

GENERAL DATA PROTECTION REGULATION (GDPR)

Background

The GDPR is the European Union's framework for data protection laws. This is being implemented in the United Kingdom and replaces the previous directive, which our current law is based upon.

Extract from the Warwickshire Association of Local Councils:

"GDPR builds on the legal framework established by the 1998 Act to balance the needs of organisations (businesses, not for profit and public bodies e.g. local authorities) in their capacities as data controllers and data processors to collect and use personal data against the rights of an individual to have his information (personal data) kept secure and private. GDPR has been introduced to address the privacy issues arising from a digital age in which personal data may be collected, transmitted, stored, manipulated and shared with relative ease e.g. using emails, websites, the internet and the cloud.

The purpose of the GDPR is to increase (i) the obligations on organisations when acting as data controllers and (ii) the rights of individuals to ensure that their personal data is respected and used only for legitimate purposes. It also imposes new obligations on data processors."

What is personal data?

Personal data is data that relates to a living individual who can be recognised from that data. The categories of personal data processed by a council may include:

- Communications with individual local residents including letters, complaints and council surveys – we occasionally have these for example letters about the amenities. They are filed safely and are only accessed by the Chairman and the Clerk;
- The Council's employment and recruitment records (e.g. employment contracts, and job applications) – we don't have any of these because there are no employees;
- Contracts with individuals and contracts which require processing of personal data - we do not believe that the arrangement between the Parish and Stratford District Council is technically a contract and in any case the activity does not require the processing of any personal data;
- Arrangements with volunteers – we have no formal arrangements;
- Communications with third parties e.g. principal authorities, CALCs, local charities, sports clubs, Disclosure and Barring Service ("DBS"), HMRC and staff pensions provider – only Stratford District Council and Warwickshire County Council for example planning matters which are in the public domain via the Council and we do not process any personal information;
- The electoral roll – this is held by the Clerk but is not shared or referenced. The Electoral Roll is searchable through Stratford District Council; and
- Legal proceedings or transactions with individuals – we have none

How this applies to Whatcote

Whatcote does not have any elected Councillors. It has a Parish Chair and a Clerk. Both are voluntary positions and unpaid.

As explained above, for the most part, Whatcote Parish does not process any personal data. It is too small to employ any individuals or enter into contracts for services and goods.

The Village has repeatedly voted against raising a Precept and so is entirely self-funded through the activities and events organised by the Village Association and by the litter picking and grounds maintenance carried out on behalf of Stratford District Council. These activities are subject to a informal arrangement between the Whatcote Village Association and Stratford District Council. The Village Association is a not for profit organisation and as such is distinct from Whatcote Parish.

We have therefore carried out a review using the 'contracts checklist' proposed by the Warwickshire Association of Local Councils and established that there are not at present any relevant contracts in existence.

We do not currently anticipate having to appoint a Data Protection Officer (DPO) under the GDPR. This is because the Government has tabled an amendment to its own Data Protection Bill to exempt all parish and town councils and parish meetings in England and community and town councils in Wales from the requirement to appoint a DPO.

Sharing personal data

The Parish will not share or export personal data received with third parties other than, if relevant for example the appointment of a new Parish Chair or Clerk, Stratford District Council.