

# CULLOMPTON TOWN COUNCIL



## INFORMATION & INFORMATION SECURITY POLICY

<b>POLICY TITLE</b>	Information & Information Security Policy
<b>POLICY NO</b>	4
<b>REVISION DATE</b>	September 2019
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<b>REPLACES POLICY</b>	Information & Information Security policy and Data Protection policy
<b>POLICY AIM</b>	This policy details how Cullompton Town Council interprets the law and complies with the regulations laid down. It aims to give a general overview of the legal requirements imposed on Cullompton Town Council, define how the Town Council makes information accessible and advise how it will protect, store and dispose of information.

### 1. INTRODUCTION

There are various pieces of legislation about holding, accessing and processing information and data.

**General Data Protection Regulations (2018):** regulations intended to strengthen and unify data protection for all individuals within the European Union

**Regulation of Investigatory Powers Act 2000** are corporate procedures relating to the authorisation of Covert Surveillance activities and requests for data from communications providers, in accordance with RIPA (Regulations of Investigatory Powers Act) legislation

**Environmental Information Regulations (2017)** enable an applicant to access environmental information. They are restricted to information held by/on behalf of public authorities and those bodies carrying out a public function.

**Freedom of Information Act (2000)** enables an applicant to information which is held by/on behalf of public authorities and those bodies carrying out a public function, and, which does not fall under either of the access regimes listed above i.e. personal information or environmental information.

**Re-use of Public Sector Information Regulations (2015)** provides public authorities with the option to charge/impose conditions, to an applicant, on the re-use of its Freedom of Information Act 2000/Environmental Information Regulations 2004 information for commercial purposes.

**Records Management** is about making sure that public authorities manage its information so that employees can readily locate the correct information they need, at the time they need it.

## **2. GENERAL DATA PROTECTION REGULATIONS (GDPR)**

The Council is required to gather and process information about its staff and people in the community in order to operate effectively. This will be done in accordance with the General Data Protection Regulations and other related government legislation.

The Council, acting as custodian of personal data, recognises its legal duty to ensure that all such data is handled properly and confidentially at all times, irrespective of whether it is held on paper or electronic means.

The GDPR controls how your personal information is used by organisations, businesses or the government. Detailed information on how your personal data is used by Cullompton Town Council can be found on the relevant privacy notices, these are issued when collecting data, published on the Council's website and available from the Town Council office.

Everyone responsible for using data has to follow strict rules called 'principles'. Article 5 of the GDPR requires that personal data shall be:

- Processed lawfully, fairly and in a transparent manner.
- Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes.
- Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.
- Accurate and, where necessary, kept up-to-date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay.
- Kept in a form which permits identification of data subjects for no longer than is necessary for the purpose for which the personal data are processed.
- Processed in a manner that ensures appropriate security of the personal data.

Article 5(2) requires that the controllers shall be responsible for and be able to demonstrate compliance with these principles.

The GDPR provides the following rights for individuals:

- The right to be informed
- The right of access
- The right to rectification
- The right to erasure
- The right to restrict processing
- The right to data portability
- The right to object
- Rights in relation to automated decision making and profiling.

There is stronger legal protection for more sensitive information, such as:

- Ethnic background
- Political opinions
- Religious beliefs
- Health
- Sexual health
- Criminal records.

The GDPR give you the right to find out what information the government and other organisations stores about you. You may ask the organisation to remove or correct information stored about you.

The organisation is legally required to give you a copy of the information they hold about you if you request it. You have the right to complain to the Information Commissioner's office if you think there is a problem in the way an organisation is dealing with your data.

For all enquiries and requests in relation to the processing or control of your data please contact:

The Town Clerk  
Cullompton Town Council  
The Town Hall  
1 High Street  
CULLOMPTON  
Devon EX15 1AB

When information can be withheld

There are some situations when organisations are allowed to withhold information, e.g. if the information is about:

- The prevention, detection or investigation of a crime.
- National security or the armed forces
- The assessment or collection of tax
- Judicial or ministerial appointments

An organisation doesn't have to say why they're withholding information.

