

PRIVACY NOTICE FOR COUNCILLORS, NON-COUNCILLORS, EMPLOYEES AND OTHER STAFF, AND VOLUNTEERS

This Policy was adopted by Kennington Community Council at its Meeting held on [date].

1 How Kennington Community Council Uses Your Personal Data

This Privacy Notice explains how Kennington Community Council (as a Data Controller) collects, uses and protects your personal data.

It is applicable to all Councillors, non-Councillors, Employees and other staff, and Volunteers.

2 Who We Area

2.1. We are Kennington Community Council (the “Council”) and are a local authority which provides services to residents and businesses in Kennington, Ashford, Kent.

2.2. The Council is the Data Controller for the personal data it holds as set out in this policy. The Council’s Clerk, who is responsible for data protection, can be contacted at: The Clerk to the Council, Kennington Community Council, PO Box 606, ASHFORD TN23 9YF.

3 Your Personal Data – What it is

3.1. Personal data relates to a living individual who can be identified from that data. Identification can be by the data alone or in conjunction with any other information in or likely to come into the data controller’s possession.

3.2. Some personal data is classed within “special categories of personal data” because it is considered to be more sensitive and therefore requires more protection. This includes information that identifies racial/ethnic origin, political opinions, religious/philosophical beliefs, sexual orientation and information regarding physical and mental health.

3.3. The processing of personal data is governed, in the UK, by the General Data Protection Regulation (GDPR) as it applies in the UK, tailored by the Data Protection Act 2018.

4 Why We Collect and Use Your Personal Data

4.1. We process personal data to enable us to provide a range of services to local people and businesses. As such we may require your personal data to:

- a. allow us to undertake statutory functions efficiently and effectively
- b. make sure we meet our statutory obligations including those related to diversity and equalities
- c. contact you by post, email, telephone or social media
- d. notify you of meetings, including Summons to attend
- e. take minutes and other records including audio and video recordings of meetings at which you are present, and publish such minutes and records
- f. include your information in communications to the public and statutory bodies
- g. provide you with training as appropriate, including training by third parties
- h. administer a contract we have entered into with you, including an employment contract
- i. process applications for employment and other staff roles, and for positions as Councillors, non-Councillors, or other volunteer roles
- j. process financial transactions
- k. prevent and detect fraud and corruption in the use of public funds

5 Our lawful basis for using your data

5.1. The law on data protection sets out a number of different reasons for which personal data may be collected and processed. Generally, the legal basis for processing by us will be one of the following:

- a. Public task: processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Council
- b. Legal obligation: processing is necessary for compliance with the Council's legal obligation
- c. Contract: processing is necessary for the performance of a contract to which you are party or in order to take steps at your request prior to entering into a contract
- d. Consent: where you have given consent to the processing of your personal data for one or more specific purposes. For example, this is the basis likely to be used if you have signed up to receive any newsletters

6 We may also on occasion process your personal data in the following circumstances:

6.1. Legitimate interests: where processing is necessary for the purposes of the legitimate interests pursued by us or by a third party. This legal basis is not open to us when performing our statutory tasks, however where we are operating on a commercial basis then this legal basis may be utilised

7 What data do we process?

7.1. Data we process is governed by the lawful basis set out above and by the relevant legislation.

Typically this may include, but is not limited to, the following:

- a. Names, titles, aliases, photographs.
- b. Contact details such as telephone numbers, addresses, social media identities and email addresses, including emergency contact details.
- c. Start and end dates of: employment; position as elected, co-opted or appointed Councillor, or non-Councillor, or other volunteer role.
- d. Information to confirm identity, age, nationality, address where resident.

7.2. For Councillors and non-Councillors

- a. Evidence of qualification to be elected, co-opted or appointed Councillor
- b. Banking details for payment of allowances and expenses
- c. Appointments by the Council to other bodies
- d. Declarations of Interest including Declaration of Pecuniary Interest, Other Significant Interests, Voluntary Declaration

7.3. For employees and applicants for employment:

- a. Information in relation to payments of salary, pensions, tax, expenses such as National Insurance number, banking details.
- b. Where they are relevant to our legal obligations, or where you provide them to us, we may process information such as gender, age, date of birth, marital status, nationality, education/work history, academic/professional qualifications, employment details, hobbies, family composition, and dependants; non-financial identifiers such as passport numbers, driving licence numbers, vehicle registration numbers, taxpayer identification numbers, staff identification numbers, tax reference codes; financial identifiers such as bank account numbers, payment card numbers, payment/transaction identifiers, policy numbers, and

claim numbers; financial information such as pay and pay records, tax code, tax and benefits contributions, expenses claimed.

- c. Other operational personal data created, obtained, or otherwise processed in the course of carrying out our activities, including but not limited to, CCTV footage, recordings of telephone conversations, use of our information and communications systems, IP addresses and website visit histories, logs of visitors, and logs of accidents, injuries and insurance claims.
- d. 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 and referral source (e.g. agency, staff referral))
- e. Location of employment or workplace.
- f. Other employment data (not covered above) including: level, performance management information, languages and proficiency; licences/certificates; immigration status; employment status; information for disciplinary and grievance proceedings; and personal biographies.

