



Falmouth Town Council

DATA PROTECTION AND RETENTION

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INTRODUCTION

The Town Council recognises it must at times, keep and process sensitive and personal information concerning both employees and the public. It has adopted this policy to not only meet the legal obligations, but to ensure high standards of practice. The Town Council is open about its operations and works closely with the community. In the case of information that is not personal or confidential, the Town Council is prepared to make information available to the public. 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.

DEFINITIONS

- 1.1 For the purposes of this policy, "record" shall be interpreted to mean any papers, files, books, photographs, tapes, films, recordings or other documentary materials or any copies thereof, regardless of physical form, made, produced, executed or received by any employee in connection with the transaction of Falmouth Town Council's business.
- 1.2 The term "electronic record" means any record which is created, received, maintained or stored on local workstations or central servers. Examples include, but are not limited to: email, word processing documents, spreadsheets and databases – including but not limited to file records, investigation reports, financial accounting records and payroll records.
- 1.3 "Official Records" are records maintained but not limited to Accounts (all financial records, VAT records, payroll records, bank accounts etc), electronic records, HR records (personnel records, insurance records etc) and Council Operation records (minutes, correspondence etc).

DATA RETENTION

- 2.1 The purpose of this policy is to ensure that necessary records and documents are adequately protected and maintained and to ensure that records which are no longer needed or of no value are discarded at the appropriate time.
- 2.2 Record and Documents no longer required under the retention policy, may be required to be kept under the Archive policy, and before destruction this should be checked.
- 2.3 This policy relates to electronic records as well as physical "hard copies".
- 2.4 Individuals responsible for the retention of records are also responsible for their destruction following the retention period.
- 2.5 Sensitive or confidential documents must be disposed of by shredding or other means to ensure that the material can no longer be read or interpreted.

- 2.6 Appendix 1 sets out the Town Council's data retention requirements and the justification for the periods specified.
- 2.7 Record retention periods may be increased by government regulation, judicial or administrative constraint order, private or government contract, pending litigation or audit requirements. Such modifications supersede the requirements in appendix 1.
- 2.8 The Town Clerk (or department head) will maintain a listing of major documents used by the department in line with the requirements in appendix 1.
- 2.9 In the event of a government audit, investigation or pending litigation, record disposition may be suspended at the direction of the Town Mayor or Town Clerk and subsequently ratified by the Personnel Committee.
- 2.10 When litigation, complaints or investigations against the Town Council or its employees are filed or threatened, the law imposes a duty upon the Council to preserve all documents and records pertaining to the issues. In this instance the Town Mayor or Town Clerk will notify appropriate employees/departments of a 'hold' directive.
- 2.11 The hold under 2.10 supersedes the retention schedule in appendix 1, and the Town Clerk will inform employees/departments when holds are cleared.
- 2.12 Electronic records such as emails and computer accounts will be immediately maintained by appropriate departments until the hold is released. No employee or department who has been notified of a hold may alter or delete any electronic records that fall within the scope of that hold.
- 2.13 Violation of the hold may subject the individual to disciplinary action, up to and including dismissal as well as personal liability for civil and criminal sanctions by the courts or enforcement agencies.
- 2.14 No document list can be exhaustive. Questions regarding the retention period for any specific document or class of documents not included in the below table should be addressed to the Town Clerk who will consult with the relevant committee chair.

MAKING INFORMATION AVAILABLE

- 3.1 The Town Council Publication Scheme is a means by which the Town Council can make a significant amount of information routinely available 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.
- 3.2 In accordance with the Freedom of Information Act 2000, this scheme specifies the classes of information which the Council publishes or intends to publish, as well as an information guide giving greater detail of what the Council will make available. This aims to make it easier for the public to access information.
- 3.3 All formal meetings of the Town Council and its committees are subject to statutory notice given on the noticeboard at the Town Council offices. The agenda is also published on the Town Council website, and circulated by e-mail to members of the public who request copies via the Town Clerk.
- 3.4 The Town Council welcomes public participation and has a public questions and speaking protocol at Council and some Committee meetings.
- 3.5 Occasionally the Council or committees may need to consider matters in private. This may include matters involving personal details of employees or where details of commercial sensitivity are to be discussed. This can only happen after a formal resolution to exclude the public and press has been passed, and will specify the reasons for the decision.
- 3.6 Minutes from all formal meetings, including the confidential parts are public documents.

