

Tonyrefail & District  
Community Council

# Privacy Notice

Approved by  
Policy & Finance Committee  
May 2018

## **Why have a privacy policy?**

Tonyrefail & District Community Council is committed to protecting your privacy when you use its services. Set out in this notice is the Council policy/practice that deals with 'personal data'/information (personal data) and to fulfill the Data Protection legislation (the Legislation) requirements which is regulated and enforced by the Information Commission Officer (see later for contact details).

## **What is personal data?**

Personal information can be anything that directly or indirectly identifies and relates to a living person. This can include information that when linked with other information can identify a person.

Some information is 'special' and needs more protection due to its sensitivity. It is often information you would not want widely known and is very personal to you. This is likely to include anything that can reveal your:

- sexuality and sexual health
- religious or philosophical beliefs
- ethnicity
- physical or mental health
- trade union membership
- political opinion
- genetic/biometric data
- criminal history.

## **Who has responsibility for personal data?**

### **Data Controller**

**Tonyrefail & District Community Council** is the data controller under the Legislation in respect of all personal data collected. (The Council is registered as a data controller with the Information Commissioner's Office. The Council's contact details are:-

The Clerk  
Tonyrefail & District Community Council  
Trane Cemetery, Gilfach Road  
Tonyrefail  
Rhondda Cynon Taff  
CF39 8HL  
Tel: 01443 673991  
Email: ton.cc@btconnect.com

### **The Council's Data Processing Officers are:**

Pauline Williams – Clerk to the Council - Tel: 01443 673991

### **How does the Council take decisions and process personal data?**

The Council's powers derive from legislation. In accordance with these powers decisions are usually taken at the Council, Committee, or sub-Committee meetings although it can delegate decisions, for example, to an officer.

When using personal data, the Council will comply with a series of data protection principles. These principles are to protect you. The Council will:

- Process all personal information lawfully, fairly and in a transparent manner;
- Collect personal information for a specified, explicit and legitimate purpose;
- Ensure that the personal information processed is adequate, relevant and limited to the purposes for which it was collected;
- Ensure the personal information is accurate and up to date;
- Keep your personal information for no longer than is necessary for the purpose(s) for which it was collected;
- Keep your personal information securely using appropriate technical or organisational measures.
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### **Why does the Council process personal data?**

Information about you is required to, for example:

- deliver and manage services to you and the locality the Council represents such as;
  - consultation on planning application;
  - enquiries and complaints;
  - allotments;
  - events;
  - grants;
  - publicity;
  - Trane cemetery
  - legal and other claims;
- train and manage staff to deliver the service;
- investigate complaints you have about the services;
- keep track of spending on services;
- check the quality of services; and
- to help with research and planning of new services.

Not always, but on occasions and before using the personal data received, the Council may require your consent. (If your consent is required you will be invited to

sign a consent notice and return it to the Council. However, you will NOT be obliged to give your consent and any consent given can be withdrawn later.)

### **How does the law allow the Council to use your personal data?**

There are many occasions when the law allows the Council to use your personal data:

- where you, or your representative, has given explicit consent for specific processing purpose(s);
- you have undertaken a contract with the Council or have undertaken steps leading to the award of a contract;
- for employment purposes;
- to comply with the Council's statutory duties;
- to protect you or another individual's "vital interests" in an emergency;
- to undertake a task carried out in the public interest or in the exercise of authority given to the Council;
- to deal with a legal and other claim(s);
- you have made your data publicly available;
- for archiving, research or statistical purposes; and
- for legitimate interests - note the Council can only rely on this ground if it is processing for a legitimate reason other than performing tasks as a public authority.

Note:

Alternative rules apply for the processing of the "sensitive"/special categories of personal data, referred to above.

Consent:

If you have given the Council your consent, you have the right to remove it at any time. If you want to remove your consent, please contact the Clerk at the above address to deal with your request

### **When will the Council use the personal data?**

The Council will only collect and use personal information if it is needed it to deliver a service or meet a requirement.

If the Council uses your personal data for research and analysis, it will be kept anonymous or use a different name unless you' have agreed that your personal data can be used.

The Council does not sell your personal information.

