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www.acastermalbis-pc.gov.uk

The purpose of this note is to advise you about your council's policy deliberations on the implementation of General Data Protection Regulations (GDPR) in May 2018.

Your small Parish Council is already heavily committed to two mandatory regulations governing the information which it must provide to the general public and in particular the residents of Acaster Malbis. They are the Transparency Code and the Freedom of Information Act.

A significant part of the Transparency Code was that all information for the general public's consumption had to be made available on a freely accessible and free of charge website. The council's site was set up in late 2015 and at that time it was decided that, in practical terms, it would be a 'council' as opposed to a 'community' site.

The site is now well established and is certificated 'secure'. The council publishes the summons, agendas and minutes of all meetings, councillor details, public notices, statutory accounts and audit certificates. As stated it is not intended or used for any commercial marketing activity of any description. Other than the names, responsibilities and contact details of the councillors it does not publish any personal data.

The information published is compliant with the Information Commissioner's Offices' (ICO) Freedom of Information Standards and although ICO has recently published new standards all information was updated by March 1st. The ICO is also the responsible body for the new GDPR (General Data Protection Regulations) which come into effect in late May 2018.

The new GDPR replaces the existing Data Protection Act and gives individuals more rights and protection regarding how their personal data is used by councils and is mandatory with heavy penalties for non compliance.

In practise the most significant aspect of the new regulation is that personal data may only be processed under one (or more) of seven 'Lawful Basis for Processing' reasons. These reasons are: Consent, Legitimate Interest, Contractual Necessity and Compliance with Legal Obligation, Vital Interests and Public Interests.

Your council does not, at the moment (with the lawful exception of the Electoral Roll and other small listings) process any personal data and I have recommended to the council, for reasons following that it continues not to do so.

My recommendations are based upon the following.

- Following a full precursory audit there is no identifiable need to process any more personal data than we do already.
- The website already carries all of the information required by legislation and more than is suggested as necessary by the IOC.
- The cost of gaining and maintaining data based upon consent will be prohibitive.

As a further protection of any individual's data I have proposed and the council have approved that the predominant means of publishing information will be on the council's web site which is strictly controlled and pass protected. (Notice boards will be maintained but the information posted will be copies from the website.)

Notwithstanding the above assurances details of residents (name, address and telephone number) who contact the council via the 'contact us page' may be temporarily held pending the conclusion of the subject communication at which point all details of the communication will be deleted. Using the 'contact us' page will not expose the caller to profiling, phishing, cookies, URL capture, or any activity from which GDPR hopes to protect the public.

Also, by the nature of the planning process, it will be necessary to publish the personal details which are included in planning applications or appeals. These will only remain on the site for the duration of the planning or appeal process. At the end of the process, unless contrary written permission is obtained, these details will be deleted.

All email addresses used by the council or its councillors are secure, certificated and identified by a gov.uk domain and as such will be monitored by the council's DPO (Data Protection Officer).

Formal privacy notices will be published prior to the legislation becoming statutory.

Sunday, 18 March 2018

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Webmaster and DPO.