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

8.1. 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:

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

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

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

9 How we use sensitive personal data

9.1. We may process sensitive personal data relating to Councillors, non-Councillors, Employees and other staff, and Volunteers, including, as appropriate:

- a. information about your physical or mental health or condition in order to monitor sick leave and take decisions on your fitness for work
- b. information you may have provided regarding a disability or health issue in order that proper adjustments can be made
- c. your racial or ethnic origin or religious or similar information in order to monitor compliance with equal opportunities legislation
- d. in order to comply with legal requirements and obligations to third parties

9.2. 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.

10 How we protect your data

10.1. The data you provide is protected by rigorous measures and procedures to make sure it cannot be seen, or accessed by, or disclosed to anyone who shouldn't be allowed to see it.

10.2. We provide training to staff who handle personal data and treat it as a disciplinary matter if they misuse or do not look after your personal data properly.

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- 10.3. We conduct data protection impact assessments when making changes to processes or systems that hold your personal data.
- 10.4. We have a range of commercially available measures in place to protect the electronic security of your data. Data is held on secure cloud-based services such as the Microsoft 365 suite, or secure web-based services. Mobile devices are provided with disk encryption and anti-virus protection.
- 10.5. We will investigate where we have found that your personal data may have or has been disclosed inappropriately (data breach) and attempt to recover any data lost. If any breach is likely to result in a risk to your rights or freedoms we will inform the ICO within 72 hours and should such breach result in a high risk to these freedoms we will contact you without undue delay.

11 Collecting and sharing your personal data

- 11.1. Personal data provided by you for the purposes stated in this Notice may be collected through a number of channels which may include: your application to be elected or co-opted to the Council; your application to be considered for a non-Councillor role or any other volunteer role; your appointment to the Council by the Principal Authority; your application for employment; occasions on which you contact the Council by any means; through our meetings in public (including meetings held virtually).
- 11.2. We will never disclose any personal data without the consent of the owner unless required to do so by law.

12 How long we keep your personal data for

- 12.1. We will only retain your personal information for as long as necessary to fulfil the purposes for which we have collected it, including for the purposes of satisfying any legal, accounting, or reporting requirements, and in accordance with our data retention policy.

13 Your rights

- 13.1. Unless subject to an exemption under GDPR, you have the following rights with respect to your personal data that the Council holds:
 - a. The right to request a copy of your personal data.
 - b. The right to request that personal data is corrected if found to be inaccurate or out of date.
 - c. The right to request that your personal data is erased.
 - d. The right to withdraw your consent to the processing of your data at any time.
 - e. The right to request that the data controller provides the subject with his/her personal data and where possible transmit that data directly to another data controller (known as the right to data portability)
 - f. The right where there is a dispute in relation to the accuracy or processing of your personal data to request a restriction is placed on further processing.
 - g. The right to lodge a complaint with the Information Commissioner's Office.
- 13.2. You can find out if we hold any personal information by making a Data Subject Access Request under the Data Protection Act. If we hold any information about you, we will
 - a. Give you a description of it
 - b. Tell you why we are holding it
 - c. Tell you who it could be disclosed to and

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- d. Let you have a copy of the information in an intelligible form
- 13.3. Please make any such requests in writing to the Clerk to the Council. We will normally respond in 20 days.
- 13.4. We set ourselves high standards when it comes to protecting your personal data. For this reason, we take any complaints we receive from you about our use of your personal data very seriously and request that you bring any issues to our attention.
- 13.5. Where you are communicating with us for the purpose of making a complaint, we will only use your personal data to handle, investigate and respond to the complaint and to check on the level of service we provide.
- 13.6. If having exhausted the complaint process you are not content that your request or review has been dealt with correctly, you can appeal to the ICO to investigate the matter further by writing to: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF

14 Cookies

- 14.1. Our website uses cookies to distinguish you from other users of our website. This helps us to provide you with a good experience when you browse our website and also allows us to improve our site.
- 14.2. We also use analytics so that we can find out how many people visit various parts of the website. This information helps us to find out how effectively our website is working and how to improve it. We do not identify anyone, and we do not allow analytics to identify anyone visiting our website.

15 How to contact us

You can contact us by:

Post: Kennington Community Council, PO Box 606, ASHFORD TN23 9YF

Email: clerk@kenningtoncc.gov.uk.

We keep this privacy notice under regular review and we will place any updated versions on this page. This will help ensure that you are always aware of what data we collect and how we use it.

16 Revision History

Version	Date	Comments
Draft v0.1	26 Jul 2020	Initial draft
Draft v0.3	27 Nov 2020	Restructured for improved Accessibility
Draft v0.3	13 Jan 2021	Adopted 13.01.21