## **Who may also receive your information?**

Sometimes the Council has a legal duty to provide your personal data to other organisations and this may override your right to privacy, for example:

- in order to find and stop crime and fraud; or
- if there are serious risks to the public, or staff; or
- if there is an emergency.

Additionally, the Council may share your personal data with organisations to help the delivery of the service you may receive such as:

- the NHS;
- the County Borough Council;
- the Police;
- the Fire Service;
- HMRC; and, possibly, voluntary organisations.

Unless required by law, and before sharing the information, the Council will seek to ensure that the sharing organisation itself complies with the Legislation:

## **How long will the personal data be held?**

The Council will only keep your information for as long as it is required to be retained and the retention period is either set out in the Council policy or in the Legislation. There will be a good or legal reason for keeping your personal data for a set period.

Once your information is no longer needed it will be securely and confidentially destroyed. A copy of the Council policy can be viewed at [www.tonyrefail.cc](http://www.tonyrefail.cc) or obtained by contacting the Council.

## **What are your rights?**

You have certain rights under the Legislation, namely:

- The right of access to any personal information the Council holds about you;
- To request a copy of this information you must make a subject access request in writing to the Clerk, either by way of a letter, [email](#) or by an agreed alternative method:

To enable the Council to deal with the request you will need to include your current name and address, proof of identity (such as copy of your driving license, passport or two different utility bills that display your name and address), and as much detail as possible so that the authority can identify any information it may hold. However, the council will not let you have data involving:

- Confidential information about other people; or

- Data that will cause serious harm to your or someone else's physical or mental wellbeing; or
- If the information may obstruct the Council from preventing or detecting a crime.
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You should receive free a copy of your personal data within a calendar month of receipt of your request;

- The right of rectification. The Council must correct inaccurate or incomplete data within one month;
- The right to erasure. You have the right to have your personal data deleted and to prevent processing unless the Council has a reason or legal obligation to process your personal data;
- The right to restrict processing. You have the right to suppress processing. The Council can retain only information about you to ensure that the restriction is respected in future;
- The right to data portability. The Council will provide you with your personal data in a structured, commonly used, electronic readable form when asked;
- The right to object. You can object to your personal data being used for profiling, direct marketing or research purposes (see below); and
- Rights in relation to automated decision making (see below) to reduce the risk that a potentially damaging decision is taken without staff involvement. Please note that the Council does not undertake automated decision making.

**Does the Council's transfer personal data to a third country and where is the personal data kept?**

The Council stores paper copy data under lock and key in its office and electronic personal data in the "cloud" possibly outside the UK and the EU. The internet is global, and there may be occasions when the data may leave the UK. It is also possible that information provided will be temporarily transferred via a route outside the EU as it passes between you and the Council.

You should also be aware that data transmitted via the Internet cannot be guaranteed to be completely secure during transmission. The Council cannot ensure

nor warrant the security of any information you transmit to the Council whether by email or otherwise.

### **Security of your information and how does the Council protect the personal data?**

The council will do what it can to make sure that the data is held in a secure way whether on paper or electronically in a secure way. The security includes, for example:

- Encryption, meaning that information is hidden so that it cannot be read without special knowledge (such as a password). This is done with a secret code or a 'cypher'. The hidden information is then said to be 'encrypted'.
- Pseudonymisation, meaning that the Council will use a different name to hide parts of your personal information from view. This means that someone outside the Council could work on your information without ever knowing it was yours;
- Controlling access to systems and networks allows us to stop people who are not allowed to view your personal information from getting access to it;
- Training staff to make them aware of how to handle information and how and when to report when something goes wrong; and
- Keeping up to date on the latest security updates (commonly called patches).

### **How to make a complaint or comment?**

If you wish to make a complaint or comment, please contact the Council, for example, by calling at the office, or by letter or email.

