3. Processing is necessary for the legitimate interests of the Council.

The Council processes personal data in order to:

- fulfil its duties as an employer by complying with the terms of contracts of employment, safeguarding the employee and maintaining information required by law;
- pursue the legitimate interests of its business and its duties as a public body, by fulfilling contractual terms with other organisations, and maintaining information required by law.
- monitor its activities including the equality and diversity of its activities.
- fulfil its duties in operating the business premises including security.
- assist regulatory and law enforcement agencies.
- process information including the recording and updating details about its Councillors, employees, partners and volunteers.
- process information including the recording and updating details about individuals who contact it for information, or to access a service, or make a complaint.
- undertake surveys, censuses and questionnaires to fulfil the objectives and purposes of the Council.
- undertake research, audit and quality improvement work to fulfil its objects and purposes.
- carry out Council administration.

Where appropriate and governed by necessary safeguards we will carry out the above processing jointly with other relevant bodies from time to time.

The Council will ensure that at least one of the following conditions is met for personal information to be considered fairly processed:

- a) The individual has consented to the processing.
- b) Processing is necessary for the performance of a contract or agreement with the individual.
- c) Processing is required under a legal obligation.
- d) Processing is necessary to protect the vital interests of the individual.
- e) Processing is necessary to carry out public functions.
- f) Processing is necessary in order to pursue the legitimate interests of the data controller or third parties.

Particular attention is paid to the processing of any sensitive personal information, and the Council will ensure that at least one of the following conditions is met:

- a) Explicit consent of the individual.
- b) Required by law to process the data for employment purposes.
- c) A requirement in order to protect the vital interests of the individual or another person.

Surveillance

The Council has adopted a separate policy covering the authorisation and use of overt and/or covert surveillance (or CCTV) to ensure that any use is appropriately authorised and all procedures and codes of conduct are followed in a consistent way.

Photography & Filming

Making use of photographs or film for publicity and to promote the Council in the press can help community participation and identity. Where photographs are taken at an event attended by large crowds, such as the Village Fete and Christmas Fantasia, this is regarded as a public area, so it is not necessary to get permission of everyone in a crowd shot. However, photographs must be used in a responsible way. The Council needs to respect children's and adults' rights of privacy and be aware of potential child protection issues. The Council will take every reasonable effort to minimise risk by following the guidelines detailed in its Filming and Photography Statement in Appendix A. We will not process any other data relating to a child (under 16) without the express parental/guardian consent of the child concerned.

Privacy Notices

The Council does not use automated decision making or profiling of individual personal data. The Council will always give guidance on personnel data to employees, councillors, partners, and volunteers through a Privacy Notice and ensure that individuals on whom personal information is kept are aware of their rights and have easy access to that information on request. These notices are set out in Appendix B and C.

Responsibility For Protecting A Person's Personal Data

The Council as a corporate body has ultimate responsibility for ensuring compliance with the Data Protection legislation. The Council has delegated this responsibility day to day to the Clerk to the Council.

- Email: office@ashpcsurrey.gov.uk
- Phone: 01252 328287
- Correspondence: Clerk to the Council, Ash Parish Council, Ash Centre, Ash Hill Road, Ash, Surrey GU12 5DP

The Council has also appointed an external Data Protection Officer to ensure compliance with Data Protection legislation who may be contacted at Guildford Borough Council.

Data Security Breach

Appropriate technical and organisational measures will be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of or damage to personal data. The data security breach procedure is set out in Appendix D.

(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.)

Information Provided To The Council

Information provided (personal information such as name, address, email address, phone number) will be processed and stored so that it is possible for us to contact, respond to or conduct the transaction requested by the individual. By transacting with the Council,

Individuals are deemed to be giving consent for their personal data provided to be used and transferred in accordance with this Policy, however wherever possible specific written consent will be sought. It is the responsibility of those individuals to ensure that the Council is able to keep their personal data accurate and up to date. The personal information will not be shared or provided to any other third party or be used for any purpose other than that for which it was provided.

