

MINUTES of the Data Protection Working Party of Melksham Without Parish Council held on Monday 23rd September 2019 at 1, Swift Way, Bowerhill, Melksham 7.55pm p.m.

Present: Cllrs. Richard Wood (Council Chair), John Glover (Council Vice-Chair) Terry Chivers, Robert Shea-Simonds, Stuart Wood

Officer: Teresa Strange (Clerk)

Housekeeping & Announcements: Cllr R. Wood welcomed all to the meeting and explained the evacuation procedure in the event of a fire.

- 194/19 **Apologies:** Cllr. Kaylum House had rung earlier but the officers were unable to hear what he said as a very bad line, and therefore it was assumed to be his apologies as he had not arrived this evening. This apology was accepted.
- 195/19 **Declarations of Interest:** None
- 196/19 **Dispensation Requests for this Meeting:** None.
- 197/19 **Election of Chair of Data Protection Working Party:** Cllr. R. Wood invited nominations for the Chair of the Data Protection Working Party for 2019/20. Cllr. Chivers proposed, seconded by Cllr. Shea-Simonds that Cllr. Stuart Wood was elected as Chair of the Data Protection Working Party. **Resolved:** *The Council unanimously resolved that Cllr. S. Wood be Chair of the Data Protection Working Party for 2019/20.*
- 198/19 **Election of Vice-Chair of Data Protection Working Party:** Cllr. S. Wood invited nominations for the Vice-Chair of the Data Protection Working Party for 2019/20. Cllr. R. Wood proposed, seconded by Cllr. Chivers that Cllr. Robert Shea-Simonds be Vice-Chair of the Data Protection Working Party. **Resolved:** *The Council unanimously resolved that Cllr. Robert Shea-Simonds be Vice-Chair of the Data Protection Working Party for 2019/20.*
- 199/19 **Public Participation:** There were no members of the public present.
- 200/19 **GDPR Audit Report (Oct 2018):** The members noted the report from the GDPR audit that took place in October, and that the Auditor had stated that *“in terms of feedback you are above average in terms of your implementation status, and the issues you still have to address are similar to those at other councils. I am sure with a little push you will be able to get things fully in place within a short period”*. Members congratulated the staff team for the work carried out to date, and acknowledged that the meeting tonight was to work through the list of outstanding actions from that Audit. It had been frustrating that the parish council had been advised to follow the advice/model templates of one of their professional bodies (SLCC) and then advised to follow the advice/templates of the other professional body (NALC) when they subsequently published their recommendations, so some of the policies were being looked at for the second time.

AUDIT FINDING: The Council has adopted a Privacy Note but has not published it on the website.

AUDIT RECOMMENDATION: The Council should ensure that the Privacy Notice is prominently displayed on its website.

It was noted that a Privacy Notice (SLCC version) had been adopted but at the time of the Audit was not published on the parish council website in a special "Cookies/Privacy" section, only in the general "Policies" section. This had been done shortly afterwards.

AUDIT FINDING: The Council put in place a number of separate Privacy Notices covering various areas of council activities. These do not refer specifically to individual's rights.

AUDIT RECOMMENDATION: The Council adopt one Privacy Notice and should consider adopting the NALC model notice which is comprehensive and suitable for general use.

Recommendation: The parish council adopt the two NALC model policies. A General Privacy Notice (for residents and members of the general public but not for staff, councillors or anyone with a role in the local council) and a second Privacy Notice for staff members, councillors and anyone with a role in the council) and the General one to be published on the parish council website to replace the existing one.

AUDIT FINDING: The Council does not currently include reference to the Privacy Notice in the footer of emails.

AUDIT RECOMMENDATION: Email footer to be amended to include reference to the Privacy Notice displayed on the website.

It was noted that officer's emails now displayed this, but the Caretaker and Allotment Warden use the email for receipt of messages and do not contact anyone externally by email. **Recommendation:** All councillors to include an email footer to include reference to the Privacy Notice displayed on the website.

AUDIT FINDING: The Council has undertaken a Data Audit using the SLCC model. It was not clear that this audit includes all aspects of personal data held. It does not include lists of volunteers, community groups etc.

AUDIT RECOMMENDATION: The information audit should be updated to include these other areas of personal data. The members reviewed the council's data audit schedule. The Clerk advised that officers had looked through this document line by line and had now included volunteers and community groups as these had not previously been covered in the document. This model also highlighted what action was needed for each item that was listed and officers were able to pick up that only two computers in the office were password protected leaving the potential risk of an unauthorised person accessing the Council's documents. It was also noted that there were some HR files that needed to be password protected. The Clerk reported that the council holds a list of volunteer's details for the emergency plan and had recently been contacted to ask if they still wished to be listed, but were not advised about what their details would be used for in a specific "GDPR" style. It was noted that some councillors were not using their Melksham Without email address and any emails that have been sent to those addresses are forwarded to the Clerk and not to the Councillor. Cllr. Chivers stated that he still receives emails

from residents on his own personal email address. The Clerk advised that this did not meet the council protocol and policy and councillors should be using their designated Melksham Without email address to receive and reply to emails from residents. There was a query whether the council was liable for those members who didn't use their Melksham Without email address and the Clerk advised that the individual would be liable and should register individually with the Information Commissioner as they would not be covered by the council's registration.

