

CONGLETON TOWN COUNCIL

INFORMATION & DATA PROTECTION POLICY

The Council recognises it must at times, keep and process sensitive and personal information about both employees and the public, it has therefore adopted this policy not only to meet its legal obligations but to ensure high standards. This Policy is linked to its Quality Policy, which will ensure information considerations are central to the ethos of the organisation, and to its ICT Policy.

The Council is very open about its operations and works closely with public, community and voluntary organisations. Therefore in the case of all information which is not personal or confidential, it will be prepared to make it available to partners and members of the Town's communities. Details of information which is available is contained in the Council's Publication Scheme *which is based on the statutory model publication scheme for local councils*.

Making Information Available

The Publication Scheme is a means by which the Council can make a significant amount of information available routinely, without waiting for someone to specifically request it. The scheme is intended to encourage local people to take an interest in the work of the Council and its role within the community.

In accordance with the provisions of the Freedom of Information Act 2000, this Scheme specifies the classes of information which the Council publishes or intends to publish. *It is supplemented with an Information Guide which will give greater detail of what the Council will make available and hopefully make it easier for people to access it.*

All formal meetings of Council and its committees are subject to statutory notice being given on notice boards, the Website and sent to the local media. The Council publishes an annual programme in May its year. All formal meetings are open to the public and press and reports to those meetings and relevant background papers are available for the public to see. The Council welcomes public participation and has a public question session on each Council meeting.

Occasionally, Council or committees may need to consider matters in private. Examples of this are matters involving personal details of staff, or a particular member of the public, or where details of commercial sensitivity are to be discussed. This will only happen after a formal resolution has been passed to exclude the press and public and reasons for the decision are stated. Minutes from all formal meetings, including the confidential parts are public documents.

The Council are willing to make special arrangements on request for persons who do not have English as their first language or those with hearing or sight difficulties.

Protecting Confidential or Sensitive Information

The Data Protection Act 1998 seeks to strike a balance between the rights of individuals and the sometimes competing interests of those with legitimate reasons for using personal information. The policy is based on these principles:

The Council will make any notification required to the Information Commissioner's Office under the Data Protection Act and periodically up date the information.

The Council will comply with the eight principles of good practice for processing sensitive data, by ensuring it is:

- Fairly & lawfully processed
- Processed for limited purposes
- Adequate, relevant & not excessive
- Accurate and up to date
- Not kept longer than is necessary
- Processed in accordance with the individuals rights
- Secure
- Not transferred to countries outside the EU unless the country has adequate protection for the individual.

The Council will ensure that at least one of the following conditions is met for personal information to be considered fairly processed:

- The individual has consented to the processing
- Processing is necessary for the performance of a contract with the individual
- Processing is required under a legal obligation
- Processing is necessary to protect the vital interests of the individual
- Processing is necessary to carry out public functions
- Processing is necessary in order to pursue the legitimate interests of the data controller or third parties.

Particular attention is paid to the processing of any sensitive personal information and the Council will ensure that at least one of the following conditions is met:

- Explicit consent of the individual
- Required by law to process the data for employment purposes
- A requirement in order to protect the vital interests of the individual or another person

The Council will always provide information on personnel data to employees through the Employee handbook.

The Council will ensure that individuals on whom personal information is kept are aware of their rights and have easy access to that information on request.

Disclosure Information

The Council will as necessary undertake checks on both staff and Members with the Criminal Records Bureau and will comply with their Code of Conduct relating to the secure storage, handling, use, retention and disposal of Disclosures and Disclosure Information. It will include an appropriate operating procedure in its integrated quality management system.