Information Security

The Council aims to ensure the security of personal data. We make sure that your information is protected from unauthorised access, loss, manipulation, falsification, destruction, or unauthorised disclosure. This is done through appropriate technical measures and appropriate policies. We will only keep your data for the purpose it was collected for and only for as long as is necessary, after which it will be deleted.

Cyber Security

The Council recognises the importance of cyber security in protecting personal data, confidential information, and the integrity of its digital infrastructure. The IT Policy outlines the Council's approach to managing cyber risks and ensuring resilience against cyber threats.

Disclosure Information

The Council will as necessarily undertake checks on both staff and Members with the Disclosure and Barring Service and will comply with their Code of Conduct relating to the secure storage, handling, use, retention and disposal of Disclosures and Disclosure Information.

Rights Of A Data Subject

An individual has the right to request access to the information we have on them. They can do this by contacting the Clerk or Data Protection Officer if any of the following apply:

- a) **Information Correction:** If they believe that the information the Council holds about them is incorrect, they may contact the Clerk to the Council to update it and keep it accurate.
- b) **Information Deletion:** If the individual wishes the Council to delete the information held about them, they can do so by contacting the Clerk to the Council.
- c) **Right to Object:** If an individual believes their data is not being processed for the purpose it has been collected for, they may object by contacting the Clerk to the Council or the Data Protection Officer, whose details are listed above.

Retention & Disposal

Personal data is kept on a password-protected computer system and/or in paper-based systems. The council will keep different types of information for differing lengths of time, depending on legal and operational requirements. The Council's Retention and Disposal Scheme is available as a separate policy.

Complaints

If an individual has a complaint regarding the way their personal data has been processed, they may make a complaint to the Clerk to the Council, the Data Protection Officer or the Information Commissioners Office casework@ico.org.uk Tel: 0303 123 1113.

The Council will always give guidance on personnel data to employees through the Employee handbook.

The Council will ensure that individuals on whom personal information is kept are aware of their rights and have easy access to that information on request.

Making Information Available

The Publication Scheme is a means by which the Council can make a significant amount of information available routinely, without waiting for someone to specifically request it. The scheme is intended to encourage local people to take an interest in the work of the Council and its role within the community.

In accordance with the provisions of the Freedom of Information Act 2000, this Scheme specifies the classes of information which the Council publishes or intends to publish.

All formal meetings of Council and its committees are subject to statutory notice being given on notice boards and the Council's website. The Council publishes an annual programme in May each year. All formal meetings are open to the public and press and reports to those meetings and relevant background papers are available for the public to see. The Council welcomes public participation and has a public participation session on each Council and committee meeting. Details can be seen in the Council's Standing Orders, which are available on its website or at its offices.

Occasionally, Council or committees may need to consider matters in private. Examples of this are matters involving personal details of staff, or a particular member of the public, or where details of commercial/contractual sensitivity are to be discussed. This will only happen after a formal resolution has been passed to exclude the press and public and reasons for the decision are stated. Minutes from all formal meetings, including the confidential parts are public documents.

Openness Of Local Government Bodies Regulations 2014

The Openness of Local Government Bodies Regulations 2014 requires written records to be made of certain decisions taken by officers under delegated powers. These are not routine operational and administrative decisions such as giving instructions to the workforce or paying an invoice approved by Council but would include urgent action taken after consultation with the Chairman, such as responding to a planning application in advance of Council. In other words, decisions which would have been made by Council or committee had the delegation not been in place.

The 2014 Regulations also amend the Public Bodies (Admission to Meetings) Act 1960 to allow the public or press to film, photograph, or make an audio recording of council and committee meetings normally open to the public. The Council will where possible facilitate such recording unless it is being disruptive. It will also take steps to ensure that any members of the public who object to being filmed are protected without undermining the broader purpose of the meeting.

Data Transparency

The Council has resolved to act in accordance with the Code of Recommended Practice for Local Authorities on Data Transparency (September 2011). This sets out the key principles for local authorities in creating greater transparency through the publication of public data and is intended to help them meet obligations of the legislative framework concerning information.