## **2.1 ACTIONS**

By following and maintaining strict safeguards and Controls, the Council will:

- Acknowledge the rights of individuals to whom the data relates and ensure that these rights may be exercised in accordance with the Regulations;
- Ensure that both the collection and use of personal data is done fairly and lawfully;
- Ensure that personal data will only be obtained and processed for the purposes specified;
- Collect and process personal data on a need to know basis, ensuring that such data is fit for purpose, is not excessive, and is disposed of at a time appropriate to its purpose;
- Ensure that adequate steps are taken to ensure the accuracy of the data;
- Ensure that for all personal data, security measures are taken both technically and organisationally, to protect against damage, loss or abuse;
- Ensure that the movement of personal data is done in a lawful way, both inside and outside the Council and that suitable safeguards exist at all times.

The Council will be able to demonstrate compliance in regard to the above actions.

## **2.2 ENABLERS**

In order to support these actions, the Council will:

- Ensure that all activities that relate to the processing of personal data have appropriate safeguards and controls in place to ensure information security and compliance with the Regulations;
- Ensure that all contracts and service level agreements between the Council and external third parties, where personal data is processed, make reference to the Regulations as appropriate;
- Ensure that all staff acting on the Council's behalf understand their responsibilities regarding information security under the Regulations, and that they receive appropriate supervision so that they carry these duties out effectively and consistently and are
- Given access to personal information that is appropriate to the duties they undertake;
- Ensure that all third parties acting on the Council's behalf are given access to personal information that is appropriate to the duties they undertake and no more and with the consent of the data subject if needed to lawfully process the data;

- Ensure that any requests for access to personal data are handled courteously, promptly and appropriately, ensuring that either the data subject or his/her authorised representative has a legitimate right to access under the Regulations, that the request is valid, and that information provided is clear and unambiguous

Review this policy and the safeguards and controls that relate to it regularly, to ensure that they are still relevant, efficient and effective.

### **2.3 WHO DO WE SHARE THE INFORMATION WITH?**

Depending on the original purpose for which it was obtained and the use to which it is to be put, information may be shared with a variety of services and other organisations that provide services on our behalf.

In all of these examples the information provided is only the minimum necessary, to enable them to provide services to you.

Personal information about you may also be provided to Government departments, where we are required to do so by law, or to other local councils.

Information about you may also be provided for statistical research. This will not include your name and address unless you have given us permission to provide the information.

### **2.4 WHAT SORT OF INFORMATION DO WE HOLD?**

The personal information held will depend on the service being provided. Basic information plus a note of the service provided, decisions regarding the provision, and any correspondence and meetings between you and the Council may appear in records. Data relating to specific services including property details and extent of proposed alterations with regard to planning.

### **2.5 HOW DO WE KEEP THE INFORMATION, AND WHO IS RESPONSIBLE?**

The information is kept on secure computer systems and in secure manual filing systems. Maintaining the record and keeping it secure is the responsibility of Cullompton Town Council.

### **2.6 ARE THE RECORDS CONFIDENTIAL?**

The Council's employees have a duty of care when providing services. This includes respecting the right of confidentiality and ensuring that information about you is only used and given to others for the purpose of the service being provided. Care is taken to ensure that third parties cannot access the information without permission and that data about you is not disclosed – to third parties – without your consent, except as outlined above in "Who do we share information with".

### **2.7 HOW LONG ARE RECORDS ABOUT YOU HELD?**

Normally, your records will be kept only for as long as the service is provided to you, or as is required by law (e.g. financial transaction information is kept for 7 years).

## **2.8 HOW DO YOU ASK TO SEE INFORMATION?**

You can write to the Council, addressing the letter to the Town Clerk and stating that you wish to make a subject access request. When you do so you must provide your name and address, proof of identity, details of the services you are receiving, and any other information, such as date of birth, you think may help the Council find your information.

## **2.9 WHAT INFORMATION WILL YOU RECEIVE?**

All of the personal information we hold about you on both our computers, and manual record systems.

## **2.10 CAN YOU SEE INFORMATION ABOUT ANY OTHER PERSON?**

You may not see information about other persons, unless they give their consent.

## **2.11 WILL YOU BE CHARGED A FEE FOR INFORMATION PROVIDED?**

No, no charge will be made for providing this information.

## **2.12 HOW LONG DOES IT TAKE TO PROVIDE THE INFORMATION?**

The Council must respond within 30 days of receiving your request. The 30 days start from the date on which your written request is received by the Council.

## **2.13 WHAT DO YOU DO IF THE INFORMATION PROVIDED IS INCORRECT?**

Once you receive the information you should check it to make sure it's correct. You should tell the Council if the data is incorrect so that it can be corrected.

