

# Fawley Parish Meeting. (FPM)

## Privacy and Notice of Fair Processing

The standards for lawful consent have now been raised under the GDPR. On 25th May 2018, the new EU regulation (GDPR), aims to give individuals control of their personal data and to simplify the regulatory environment for internal organisations by unifying the regulation within the EU. Personal data must be collected for specified, explicit and legitimate purposes relative to the purposes for which they are processed.

Under the EU General Data Protection Regulation (GDPR), FPM have been informed by the Information Commissioner's Office (ICO) that it is fair and lawful to process the data we hold because we are undertaking a **Public task**: the processing is necessary for us to perform a task in the public interest or for official functions, and the task or function has a clear basis in law.

### What is the "Public Task" condition?

Article 6(1)(e) gives a lawful basis for processing where:

"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 controller"

This can apply if either:

- carrying out a specific task in the public interest which is laid down by law; or
- exercising official authority (for example, a Parish Meeting's tasks, functions, duties or powers) which is laid down by law.

FPM is exercising official authority, including use of discretionary powers, and there is no additional public interest test. However, FPM must be able to demonstrate that the processing is 'necessary' for that purpose.

'Necessary' means that the processing must be a targeted and proportionate way of achieving its purpose. FPM does not have a lawful basis for processing if there is another reasonable and less intrusive way to achieve the same result.

In this Policy we use the term 'public task' to help describe and label this lawful basis. However, this is not a term used in the GDPR itself. The term however indicates that FPM is carrying out a task in the public interest, or that FPM is exercising official authority.

## **What conditions need to be met in respect of sensitive personal data?**

If the information is sensitive personal data, at least one of several other conditions must also be met before the processing can comply with the first data protection principle. These other conditions are as follows.

- The individual whom the sensitive personal data is about has given explicit consent to the processing.
- The processing is necessary so that we can comply with employment law.
- The processing is necessary to protect the vital interests of:
  - the individual (in a case where the individual's consent cannot be given or reasonably obtained), or
  - another person (in a case where the individual's consent has been unreasonably withheld).
- The processing is carried out by a not-for-profit organisation and does not involve disclosing personal data to a third party, unless the individual consents. Extra limitations apply to this condition.
- The individual has deliberately made the information public.
- The processing is necessary in relation to legal proceedings; for obtaining legal advice; or otherwise for establishing, exercising or defending legal rights.
- The processing is necessary for administering justice, or for exercising statutory or governmental functions.
- The processing is necessary for medical purposes, and is undertaken by a health professional or by someone who is subject to an equivalent duty of confidentiality.
- The processing is necessary for monitoring equality of opportunity, and is carried out with appropriate safeguards for the rights of individuals.

In addition to the above conditions – which are all set out in the Data Protection Act itself – regulations set out several other conditions for processing sensitive personal data. Their effect is to permit the processing of sensitive personal data for a range of other purposes – typically those that are substantially in the public interest, and which must necessarily be carried out without the explicit consent of the individual. Examples of such purposes include preventing or detecting crime and protecting the public against malpractice or maladministration.

A full list of the additional conditions for processing is set out on the [legislation.gov](http://legislation.gov) website:

## **When is processing “necessary”?**

Many of the conditions for processing depend on the processing being “necessary” for the particular purpose to which the condition relates. This imposes a strict requirement, because the condition will not be met if the organisation can achieve the purpose by some other reasonable means or if the processing is necessary only because the organisation has decided to operate in a particular way.

## **Your Personal Data**

We process your data in line with the principles of GDPR, which are:

1. Fairly and lawfully processed
2. Processed for limited purposes
3. Adequate, relevant and not excessive
4. Accurate
5. Not kept longer than necessary
6. Processed in accordance with individuals' rights:
  - a right of access to a copy of the information comprised in your personal data;
  - a right to object to processing that is likely to cause or is causing damage or distress;
  - a right to prevent processing for direct marketing;
  - a right to object to decisions being taken by automated means;
  - a right in certain circumstances to have inaccurate personal data rectified, blocked, erased or destroyed; and
  - a right to claim compensation for damages caused by a breach of the Act.
7. Kept Secure
8. Not transferred to countries outside the EU without adequate protection

## **What we need**

FPM will be what's known as the 'Controller' of the personal data you provide to us. We only collect basic personal data about you which does not include any special types of information under Article 9 of GDPR. This does however include name, address, email, telephone and mobile telephone numbers, and details of your preferences needed to fulfil our Public Tasks with you for legitimate purposes.

## **Why we need it**

We need to know your basic personal data in order to provide you with provision of our services and analysis in line with our public responsibilities. We will not collect any personal data from you we do not need in order to provide and oversee this service to you.

## **What we do with it**

All the personal data is processed by the FPM Committee in the UK. No third parties have access to your personal data unless the law allows them to do so. We may store your personal data in archives for an undefined period unless you request otherwise.

We have a Data Protection regime in place to oversee the effective and secure processing of your personal data.

### **How long we keep it**

Where we have an ongoing relationship we keep your personal data indefinitely. We are required under UK tax law to keep some information which may contain your basic personal data (name, address, contact details etc) for a minimum of period after which time it will be destroyed. Any information we use for communication purposes will be kept with us until you notify us that you no longer wish to receive this information.

### **What are your rights?**

Individuals' rights to erasure and data portability do not apply if processing is on the basis of public task. However, individuals do have a right to object.

If at any point you believe the information we process on you is incorrect, you may request to see this information and even have it corrected. We have a process in place to deal with Subject Access Requests (SARs) and SARs should be directed to our Data Protection Officer whose contact details are below.

If you wish to raise a complaint on how we have handled your personal data, you can contact our Data Protection Officer who will investigate the matter. If you are not satisfied with our response or believe we are processing your personal data not in accordance with the law you can complain to the Information Commissioner's Office (ICO).

Our Data Protection Officer is the Parish Meeting Clerk and you can contact him by email at [r.mcdonald2007@yahoo.co.uk](mailto:r.mcdonald2007@yahoo.co.uk)