DATA PROTECTION POLICY

“Public data” means the objective, factual data on which policy decisions are based and on which public services are assessed, or which is collected or generated in the course of public service delivery.

The Code will therefore underpin the Council’s decisions on the release of public data and ensure it is proactive in pursuing higher standards and responding to best practice as it develops. The principles of the Code are:

- a) **Demand led:** new technologies and publication of data should support transparency and accountability.
- b) **Open:** the provision of public data will be integral to the Council’s engagement with residents so that it drives accountability to them.
- c) **Timely:** data will be published as soon as possible following production.

The Government has also issued a further Code of Recommended Practice on Transparency, compliance and the Council ensures the following information is published on its website for ease of access:

- a) All transactions regardless of the value
- b) End of Year Accounts
- c) Annual Governance Statements
- d) Internal Audit Reports
- e) List of Councillor or Member responsibilities
- f) Details of public land and building assets
- g) Draft minutes of Council and committees within one month
- h) Agendas and associated papers no later than three clear days before the meeting.

Appendix A

Ash Parish Council

Filming & Photography

Parish events need and welcome publicity. Photographs add colour, life and interest to articles promoting our activities and initiatives. Making use of photographs or film for publicity and to promote the Council in the press can help community participation and identity. However, photographs must be used in a responsible way. The Council needs to respect children's and adults' rights of privacy and be aware of potential child protection issues.

Ash Parish Council will take every reasonable effort to minimise risk by following the guidelines detailed in this document and by securing parental consent for the use of photographs. This policy applies to the use of photographs in publicity materials, on the website and in the press.

Exclusions

Where photographs are taken at an event attended by large crowds, such as the Village Fete and Christmas Fantasia, this is regarded as a public area, so it is not necessary to get permission of everyone in a crowd shot.

The Data Protection Act does not apply to photographs or films taken for personal use by family and friends.

Data Protection Act 1998

Photographs and video images of children and staff are classed as personal data under the terms of the Data Protection Act 1998 and 2018 General Data Protection regulations. Therefore, using such images for publicity purposes requires the consent of either the individual concerned or in the case of children, their legal guardians.

The Council will not display images of pupils or staff on websites, in publications or in a public place without such consent. The definition of a public place includes areas where visitors to the school have access.

Appropriate Use Of Images In Publicity Materials

The Council will

- i. ensure that images are stored securely and used only by those authorised to do so;
- ii. ensure that electronic images are stored on a secure network to which members of the public have no access;
- iii. not use an image of any child who is subject to a court order;
- iv. secure parental consent for the use of children's photographs; and
- v. ensure that children are appropriately dressed – a minimum of a vest/shirt and shorts.

Website

The advice for using photographs on a website is no different from their use in any other kind of publication or publicity material. However, the Council is aware of the potential risk of inappropriate use of images because of the lack of control over who might see the image and the wide extent of the misuse of the Internet by certain people. The Council will seek the consent of parents regarding the use of images on the Internet. Children's names will not be included in photographs of children published on the website.

The Press

The use of photographs in newspapers and magazines is already subject to strict guidelines. The Press Complaints Commission's Code of Practice states that:

- i. Journalists must not interview or photograph a child under the age of 16 on subjects involving the welfare of the child in the absence of or without the consent of a parent or other adult who is responsible for the children.
- ii. Children must not be approached or photographed while at Council events without the permission of the school authorities.
- iii. There is no breach of the Data Protection Act 1998 in passing on a child's name to a journalist as long as parental consent has been secured.

The Council will provide names of children to accompany photographs published in newspapers and magazines only where the parent or guardian have provided their consent.

Filming Events

It is usual for people to take photographs and videos of adults and children at public events such as the Summer Fete and Christmas Fantasia. Any objections to this policy should be addressed to the Clerk to the Council.

Commercial Photographers

On occasions, commercial photography and film may be made of children at events and performing in productions such as the Ash In Bloom awards evening. The Council will inform parents where arrangements have been made for a commercial photographer to film or photograph such an event.