APPENDIX 1 – DOCUMENT RETENTION AND DESTRUCTION

<u>Document</u>	<u>Reason</u>	<u>Minimum Period of retention</u>	<u>Reason</u>
Signed Council & Committee Minutes	Archive / Public Inspection	Permanent archive after administrative use	
Articles of Incorporation	Archive / Public Inspection	Permanent archive after administrative use	
Charter	Archive / Public Inspection	Permanent archive after administrative use	
By-laws	Archive / Public Inspection	Permanent archive after administrative use	
Corporate plans, strategies, policies, business plans, annual reports, asset registers, employee handbook	Common practice	Permanent archive after superseded	
Operating Procedures	Local choice	2 years after superseded	
Title Deeds, leases, agreements and contracts	Management	Indefinite	
Licenses	Management	Destroy 6 years after expiry	
Record of Complaints against the Council	Common practice	Destroy after 6 years	
Funding Documents	Funding Requirements	As required by individual funders	
Press Releases	Local choice	Destroy after 3 years	
Health and Safety and Risk Management Documentation	Recommended Practice	Destroy after 3 years	
<i>Documents will be kept as required by individual funders.</i>			
FINANCIAL DOCUMENTS			
Receipt and Payment Accounts	Archive	Indefinite	
Receipt books of all kinds	VAT	6 years	
Bank Statements, including deposit / savings accounts	Audit	Last completed audit year	
Cheque book stubs & paying in books	Last completed audit year	Last completed audit year	
Quotation and Tenders	Limitations Act	12 years	
Paid Invoices	VAT	6 years	
VAT Records	VAT	6 years	
Budget and estimates	statutory	Permanent archive after 3 years	

Accounts & Audits	Permanent archive after administrative use	Common Practice
Building Contracts	Life of building + 15 years	statutory
Insurance Policies	40 Years	statutory
Insurance Claims	Destroy after 7 years	Management
loans	Destroy 7 years after loan repaid	Common practice
Investments	Indefinite	Audit/Management
Salary/Wage/tax Documents (Inland Revenue)	12 years	Superannuation
ELECTRONIC DOCUMENTS		
Email	2 Years	Local Choice
Fascimiles	2 Years	Local Choice
Scanned Documents	2 Years	Local Choice
HR DOCUMENTS		
Timesheets	Last completed audit year	Audit
Recruitment Documents including job announcements, person specifications and job description	5 Years	Equal Opportunities Claims
Documents on persons not hired to include application forms, letters, CV's and interview notes	1 Year	Equal Opportunities Claims
Statutory Maternity/Paternity Pay and Leave records	Current tax year plus 3 years	Local Choice
Accident or injury at work	7 Years	Local Choice
Personnel Administration including CV's annual appraisals, disciplinary records, sickness, leave, training records, contracts, redundancy, promotion/pay awards/pay levels etc	Destroy 6 years after person leaves the council, except staff working with children (25yrs)	Local Choice & statutory
Prior to the destruction of the files, a summary of services must be created. This will include Name, Position(s), date of employment, pay level etc. This will indicate references given to third parties		
Summary of Service	Permanent	Local Choice
References	Destroy 5 years after person leaves the Council	Insurance
Register of Members allowances	6 years	Income Tax, Limitation act

Health Surveillance Monitoring		40 Years	Statutory
CASE FILES			
Investigation services		Active + 2 Years	Local Choice
Commercial Debt Recovery Matters		Active + 2 Years	Local Choice
Legal/Litigation files		Active + 7 Years	Local Choice

DATA PROTECTION – PRIVACY POLICY

1. Your personal data – what is it?

“Personal data” is any information about a living individual which allows them to be identified from that data (for example a name, photographs, videos, email address, or address). Identification can be by the personal data alone or in conjunction with any other personal data. The processing of personal data is governed by legislation relating to personal data which applies in the United Kingdom including the General Data Protection Regulation (the “GDPR”) and other local legislation relating to personal data and rights such as the Human Rights Act.

