

The Data Protection Act

The Data Protection Act 2018 sets out high standards for the handling of personal information and protecting individuals' rights for privacy. It also regulates how personal information can be collected, handled and used. The Data Protection Act applies to anyone holding personal information about people electronically or on paper.

As a local authority Brightwell Cum Sotwell Parish Council has a number of procedures in place to ensure that it complies with The Data Protection Act 2018 when holding personal information. The Parish Council has also notified the Information Commissioner that it holds personal data about individuals.

The following document sets out the way that data will be collected, used and stored for the purposes of the 2022 Neighbourhood Plan Modification, Regulation 14 consultation.

Regulation 14 Consultation

Pre-submission consultation requirements include publicising the draft plan to people who live, work or run businesses in the parish. The Parish Council's publicity will include details of the proposed neighbourhood plan, where and when it may be viewed, and how to make comments on the plan and by what date.

Consultation Period Monday 21 March – 18.00 Tuesday 3rd May

Details on the consultation will be shared in The Villager (the parish magazine), posters, the community website, the parish council website and in letters to statutory bodies and other named people, businesses, neighbouring parish councils, significant landowners, organisations and local groups that have been identified by the parish council.

Paper copies of the modified neighbourhood plan and associated documents will be available in The Parish Office, at the Village Shop and The Red Lion public house for inspection.

Online versions of the modifications proposal and associated documents will be available on the Brightwell cum Sotwell Parish Council website throughout the six week consultation period. In addition, two public drop in sessions will be held during the six week consultation period on during which interested persons can ask the neighbourhood plan team and parish councillors questions or discuss the plan on a one-to-one basis. These will take place in the Stewart Room, Village Hall on Saturday 2nd April 10 -12am and on Tuesday 5th April 6 – 8.00 pm.

Copies of the neighbourhood plan will be made available to those people who can't access a digital or displayed copy.

Comments will be made by emailing or writing the Parish Clerk during the period specified at the following addresses:

The Parish Clerk, Stewart Village Hall, West End, Brightwell cum Sotwell OX10 0RT
bcsparishcouncil@googlemail.com

Any comments received by the end of the consultation period will be considered conscientiously by the neighbourhood plan sub group – with all representations set out in a report for the parish council. The sub group will make a decision on whether or not to amend the draft neighbourhood plan in response to each representation. The decisions on whether or not to amend the plan, and the reasoning behind them, will be recorded and this information incorporated into a subsequent consultation statement that will be presented to the parish council for their agreement on any recommendations for modification to the draft Regulation 14 plan.

When dealing with personal data during and after the Regulation 14 consultation, Brightwell Parish Council Clerk, Councillors and members of the NP Sub Group will ensure that:

- Data is processed fairly and lawfully
- Personal information will only be collected from individuals if staff and Councillors have been open and honest about why they want the personal information. Information collected will only be used for the purposes of making the neighbourhood plan.
- Data is processed for specified purposes only.
- Data is relevant to what it is needed for
- Data will be monitored so that too much or too little is not kept; only data that is needed should be held.
- Data is accurate and kept up to date
- Personal data should be accurate, if it is not it should be corrected.
- Data is not kept longer than it is needed
- Data will not be kept longer than it is needed for its original purpose or anticipated needs.
- Data is processed in accordance with the rights of individuals
- Individuals must be informed, upon request, of all the personal information held about them.
- Data is kept securely
- Only staff and Councillors can access the data. It should be stored securely so it cannot be accessed by members of the public.

In regard to the above, respondents to the Regulation 14 period consultation will be asked to provide their names and addresses in their response alongside their comments. This data will be collected from emails, consultation replies and letters sent to the Parish Clerk.

These comments will be collated in a consultation report that will be used in public documents to inform the next stage of the development of the neighbourhood plan.

Names and addresses that have been supplied in association with any response will be used by the parish council and the parish council sub group in order to inform the development of the neighbourhood plan but will not be published in the public consultation report.

Information will be retained by the parish council for the purposes of the neighbourhood plan. The Consultation report will refer to 'respondent 1' respondent 2' and so on.

Brightwell cum Sotwell Parish Council Data Protection Statement (March 2022)

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Freedom of Information Act (FOI)

The Freedom of Information Act 2000 provides public access to information held by public authorities. It does this in two ways:

- public authorities are obliged to publish certain information about their activities;
and
- members of the public are entitled to request information from public authorities.

The Act covers any recorded information that is held by a public authority in England, Wales and Northern Ireland, and by UK-wide public authorities based in Scotland.

Recorded information includes printed documents, computer files, letters, emails, photographs, and sound or video recordings.

The Act does not give people access to their own personal data as this is covered under Data Protection Act 2018.

Environmental Information Regulations (EIR)

The Environmental Information Regulations 2004 provide public access to environmental information held by public authorities. The Regulations do this in two ways:

- public authorities must make environmental information available proactively;
- members of the public are entitled to request environmental information from public authorities.

The Regulations cover any recorded information held by public authorities in England, Wales and Northern Ireland. Environmental information held by Scottish public authorities is covered by the Environmental Information (Scotland) Regulations 2004.

The Regulations apply only to the environmental information held by public authorities. The Freedom of Information Act gives people access to most other types of information held by public authorities.

The Regulations and the Freedom of Information Act do not give people access to their own personal data (information about themselves), such as their health records or credit reference files. Individuals have a right of access to information held about them under the Data Protection Act 2018.

Storing and accessing data

Brightwell Cum Sotwell Parish Council recognises its responsibility to be open with people when taking personal details from them. The Councillors and Clerk must be honest about why they want a particular piece of personal information. If, for example, a member of the public gives their telephone number to the Clerk or a member of the Parish Council, this will only be used for the purpose it has been given and will not be disclosed to anyone else.

The Parish Council may hold personal information about individuals such as their addresses and telephone numbers. This information will be kept in a secure location at the office of the Parish Clerk and is not available for public access. All electronic data stored by the Parish Council is password protected. Once data is not needed anymore, if it is out of date or has served its use, it will be deleted or disposed of securely.

The Parish Council is aware that people have the right to access any personal information that is held about them. If a person requests to see any data (a Subject Access Request) that is being held about them:

- they must be sent all the personal information that is being held about them;
- there must be an explanation for why it has been stored;
- there must be a list of who has seen it;
- it must be sent within one calendar month.

Disclosure of personal information

If a Councillor needs to access personal information to help carry out their duties, this is acceptable. They are only able to access as much personal information as necessary and it

should only be used for that specific purpose. However, before they access any sensitive personal information about a person, they would need consent to do this from the Parish Clerk. Data should never be used for political reasons unless the data subjects have consented.

Reporting on requests

The Parish Council will maintain a Disclosure Log which will be reported annually. The Log will include how many requests for information have been received under which item of legislation (DPA, FOI or EIR), whether the statutory response timescales have been complied with and the sector the request had come from (business, local MPs, members of the public within the district, or members of the public outside the district).

Confidentiality

Brightwell Cum Sotwell Parish Council Councillors and staff must be aware that when complaints or queries are made, they must remain confidential unless the subject gives permission otherwise. When handling personal data, this must also remain confidential.

This policy was adopted by Brightwell Cum Sotwell to be reviewed within two years or when an update is received from the Information Commissioner, if sooner.