Where a commercial photographer is used, the Council will provide a clear brief about what is considered appropriate in terms of content and behaviour. The Council will issue the photographer with identification which must be worn at all times. The Council will let parents and children know that a photographer will be in attendance at an event and ensure they consent to both the taking and publication of films and photographs. The Council will not allow unsupervised access to children or one-to-one photo sessions outside the event or at a child's home. If children or parents have any concerns about inappropriate or intrusive photography, they should report them to the Clerk to the Council.

If parents or guardians have concerns regarding the use of filmed images by television companies, they should contact the Office of Communication (Ofcom). Any objections to this policy should be addressed to the Headteacher.

Parental Consent

The Council will seek the consent of parents or guardians regarding the use of photographs or film of children. The consent will include agreement on how and where the photographs will be used and the period of consent. The consent form is attached.

Child Protection

There may be a risk when individual children can be identified in photographs or images. In the event of the inappropriate use of children's photographs or images the Clerk to the Council will inform the local Child Protection Officer and Social Services and / or the Police.

CONSENT FORM

Name of Child:

We like to take photographs or video recordings of the adults and children at our events to be used in our publicity materials and on our website.

In order that we can protect your child's interests, and to comply with the Data Protection Act 1998, please read the **NOTES** below before answering the following question and signing and dating this form. Please return the completed form (one for each child) to the Council as soon as possible.

May we use your child's photograph in the publicity material that we produce for promotional purposes including our website?

Yes No

I have read and understand the **NOTES**.

Parent's or Guardian's signature:.....

Parent's or Guardian's Name):.....
(block capitals please)

Date:

NOTES:

1. The Council will not use the personal details or full names (which means first name and surname) of any child in a photographic image, on video, on our website, in the newsletter or in any of our other printed publications.
2. If we use photographs of individual children, we will not use the full name of that child in any accompanying text or caption.
3. If we use the full name of a pupil in text, we will not use a photograph of that child to accompany the article.
4. We may include pictures of children and adults at public events with very general labels, such as 'Village Fete' without the needs for consent.
5. We will only use images of children and adults who are suitably dressed.
6. Adults and children should note that websites can be viewed throughout the world and not just in the United Kingdom, where UK law applies.

Notes on Use of Images by the Media:

Occasionally our events may be visited by the media. Children will often appear in these images, which may appear in local or national newspapers or on televised news programmes. If you give permission for a child's image to be used by the media then you should be aware that the media will want to use any printed or broadcast media pictures that they take alongside the relevant story; It is likely that they will wish to publish the child's name and age in the caption for the picture (possible exceptions to this are large group or team photographs); It is possible that the newspaper will re-publish the story on their website, or distribute it more widely to other newspapers or media organisations.

Appendix B

Data Security Breach Reporting Procedure

A data security breach can happen for a number of reasons such as loss or theft of data or equipment on which the data is stored, inappropriate access controls allowing unauthorised use, equipment failure, human error, unforeseen circumstances such as a fire or flood, hacking attack, 'blagging' offences where information is obtained by deceiving the organisation who holds it.

Breach Containment & Recovery

Article 2(2) of the Notification Regulation states that the provider shall notify the personal data breach to the competent national authority no later than 24 hours after the detection of the personal data breach, where feasible. Detection of a personal data breach shall be deemed to have taken place when the provider has acquired sufficient awareness that a security incident has occurred that led to personal data being compromised, in order to make a meaningful notification as required under this Regulation.

The Council will use this form to report such breaches.