2. Council information

This Privacy Policy is provided to you by Falmouth Town Council which is the data controller for your data.

- www.falmouthtowncouncil.com
- Falmouth Town Council
The Old Post Office
The Moor
Falmouth
TR11 3QA

3. Who are the data controllers?

- Cornwall Council
- Community groups
- Charities
- Other not for profit entities
- Contractors
- Credit reference agencies

4. What personal data is collected?

- Names, titles, and aliases, photographs;
- Contact details such as telephone numbers, addresses, and email addresses;
- Where they are relevant to the services provided by a council, or where you provide them to us, we may process demographic information such as gender, age, marital status, nationality, education/work histories, academic/professional qualifications, hobbies, family composition, and dependants;
- Where you pay for activities such as use of a council hall, financial identifiers such as bank account numbers, payment card numbers, payment/transaction identifiers, policy numbers, and claim numbers;
- The data we process may include sensitive personal data or other special categories of data such as racial or ethnic origin, mental and physical health, details of injuries, medication/treatment received, political beliefs, trade union affiliation, genetic data, biometric data, data concerning and sex life or sexual orientation.
- Website data - Is activity information (including user behaviour data) collected? e.g. - Information from synching with other software or services - Interaction with social media (functional and/or

marketing) and what information is available? - Information about payments - Access to social media profiles - Demographic information

- Information collected automatically from use of the service? e.g. - Device information (nature of device and/ or identifiers) - Log information (including IP address) - Location information (how is location collected/inferred) - Device sensor information - Site visited before arriving - Browser type and or OS - Interaction with email messages

- Information from other sources? (identify the sources) e.g. - Referral or recommendation programmes - Publicly accessible sources

- Information from cookies or similar technologies (incl. in-app codes) (including whether session or persistent) e.g. - Essential login/authentication or navigation - Functionality – remember settings - Performance & Analytics – user behaviour - Advertising/retargeting - Any third-party software served on users - Other

- Nature of any outbound communications with website users - Email - Telephone (voice) -

Telephone (text) 5. The council will comply with data protection law. This says that the personal data we hold about you must be:

5. The Council will comply with data protection law. This says that the personal data we hold about you must be:

- Used lawfully, fairly and in a transparent way.
- Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.
- Relevant to the purposes we have told you about and limited only to those purposes.
- Accurate and kept up to date.
- Kept only as long as necessary for the purposes we have told you about.
- Kept and destroyed securely including ensuring that appropriate technical and security measures are in place to protect your personal data to protect personal data from loss, misuse, unauthorised access and disclosure.

6. We use your personal data for some or all of the following purposes:

- To deliver public services including to understand your needs to provide the services that you request and to understand what we can do for you and inform you of other relevant services;
- To confirm your identity to provide some services;
- To contact you by post, email, telephone or using social media (e.g., Facebook, Twitter, WhatsApp);
- To help us to build up a picture of how we are performing;
- To prevent and detect fraud and corruption in the use of public funds and where necessary for the law enforcement functions;
- To enable us to meet all legal and statutory obligations and powers including any delegated functions;
- To carry out comprehensive safeguarding procedures (including due diligence and complaints handling) in accordance with best safeguarding practice from time to time with the aim of ensuring that all children and adults-at-risk are provided with safe environments and generally as necessary to protect individuals from harm or injury;
- To promote the interests of the council;
- To maintain our own accounts and records;
- To seek your views, opinions or comments;
- To notify you of changes to our facilities, services, events and staff, councillors and role holders;
- To send you communications which you have requested and that may be of interest to you. These may include information about campaigns, appeals, other new projects or initiatives;

- To process relevant financial transactions including grants and payments for goods and services supplied to the council
- To allow the statistical analysis of data so we can plan the provision of services.

Our processing may also include the use of CCTV systems for the prevention and prosecution of crime.

