



# Privacy Policy for Staff, Councillors and Role Holders

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TOTNES TOWN COUNCIL

AGREED MARCH 2021

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*This Policy outlines to the staff, Councillors and role holders how they must handle, store and use personal data that they have access to in their work for the Council or as a Councillors, and how the Council will handle, store and use personal data held about them.*

## Definitions:

“Staff” means employees, workers, agency staff and those retained on a temporary or permanent basis.

“Councillors” means individuals who are elected or co-opted to the Council or any of its Committees, Working Groups or similar bodies.

“Role Holders” Includes, volunteers, contractors, agents, and other role holders within the Council including former staff and former Councillors. This also includes applicants or candidates for any of these roles.

Totnes Town Council is committed to protecting the privacy and security of your personal information and the personal information that you come into contact with through your Council role. This privacy policy describes how we collect and use personal information about you during and after your working relationship with us, and how you as a Councillor, Staff or role holder should use information in accordance with the General Data Protection Regulation (GDPR). It applies to all employees, Councillors, workers and contractors.

Totnes Town Council is a "data controller". This means that we are responsible for deciding how we hold and use personal information. We are required under data protection legislation to notify you of the information contained in this privacy policy.

## 1. Personal Data – What Is It?

1.1 “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.

## 2. Other Data Controllers

2.1 The Council works together with:

- Other data controllers, such as local authorities (South Hams District Council and Devon County Council), public authorities, central government and agencies such as HMRC and DVLA
- Staff pension providers
- Former and prospective employers
- Community groups
- Charities
- Other not for profit entities
- Contractors

2.2 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.

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

## 3. Data Protection Law?

3.1 The Council will comply with data protection law. This says that the personal data we hold about you and any information that we hold as a Council must be:

- Used lawfully, fairly and in a transparent way.
- 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.

#### 4. What Data Does the Council Process?

4.1 The Council will process some or all of the following personal data where necessary to perform its tasks:

- Names, titles, and aliases, photographs;
- Start date / leaving date;
- Contact details such as telephone numbers, addresses, and email addresses;
- Where they are relevant to the services provided by the 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;
- The personal data we process may include sensitive or other special categories of personal data such as criminal convictions, racial or ethnic origin, mental and physical health, details of injuries, medication/treatment received, political beliefs, trade union affiliation, genetic data, biometric data, religion, data concerning and sexual life or orientation.
- Non-financial identifiers such as passport numbers, driving licence numbers, taxpayer identification numbers, staff identification numbers, tax reference codes, and national insurance numbers.
- Financial identifiers such as bank account numbers.
- Financial information such as National Insurance number, pay and pay records, tax code, tax and benefits contributions, expenses claimed.
- Other operational personal data created, obtained, or otherwise processed in the course of carrying out our activities, including but not limited to, CCTV footage, IP addresses and website visit histories, and logs of accidents, injuries and insurance claims.
- Next of kin and emergency contact information.
- Recruitment information (including copies of right to work documentation, references and other information included in a CV or cover letter or as part of the application process).
- Location of employment or workplace.
- Other staff data (not covered above) including; level, performance management information; certificates, immigration status; employment status; information for disciplinary and grievance proceedings; and personal biographies.
- CCTV footage and other information obtained through electronic means.
- Where people pay for activities such as use of a council hall, financial identifiers such as bank account numbers, payment card numbers, payment/transaction identifiers, policy numbers, and claim numbers.

## 5. Use of Your Personal Data

5.1 We use your personal data for some or all of the following purposes:

Please note: We need all the categories of personal data in the list above primarily to allow us to perform our contract with you and to enable us to comply with legal obligations.

- Making a decision about your recruitment or appointment.
- Determining the terms on which you work for us.
- Checking you are legally entitled to work in the UK.
- Paying you and, if you are an employee, deducting tax and National Insurance contributions.
- Providing any contractual benefits to you.
- Liaising with your pension provider.
- Administering the contract we have entered into with you.
- Management and planning, including accounting and auditing.
- Conducting performance reviews, managing performance and determining performance requirements.
- Making decisions about salary reviews and compensation.
- Assessing qualifications for a particular job or task, including decisions about promotions.
- Conducting grievance or disciplinary proceedings.
- Making decisions about your continued employment or engagement.
- Making arrangements for the termination of our working relationship.
- Education, training and development requirements.
- Dealing with legal disputes involving you, including accidents at work.
- Ascertaining your fitness to work.
- Managing sickness absence.
- Complying with health and safety obligations.
- To prevent fraud.
- To monitor your use of our information and communication systems to ensure compliance with our IT policies.
- To ensure network and information security, including preventing unauthorised access to our computer and electronic communications systems and preventing malicious software distribution.
- To conduct data analytics studies to review and better understand employee retention and attrition rates.
- Equal opportunities monitoring.
- To undertake activity consistent with our statutory functions and powers including any delegated functions.
- To maintain our own accounts and records.
- To seek your views or comments.
- To process a job application.
- To administer Councillors' interests.
- To provide a reference.