Date and time of Notification of Breach	
Notification of Breach to whom Name & Contact Details	
Details of Breach	
Nature and content of Data Involved	
Number of individuals affected:	
Name of person investigating breach Name, Job Title, Contact details: Email Phone number Address	
Information Commissioner informed Time and method of contact https://ico.org.uk/for-organisations/report-a-breach/	
Police Informed if relevant Time and method of contact Name of person contacted Contact details	
Individuals contacted How many individuals contacted? Method of contact used to contact? Does the breach affect individuals in other EU member states? What are the potential consequences and adverse effects on those individuals? Confirm that details of the nature of the risk to the individuals affected: any measures they can take to safeguard against it; and the likely cost to them of taking those measures is	

DATA PROTECTION POLICY

relayed to the individuals involved.	
Staff briefed	
Assessment of ongoing risk	
Containment Actions: technical and organisational security measures have you applied (or were to be applied) to the affected personal data	
Recovery Plan	
Evaluation and response	

Appendix C

Ash Parish Council Employee Privacy Notice

Recruitment Stage - What Personal Data Do We Collect

When you apply to work for Ash Parish Council, we collect certain information or data about you on the job application form to help us carry out our recruitment functions.

These include your name, address, education, qualifications, past employment and the name and addresses of two references. We also ask you about any convictions and whether you hold a driving licence.

We only collect this information to allow us to shortlist candidates for an interview. If you are not shortlisted any information, we hold about you will be destroyed after one month. If you are shortlisted for an interview but not successful, any information we hold about you will be destroyed after three months.

Appointment Stage - What Data Do We Collect

When you are appointed to a position and start work for Ash Parish Council, we retain your application form and collect certain other information or data about you to allow us to be a responsible employer. This includes your emergency contact details, bank details so we can pay you and any pension history. We also undertake a Disclosure and Barring Service (DBS) check for all staff.

How We Look After Your Data

We store your personal data and employment information on our secure, encrypted servers in Ash, Surrey. We have additional procedures and security features in place to keep your data secure, such as personal computer passwords, locked cupboards and a clear desk policy.

Disclosing Your Information

We are required to pass on certain elements of your personal information if we have a legal obligation to do so, or if we have to apply our terms and conditions of employment. For example, to complete the DBS checking service or if you want to join a pension scheme.

Your Rights

You can ask to see what information we hold about you.

Breach Of Privacy

We aim to keep your personal data as secure as possible. In the unlikely event that we breach this commitment, under the General Data Protection regulations, we are required to report this breach to the Information Commissioner's Office within 72 hours of discovering the breach and follow strict guidelines to resolve the incident.

Action:

1. Write to staff to tell staff we have to hold this information for employment purposes.
2. Remind staff that any breach in data protection may result in disciplinary action.
3. Ask all staff to seek agreements from their emergency contact details for us to hold their contact details too.

Appendix D

Ash Parish Council Privacy Notice

What Data Do We Collect

When you contact us, we collect certain information or personal data about you to help us carry out our Parish Council functions.

These include the hiring of the Ash Centre, managing the two allotment sites at Harpers Road and Shawfield Road, burials and memorials at the Ash Cemetery, our events programme and information about local public services.

We only collect the contact details that you are willing to give us to allow us to respond to the enquiries you make or carry out the service you request. Your contact details can be given in any form you choose, although our preferred method of communication is now email.

How We Look After Your Data

We store your contact information on our secure servers in Ash, Surrey. We have procedures and security features in place to keep your data secure once we receive it. (Sending information over the internet is generally not completely secure, and we can't guarantee the security of your data while it is in transit.)

Disclosing Your information

We won't share your information with any other organisations for marketing, market research or commercial purposes. We may have to pass on your personal information if we have a legal obligation to do so, or if we have to apply our terms and conditions of hire and other agreements. For example, if you want to become an allotment holder we will pass on your contact details to the allotment societies.

Your Rights

You can ask to see what information we hold about you.

Following A Link To Another Website

If you go to another website from our Ash Parish Council site, please read the privacy policy on that website to find out what that organisation does with your information.

Following A Link To Ash Parish Council From Another Website

If you come to the Ash Parish Council from another website, we may receive information about you from the other website. We do not use this data. You should read the privacy policy of the website you came from to find out more about this.

Breach Of Privacy

We aim to keep your data as secure as possible. In the unlikely event that we breach this promise; under the General Data Protection Regulations we are required to report this breach to the Information Commissioner's Office within 72 hours of discovering the breach and follow strict guidelines to resolve the incident.