You may also contact the Information Commissioner's Office at:

The Information Commissioner's Office, Wales, 2nd Floor, Churchill House, Churchill Way, Cardiff, CF10 2HH Telephone: 029 2067 8400 Fax: 029 2067 8399 Email: [wales@ico.org.uk](mailto:wales@ico.org.uk) The office welcomes calls in Welsh on 029 2067 8400. Mae'r swyddfa yn croesawu galwadau yn Gymraeg ar 029 2067 8400, or

The Information Commissioner Wycliffe House Water Lane Wilmslow Cheshire SK9  
5AF Phone: 08456 30 60 60 Website: [www.ico.gov.uk](http://www.ico.gov.uk)

Does the Council undertake automated decision making, including profiling and information about how

## **Appendix**

### **Personal data held by the Council**

The following outlines the main personal data that the Council holds, why this is held and for how long it is held for.

#### **Trane cemetery**

Tonyrefail & District Community Council has obtained the following categories of your personal data:

- Contact details
- Details relating to the deceased

#### **Source of personal data**

This information has been shared with Tonyrefail & District Community Council by another organisation as details below:

- Your chosen Funeral director
- Your chosen Memorial Mason

### **Your obligations**

You have an obligation to provide the information requested.

There is a statutory obligation for you to provide the information requested as per the Local Governments Act 1972 and the Local Authorities Cemeteries Order 1977.

Without your information we will be unable to provide this service/public task.

### **Purpose and legal basis for using your information**

#### **Our legal reason(s) for using your information:**

- We are under legal obligation to process your information
- Processing is necessary for the performance of a public task.

### **Grant requests**

The information in grant applications will be held by the Council for considering the grant application.

The information provided in the application form will be presented to a Council meeting and become a permanent public record in the Council minutes

The “information for the website” section of the form will be used to publish information about the organisation on the Tonyrefail.cc website for a period of 15 months. This will be updated annually to ensure it remains relevant and approval to publish is held.

The “contact information for the application” section will be retained for up to 7 years as an audit trail for our expenditure and may be shared with relevant authorities when requested by them.

### **Correspondence**

The Council will hold personal details from people who have contacted it in relation to Council services, queries, events etc.

The Council will retain this data for as long as is relevant to deal with the query or the law requires us to do so, or due to the nature of the query a longer retention date would apply (see data retention policy). We will not share this data externally unless sharing the data will assist in resolving the query or we are required to do so.

Where we believe it might prove useful to retain correspondence on file beyond resolution to assist possible future queries we will hold the correspondence for up to 5 years.

### **Leaflets/Notices**

People regularly ask us to put out some leaflets or notices about various Community groups and events. In some cases, these include personal contact information.

The Council will agree with you where this information will be displayed and for how long. Typically we will display until the event is held or 4 weeks (for non-date specific information)

### **Job applications**

If you apply for a job with the Council, we will retain your details for the purpose of dealing with your application.

Applications from candidates who are not interviewed will be retained for a period of 1m from being advised that application was not successful

Applications from candidates who were interviewed, but not offered the role may be retained for up to 9months in case a subsequent vacancy arises.

### **Volunteer records**

The Council will retain the details of any volunteers who have offered to support us or other organisations in the area.

The data will be used to advise the volunteers of events and opportunities which may be of interest to them.

The Council will retain the data for up to 15months and will update consent annually. This data will not be shared with any third parties without the Volunteers specific consent

### **Planning applications**

RCT County Borough Council advise us of planning applications in our area as part of the statutory consultation process.

Tonyrefail & District Community Council will retain details of the application for up to 3 months during which time Members will consider if we wish to respond to RCT CBC and follow the response through.

If the Council comments on the application, then details will be retained for up to 6 years.

### **Gifts & Hospitality**

The Council is required to record all Gifts and Hospitality received by Members and officers. This is recorded and published on our website and retained indefinitely.

## **Community Group information**

The Council will hold and publish information on our website of local Community groups for promoting those groups and their activities to the Community.

We will also use the data to contact groups regarding events and information which may be of interest to them.

Other than publishing on our website we will not share this data externally.

The Council will retain the data for up to 15months and will update consent annually.

## **Local business information**

The Council will hold and publish information on our website of local businesses for promoting the local economy and the businesses to the Community.

We will also use the data to contact the businesses regarding events and information which may be of interest to them.

Other than publishing on our website we will not share this data externally.

The Council will retain the data for up to 15months and will update consent annually