5.2 Our processing may also include the use of CCTV systems for monitoring purposes.

5.3 Some of the above grounds for processing will overlap and there may be several grounds which justify our use of your personal data.

5.4 We will only use your personal data when the law allows us to. Most commonly, we will use your personal data in the following circumstances:

- Where we need to perform the contract we have entered into with you.
- Where we need to comply with a legal obligation.

5.5 We may also use your personal data in the following situations, which are likely to be rare:

- Where we need to protect your interests (or someone else's interests).
- Where it is needed in the public interest [or for official purposes].

## 6. How We Use Sensitive Personal Data

6.1 We may process sensitive personal data including, as appropriate:

- information about your physical or mental health or condition in order to monitor sick leave and take decisions on your fitness for work;
- 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.

6.2 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.

6.3 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.

6.4 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.

## 7. Do We Need Your Consent to Process Your Sensitive Personal Data?

7.1 We do not need your consent if we use your sensitive personal data in accordance with our rights and obligations in the field of employment and social security law.

7.2 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.

7.3 You should be aware that it is not a condition of your contract with us that you agree to any request for consent from us.

## **8. Information About Criminal Convictions**

8.1 We may only use personal data relating to criminal convictions where the law allows us to do so. This will usually be where such processing is necessary to carry out our obligations and provided we do so in line with our data protection policy.

8.2 Less commonly, we may use personal data relating to criminal convictions where it is necessary in relation to legal claims, where it is necessary 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.

## **9. What is the Legal Basis for Processing Your Personal Data?**

9.1 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 Policy sets out your rights and the council's obligations to you.

9.2 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.

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

## **10. Sharing Of Personal Data**

10.1 This section provides information about the third parties with whom the council may share your and others 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 manage our HR/ payroll functions , or to maintain our database software.
- Other persons or organisations operating within local community.
- Other data controllers, such as local authorities, public authorities, central government and agencies such as HMRC and DVLA.
- Staff pension providers.
- Former and prospective employers.
- Professional advisors.
- Trade unions or employee representatives.
- 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.

## 11. Council Use of Personal Data to Conduct Business

11.1 In order to conduct Council business, the Council will use personal data for some or all of the following purposes:

- To deliver public services including to understand individual needs to provide the services requested and to understand what we can do for the individual and inform them of other relevant services;
- To confirm identity to provide some services;
- To contact individuals 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 promote the interests of the council;
- To maintain our own accounts and records;
- To seek views, opinions or comments;
- To notify individuals of changes to our facilities, services, events and staff, councillors and other role holders;
- To send communications which individuals have requested and that may be of interest. 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.

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

## 12. How Long Do We Keep Personal Data?

12.1 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.

12.2 A data audit is conducted annually. Details of the Totnes Town Council's Document Retention Protocol are set out in Annex A.

### 13. Your Responsibilities

13.1 It is important that the personal data we hold about you is accurate and current. Please keep us informed if your personal data changes during your working relationship with us.

### 14. Your Rights and Your Personal Data

14.1 You have the following rights with respect to your personal data.

14.2 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.

**a. *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.

**b. *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.

**c. *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).

**d. *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.

**e. *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.



**f. 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).

**g. 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.

## 15. Transfer of Data Abroad

15.1 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.

## 16. Further Processing

16.1 If we wish to use your personal data for a new purpose, not covered by this Privacy Policy, then we will provide you with a new policy 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.

## 17. Changes to this Policy

17.1 We keep this Privacy Policy under regular review and we will place any updates on [www.totnestowncouncil.gov.uk](http://www.totnestowncouncil.gov.uk). This Policy was last updated in March 2021.

## 18. Contact Details

18.1 Please contact us if you have any questions about this Privacy Policy or the personal data we hold about you or to exercise all relevant rights, queries or complaints at:  
The Data Controller, Totnes Town Council, 5 Ramparts Walk, Totnes, TQ9 5QH.  
Email: [clerk@totnestowncouncil.gov.uk](mailto:clerk@totnestowncouncil.gov.uk)

## ANNEX A – TOTNES TOWN COUNCIL DOCUMENT RETENTION PROTOCOL

[Note: retention periods based on NALC and DCC guidance]