If the Council does not correct the information then you can appeal to the Information Commissioner or the courts. These organisations have the power to order the Council to correct data.

If you have an allotment or grave it is important that you inform the Council of your up-to-date contact details.

## **3. INFORMATION SECURITY**

### **Physical Security:**

- Adequate and practical access controls will be provided in all areas in which personal and business data is stored or used.
- Staff will be expected, within their level of authority, to minimise the risk of theft or vandalism of the data and equipment through common-sense precautions.
- The physical environment in which data and equipment is stored will be suitable and fit for purpose to ensure the safety of the data and equipment e.g. appropriate fire precautions
- The Council will comply with Health & Safety and Fire Safety legislation and policies when implementing security controls.

### **Logical Security**

- All computerised information and systems will be regularly backed-up.
- All computerised information systems will be password controlled and passwords will be prompted for change at regular intervals.
- Only officially purchased and approved software will be loaded onto the Council's computers to lessen the risk of virus infection.

### **Disposal and movement of equipment and media**

- Any media or IT equipment disposed of by the Council will not contain any data or code that could allow an individual to be identified from it.
- An inventory of all Council computer equipment will be maintained.

## **3.1 DATA PROTECTION IMPACT ASSESSMENTS**

Data protection impact assessments (also known as Privacy Impact Assessments) will take place when data processing poses a high risk to the rights and freedoms of individuals or when a new technology is used to process and collect data.

## **3.2 WHAT HAPPENS IN THE EVENT OF A DATA BREACH?**

Any data breach will be reported to the Town Clerk who will undertake an investigation to determine the likelihood and severity of the risk to people's rights and freedoms. The Town Clerk, if applicable, will report the breach to regulatory bodies, Council and individuals concerned. They will also take necessary steps to contain the breach and protect any further breach. All data breaches will be recorded with justification for not reporting if this does not take place.

## **4. FREEDOM OF INFORMATION REQUESTS**

Under the Freedom of Information Act Cullompton Town Council has a duty to adopt and maintain a Guide to Information detailing:

- The classes of information it publishes;
- How and where such information is published (such as website, paper copy, etc.)
- Whether or not a charge is made for such information.

Other information is available from the Council by individual request, under the Freedom of Information Act 2000 and the General Data Protection Regulations, however as many requests are for routine information this guide will assist the public in quickly and efficiently locating what they want. If there is any information required that does not appear in this Publication Scheme then please contact the Town Clerk.

## **OBTAINING INFORMATION**

Much of the information listed in the Publication Scheme is supplied free of charge from the website. Where information is available only in paper format, this is also shown in the Scheme together with details of cost.

## **INFORMATION NOT INCLUDED IN THE SCHEME AND EXEMPTIONS**

Although the Freedom of Information Act 2000 creates a general right of access to information, it also sets out the information that the Council does not have to make available for specific reasons, called exemptions. This is the information that, if published, might prejudice the health, safety or security of the Council, our staff, systems, services or property.

The initial decision about whether to grant a request lies with the Town Clerk, if it is decided to turn down a request then the applicant will be informed in writing. The applicant then has a right to request an internal review if they are not happy with the decision of the Town Clerk.

If after the review, the information is still not disclosed, the applicant can ask the Information Commissioner to review the decision.

## **CHARGES**

Any copy and postage charges for publications are listed in the Publication Scheme.

If administration costs exceed £450, to enable a Freedom of Information request to be met, then the Council may charge the requestor for the administration costs in meeting that request.

Requests for information should be made as specific as possible. If the request is too broad the Council will ask for clarification which could mean it takes longer to get the information. As full a description as possible must be provided of the information required along with a name and address or email address. The request for information must also be clear about the format by which the information should be supplied e.g. by email or as paper copies.

Additional guidance on the Freedom of Information Act, Environmental Information Regulations and the General Data Protection Regulations are available on the ICO's website: [www.ico.gov.uk](http://www.ico.gov.uk) . Alternatively the ICO can be contacted by post, telephone or email;

Information Commissioner's Office  
Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF  
Helpline telephone number: 01625 545745  
Email: [mail@ico.gov.uk](mailto:mail@ico.gov.uk)

## **5. RECORDS MANAGEMENT**

This policy applies to all documents produced by the Town Council and all documents received in the Town Council's office. Its objective is to aid sensible, timely management and disposal of all filing, paperwork, records and documentation.