7. What is the legal basis for processing your personal data?

The council is a public authority and has certain powers and duties. Most of your personal data is processed for compliance with a legal obligation which includes the discharge of the council's statutory functions and powers. Sometime when exercising these powers or duties it is necessary to process personal data of residents or people using the council's services. We will always take into account your interests and rights. This Privacy Policy sets out your rights and the council's obligations to you in detail.

We may also process personal data if it is necessary for the performance of a contract with you, or to take steps to enter into a contract. An example of this would be processing your data in connection with the use of sports facilities, or the acceptance of an allotment garden tenancy.

Sometimes the use of your personal data requires your consent. We will first obtain your consent to that use.

8. Sharing your personal data

The council will implement appropriate security measures to protect your personal data. This section of the Privacy Policy provides information about the third parties with whom the council will share your personal data. These third parties also have an obligation to put in place

appropriate security measures and will be responsible to you directly for the manner in which they process and protect your personal data. It is likely that we will need to share your data with some or all of the following (but only where necessary):

- Our agents, suppliers and contractors. For example, we may ask a commercial provider to publish or distribute newsletters on our behalf, or to maintain our database software;
- On occasion, other local authorities or not for profit bodies with which we are carrying out joint ventures e.g. in relation to facilities or events for the community.

9. How long do we keep your personal data?

We will keep some records permanently if we are legally required to do so. We may keep some other records for an extended period of time and in accordance with our Data Protection and Retention Policy. For example, it is current best practice to keep financial records for a minimum period of 8 years to support HMRC audits or provide tax information. We may have legal obligations to retain some data in connection with our statutory obligations as a public authority. The council is permitted to retain data in order to defend or pursue claims. In some cases the law imposes a time limit for such claims (for example 3 years for personal injury claims or 6 years for contract claims).

We will retain some personal data for this purpose as long as we believe it is necessary to be able to defend or pursue a claim. In general, we will endeavour to keep data only for as long as we need it. This means that we will delete it when it is no longer needed.

10. Your rights and your personal data You have the following rights with respect to your personal data:

When exercising any of the rights listed below, in order to process your request, we may need to verify your identity for your security. In such cases we will need you to respond with proof of your identity before you can exercise these rights.

- (i) The right to access personal data we hold on you
- (ii) The right to correct and update the personal data we hold on you
- (iii) The right to have your personal data erased
- (iv) The right to object to processing of your personal data or to restrict it to certain purposes only
- (v) The right to data portability
- (vi) The right to withdraw your consent to the processing at any time for any processing of data to which consent was obtained
- (vii) The right to lodge a complaint with the Information Commissioner's Office.

You can contact the Information Commissioners Office on 0303 123 1113 or via email <https://ico.org.uk/global/contact-us/email/> or at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

11. Transfer of Data Abroad

Any personal data transferred to countries or territories outside the European Economic Area ("EEA") will only be placed on systems complying with measures giving equivalent protection of personal rights either through international agreements or contracts approved by the European Union. Our website is also accessible from overseas so on occasion some personal data (for example in a newsletter) may be accessed from overseas.

12. Further processing

If we wish to use your personal data for a new purpose, not covered by this Privacy Policy, then we will provide you with a Privacy Notice explaining this new use prior to commencing the processing and setting out the relevant purposes and processing conditions. Where and whenever necessary, we will seek your prior consent to the new processing.

13. Changes to this policy

We keep this Privacy Policy under regular review and we will place any updates on this web page www.falmouthtowncouncil.com. This Policy was last updated in May 2018.

14. Contact Details

Please contact us if you have any questions about this Privacy Policy or the personal data we hold about you or to exercise all relevant rights, queries or complaints at:

The Data Controller, Falmouth Town Council, The Old Post Office, The Moor, Falmouth, TR11 3QA
Email: mark@falmouthtowncouncil.com

DISCLOSURE INFORMATION

- 5.1 The Council will as necessary undertake checks on both employees and members with the Disclosure and Barring Service and will comply with their Code of Conduct relating to the secure storage, handling, use, retention and disposal of Disclosures and Disclosure information.