<b>COUNCILLORS</b>		
<b>DOCUMENT</b>	<b>MINIMUM RETENTION PERIOD</b>	<b>REASON</b>
Register of Interests	4 year term plus previous term	Best practice
Acceptance of Office	4 year term plus previous term	Best practice
Members allowances register	6 years	Tax, Limitations Act 1980 (as amended)
<b>DEMOCRACY/COUNCIL BUSINESS</b>		
<b>DOCUMENT</b>	<b>MINIMUM RETENTION PERIOD</b>	<b>REASON</b>
Agendas and Minutes	Indefinite	Archive and public record
Audio/Video recordings	Date of meeting plus 3 years	Public record
Civic/Mayoral Business: <ul style="list-style-type: none"> <li>• Functions</li> <li>• Invites</li> <li>• Correspondence</li> <li>• Xmas card list</li> </ul>	Current year plus 2 years	Public record
Subject Access Requests	Date request completed plus 3 years	Business need
Freedom of Information Requests	Date request completed plus 3 years	Business need
Electoral Register	Current year	Business need
Correspondence with outside organisations and individuals	Current year plus 6 years	Business need
Public consultation responses	Until data entered plus 6 months	Business need
Budget plan/budget monitoring	Current year plus 6 years	Business need
Risk assessments	Date of the event or until superseded plus 4 years	The Management of Health and Safety at Work Regulations (1992)
Health and Safety Checks <ul style="list-style-type: none"> <li>• Fire</li> <li>• Fire extinguishers</li> <li>• Legionella</li> </ul>	Date of check plus 6 years	Health and Safety at Work Act
Road Closure applications	Current year plus 6 years	Business need
Funding applications <ul style="list-style-type: none"> <li>• &lt;£5K</li> <li>• £5K-10K</li> <li>• £10K-50K</li> </ul>	Last project action plus 3 years Last project action plus 6 years Last project action plus 10 years	Management
<b>FINANCE/ASSETS</b>		
<b>DOCUMENT</b>	<b>MINIMUM RETENTION PERIOD</b>	<b>REASON</b>
Scales of fees and charges [Guildhall, Civic Hall and Cemetery]	6 years	Management
Receipt and payment account(s)	Indefinite	Archive
Receipt books [TTC and Paige Adams Trust]	6 years	VAT

Bank statements, including deposit/savings accounts	Last completed audit year	Audit
Bank paying-in books	Last completed audit year	Audit
Quotations and tenders	6 years	Limitation Act 1980 (as amended)
Paid invoices	6 years	VAT
VAT Records	6 years	VAT
Petty Cash	6 years	Tax, VAT, Limitation Act 1980 (as amended)
Time/Overtime sheets	Last completed audit year	Audit
Wages books	12 years	Superannuation
Insurance policies	While valid	Management
Certificates for Insurance against liability or 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 Deed, leases, agreements, contracts	Indefinite	Audit, Management
Members allowances register	6 years	Tax, Limitations Act 1980 (as amended)
Asset Register	Current year plus 6 years	Business need
<b>STAFF</b>		
<b>DOCUMENT</b>	<b>MINIMUM RETENTION PERIOD</b>	<b>REASON</b>
TOIL sheets	Last completed audit year	Audit
Absence/sickness	Current year plus 1 year	Management
Medical certificates	Tax year they relate to plus 3 years	Management
Disciplinary	Current year plus 6 years	Management
<ul style="list-style-type: none"> <li>• Next of Kin information</li> <li>• Annual appraisals</li> </ul>	Until termination of employment	Management
Personal files	Until termination of employment plus 6 years	Management
Display Screen Assessment	Life of assessment plus 4 years	Schedule to the Health and Safety (Display Screen Equipment) Regulations 1992
Accident records	Three years since the entry	Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR)
<b>CEMETERY</b>		
<b>DOCUMENT</b>	<b>MINIMUM RETENTION PERIOD</b>	<b>REASON</b>
<ul style="list-style-type: none"> <li>• Register of fees collected</li> <li>• Register of burials</li> <li>• Register of purchased graves</li> </ul>	Indefinite	Local Authorities Cemeteries Order 1977 (SI.204), Archives

<ul style="list-style-type: none"> <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>• Burial/disposal certificates</li> <li>• Certificates of grant of exclusive right of burial</li> </ul>		
<b>CIVIC HALL</b>		
<b>DOCUMENT</b>	<b>MINIMUM RETENTION PERIOD</b>	<b>REASON</b>
<ul style="list-style-type: none"> <li>• Application to hire/booking form</li> <li>• Market booking forms, risk assessments &amp; public liability certificates</li> <li>• Banner booking forms</li> <li>• Lettings diaries</li> <li>• Copies of invoices to hirers</li> </ul>	6 years	VAT
<b>GUILDHALL</b>		
<b>DOCUMENT</b>	<b>MINIMUM RETENTION PERIOD</b>	<b>REASON</b>
Weddings <ul style="list-style-type: none"> <li>• Booking forms</li> <li>• Lettings diaries</li> <li>• Copies of invoices to hirers</li> <li>• Wedding photographs</li> </ul>	6 years	VAT
<ul style="list-style-type: none"> <li>• Visitor Books</li> </ul>	Until no longer required	Business need
	5 years (no legal requirement to retain them at all)	Business need