It is important that records are carefully retained and systematically filed as they are required for inspection by a number of agencies such as Internal Audit, External Audit, Department of Social Security, HMRC etc.

### **a) Retention and Disposal of Documents**

The requirements for the retention of specific records are laid down in the Accounts and Audit Regulations for Local Authorities. The advised periods and reasons for the retention of records are detailed on the attached below. Where the period is shown as a number of years, this is in addition to the current year.

Any documents relating to Town Council owned land and property will be retained indefinitely by the Town Council to give a complete picture of refurbishments, disposals or acquisitions.

Documents produced by and readily available from other sources will be destroyed when they are outdated or superseded.

Any documents of an historical nature can be offered to the County Records Office for safe keeping.

As details of planning applications are now available electronically, paper copies of applications will be destroyed once they have been considered by the relevant committee.

If there is likely to be a claim made against the Town Council under employment or other relevant legislation, the Personnel file will be archived until such times as any claim has been dealt with or legal advice states that it may be destroyed.

**b) Storage of Documents**

Documentation readily in use or where easy and regular access is required will be stored at the Town Council office.

Officers are encouraged to scan documentation where and when appropriate so that it is stored electronically for future reference. The IT systems are automatically backed up on a regular basis to ensure the safe keeping of electronic documents.

Certain specific documentation such as meeting minutes can be sent to the County Archives in Exeter.

**c) Destruction of Documents**

All confidential or sensitive documents and any documents containing personal information covered by the Data Protection Act that are earmarked for disposal, will be shredded at the Town Council office.

**RECORD MANAGEMENT POLICY**

<b>Document</b>	<b>Minimum Retention Period</b>	<b>Hard copy/electronically</b>	<b>Reason</b>
<b>Finance</b>			
Bank paying-in books and cheque book stubs	Last completed audit year	Hard copy	Audit
Bank statements, including deposit/savings accounts	Last completed audit year	Hard copy	Audit
Borrowing	Preserve indefinite	Hard copy	Audit Management
Insurance policies	While valid	Hard copy	Management
Employers Liability Certificate	40 years	Hard copy	Article 4 of the Employers' Liability (Compulsory Insurance) Regulations 1998 (SI.2753)
Paid invoices	6 years	Hard copy	VAT
Petty cash, postage & telephone books	6 years	Hard copy	Tax, VAT, Statute of Limitations

<b>Document</b>	<b>Minimum Retention Period</b>	<b>Hard copy/electronically</b>	<b>Reason</b>
Quotations and tenders	6 years	Hard copy	Statute of Limitations
Receipt & Payment accounts	Indefinite	Electronic	Archive
Receipt books of all kinds	6 years	Hard copy	VAT
Scales of fees & charges	6 years	Electronic	Management
Time-sheets	Last completed audit year	Hard copy	Audit
Title deeds, leases, agreements, contracts	Indefinite	Hard copy	Audit, Management
VAT records	6 years	Hard copy	VAT
Wages books	12 years	Electronic	Superannuation
<b>Burials</b>			
Applications for interment	Indefinite		Archives
Applications for right to erect memorials	Indefinite		Archives
Copy of certificates of grant of exclusive right of burial	Indefinite		Archives
Disposal certificates	Indefinite		Archives
Register of burials	Indefinite		Archives
Register of memorials	Indefinite		Archives
Register of purchased graves	Indefinite		Archives
Register/plan of grave spaces	Indefinite		Archives
<b>Administration</b>			
Minutes	Indefinite		Archive
Byelaws & orders	Indefinite		Archive
Written correspondence	6 Years		
Councillors' Declarations of acceptance of Office	Indefinite		Archive
Councillors' Register of Interest	Destroy 1 year after member leaves council		
Employees records	No longer than it is necessary for the purpose it is held.	Hard copy	
Health & Safety Records	Indefinite		Challenge
Leases, licenses & agreements	Preserve indefinite		Archive
Quotations & tenders for works	Destroy after 20 years		Statute of Limitation
Scales of fees and charges	Destroy after 5 years		Management

<b>Document</b>	<b>Minimum Retention Period</b>	<b>Hard copy/electronically</b>	<b>Reason</b>
Title Deeds	Preserve Indefinite		Archive