Recommendation 1: Officers to password protect the two office computers and the laptop and password protect all files that holds confidential information.

Recommendation 2: Explain to volunteers of the Emergency Plan why their contact details are needed and what they would be used for when they are next contacted.

AUDIT FINDING: The Council may collect personal data from individuals who attend council meetings and would like to be kept advised for future developments. At present these individuals are not asked to provide formal consent.

AUDIT RECOMMENDATION: The Council to introduce a consent form for individuals who wish to be updated on future meetings. It was noted that previously members of the public were asked to sign in at every meeting that they attended, after the GDPR guidelines came in force the council were unable to do this so needed a consent form for residents who wished to be kept updated on future meetings and decisions. **Recommendation:** The Council adopt the NALC model consent form for future communication with residents.

AUDIT FINDING: A GDPR working party was set up to handle the implementation (ref minutes July 2017). GDPR has not yet been included in a committee terms of reference.

AUDIT RECOMMENDATION: Council to include GDPR within a specific committee terms of reference. **Recommended:** The Council to list under the Scheme of Delegation the Data Protection Working Party and its Terms of Reference and that they will only meet if there is a change in legislation or a data breach.

AUDIT FINDING: The Council has chosen to use the SLCC template form for Subject Access Requests (SAR). The Council has not adopted a policy for dealing with SAR.

AUDIT RECOMMENDATION: Council to put in a place a policy to deal with subject access requests. It was noted that the council already had a form for members of the public to fill in if they submitted a subject access request to the Council but the Council did not have a policy. **Recommendation:** The Council to adopt the NALC Subject Access Request policy.

AUDIT FINDING: Council does not currently have a process in place to deal with data breaches.

AUDIT RECOMMENDATION: To put in place a policy for handling data breaches. The Clerk explained that this was when confidential information has been sent to the wrong person by mistake. **Recommended:** The Council adopt the NALC model Data Breach policy.

AUDIT FINDING: The NALC guidance (which predates GDPR) states that if Councillors are operating outside of the councils GDPR policies then individual registration would be required.

AUDIT RECOMMENDATION: The Council to advise Councillors of their obligations under GDPR (using NALC guidance) and ensure the councillors comply with these requirements. The Clerk advised that every councillor will be receiving the councils GDPR and Email policies in their agenda packs and suggested that the Chairman reminds councillors at the next meeting that these policies are in their packs and will be considered as read as per the council's Standing Orders. **Recommendation:** *That all councillors receive a copy of the NALC Data Protection Legal Briefing (LTN 38 Nov 2018) and are reminded of the Parish Council's email policy at their next Full Council meeting and the Clerk to email the members who do not attend the meeting the next day to highlight the policies.*

AUDIT FINDING: The Council uses a third-party IT support contractor, there is no formal contract in place with the contractor.

AUDIT RECOMMENDATION: Council to put in place a formal support contract with external IT contractor which includes requirements in respect of data confidentiality and security. The Clerk explained that the council do not hold a contract for the IT contractor who have access to the council's IT system. It was also highlighted that RBS Software; the council's finance support has access to confidential information such as staff salaries. **Recommendation:** *The council contact their IT contractor and any other organisations who have access to the council's online records, with a copy of their Privacy Notice for Staff, Councillors and Role Holders and ask them to confirm that they meet all the requirements under GDPR.*

AUDIT FINDING: The Council has not carried out a Data Privacy Impact Assessment (DPIA) on its CCTV system.

Audit Recommendation: Council to put in place DPIA for its CCTV system. (A link to the government template for this is available for download from IAC website) Members noted that the Bowerhill Sports Pavilion have signs up to advise people that CCTV is in operation; and that it is only focused around the pavilion building and the car park gates for the protection of the building and is not focused on the sports field. The Clerk explained that when the contractor installed the CCTV at the Pavilion the council had asked them to provide all necessary signage to comply with legislation. **Recommendation:** *The Council note the DPIA document but acknowledge that the only reason that the council have the CCTV is for the protection of the building and its staff.*

AUDIT FINDING: The Council does not have a Data Security Policy in place.

Audit Recommendation: The Council should put in place a data security policy. The Clerk reported that officers were unable to find a suitable policy for data security but staff did have a planned cyber security training session scheduled.

Meeting closed at 8.51pm

Chairman, 21st October, 2019