

Baginton Parish Council

Justification for Processing Personal Data

Under General Data Protection Regulation (GDPR) rules, whenever the Parish Council processes (uses or references) an individual's personal data, there must be a sound and justifiable reason to do so.

There are 6 permitted reasons why personal data may be processed. No single reason carries more weight than any other and in some situations more than one reason may be applicable to a given situation.

Below are the six justifiable reasons to process personal data, along with descriptions of how they may apply to Baginton Parish Council.

The attached Appendix gives a list of the processing actions that the Council undertakes, the types of personal data likely to be used and an indication of the justifiable reason that allows us to process (use) the personal data.

Legal Obligation

This is the most common reason that Baginton Parish Council will process (use) an individual's personal data. For example, in accordance with the Transparency Code, the Council is legally required to publish our end of year accounts. If you have entered into a financial transaction with the Council that year, personal data relating to the transaction (name, payment date, cheque number, cheque value, VAT number etc.) may be made public when we publish our accounts, or when we share information with HMRC and internal or external auditors. We will use the minimum amount of personal data needed to satisfy our legal obligation, but the Council is compelled to undertake these activities, which overrides an individual's right to keep the data private.

Other legal obligations may include giving a car registration number (personal data) to the Police if it is seen where suspicious behaviour or criminal activity is suspected. The individual may prove to be an innocent bystander, but this does not constitute a breach of data protection. We are legally obligated to report the car to the Police for further investigation, even if the individual proves to be innocent.

Another common example is connected to planning applications from residents. These will include personal data connected with the applicant (or their agent), the property or business address, contact details, plans and descriptions of the proposed work etc. As a statutory consultee, the Parish Council has a legal obligation for these details to be circulated between Councillors. As deemed necessary, the Parish Council also has an obligation to contact the applicant, their agent or neighbouring properties in order to help clarify or justify the Council's stance in responding to the application. A similar situation exists with consultations, where information may be circulated to Councillors or stakeholders contacted directly for clarification. All of this involves processing (use) of personal data within planning applications and consultations, for which the Council is legally permitted as part of their duties.

Contract

This is probably the second commonest reason for Baginton Parish Council to process (use) personal information.

If you are an employee of the Council, we use personal data (name, address, payment value, National Insurance number, Tax Code etc.) to run the payroll and keep HMRC informed of payments and tax due.

If you undertake work for the Council as a contractor, we process personal data (your name) to raise a payment cheque and then we process personal data (your address) in order to send you the cheque. We are obliged to process these pieces of personal data in the fulfilment of the contract.

Legitimate Interest

This commonly applies when communicating with residents and the general public.

It involves processing (using) an individual's personal data in a manner they would reasonably expect and where the use of the data poses minimal impact on privacy.

For example, if an individual contacts the Council to complain, seek advice, ask for help or make a suggestion etc. it is reasonable to expect the Council to process (use) personal data (address, phone number, e-mail address etc.) in order to respond or update the individual.

Consent

The Parish Council can process an individual's data if we have received consent to do so.

For example, if an individual signs up to receive Crime Updates from the Council, we can process (use) personal data to send information to the individual.

Similarly, if an individual provides the Council with a poster advertising an event they are organising and ask us to publish it, the individual has effectively given consent for any of their personal data contained on the poster to be published (processed).

Vital Interest

This can be used as a legal reason to process (use) personal data to protect someone's life. For example, if an employee has an accident, it would be possible to process personal data (blood group, allergies etc) if doing so may save the employee's life.

Public Task

This is most applicable to authorities such as Utility Companies, where they may need to process data to perform tasks that are 'in the public interest.'

Unlike the Parish Council, there may not be a legal obligation to process the data, but there are justifiable legal reasons and permissions for doing so as the need arises.

Processing Undertaken	Personal Data Used	Legal Obligation	Contract	Legitimate Interest	Consent	Vital Interest	Public Task
AGENDA							
Issue & Publication of Agenda	Clerk's name, contact details & signature	X					
Issue & Publication of Agenda	Names of individuals & companies due for payment & cheque value	X					
Storage of Agenda	Personal data within minutes e.g. Councillor questions & statements	X					
PUBLIC CONTACT							
Receipt & storage of written complaints or queries	Name & address			X			
Response to written complaints or queries	Name & address			X	X		
Send written complaints or queries to Councillors	Potentially Name & address if required			X			
Receipt & storage of e-mail complaints or queries	Name & e-mail Address			X			
Response to e-mail complaints or queries	Name & e-mail Address			X	X		
Send e-mail complaints or queries to Councillors	Potentially Name & e-mail address if required			X			
Receipt of telephone complaints or queries	Name & telephone number			X			
Response to telephone complaints or queries	Name & telephone number			X	X		
Circulating details of phone complaints to Councillors	Name			X			
Receipt of Verbal complaints or queries	Name			X			
Response to verbal complaints or queries	Name & Address			X	X		
Circulating details of verbal complaints to Councillors	Potentially Name & address if required			X			
Contact Charities for Annual Assembly meeting	Contact details			X	X		
Receipt & Storage of items to be brought to meeting	Potentially Name & address if required			X	X		
MINUTES							
Publication of meeting minutes	Clerk's name, contact details & signature	X					
Publication of meeting minutes	Names of individuals & companies due cheque payments, with £ value	X					
Publication of meeting minutes	Names of Councillors who did or did not attend & comments made	X					
Storage of Minutes	All personal data within minutes	X					
Reporting declarations of interest	Councillor name & item of interest	X					

POLICE & NEIGHBOURHOOD WATCH								
Report of Graffiti or Vandalism	May use house address to reference/identify the problem area	X						
Report of crime	May use house address to reference/identify the problem area	X						
Report of suspicious or antisocial behaviour	May use name/house address/car number plate to identify the problem	X						
PLANNING								
Circulate Planning Applications to Councillors	Address & Contact Names, site location, photos and plans	X						
Respond to Planning Applications	Address & Contact Names, site location, photos and plans	X						
Visit Planning Application Contact or Agent	Address & Contact Names, site location, photos and plans	X						
Visit Planning Application Neighbouring Properties	Address & Contact Names, site location, photos and plans	X						
Storage of Councillor responses to applications	Councillor name & decision on application	X						
HIGHWAYS, PAVEMENTS & OPEN SPACES								
Report of Road Issues for repair	May use house address to reference/identify the problem area	X						
Report of Street Light Issues for repair	May use house address to reference/identify the problem area	X						
Report of Graffiti or Vandalism for repair	May use house address to reference/identify the problem area	X						
FINANCE & GRANTS								
Issue of cheques due	Names and addresses of recipient		X					
Publication of Accounts	Clerk's name & contact details	X						
Publication of Accounts	Names of Cheques Payable, with Values	X						
Auditing of accounts (internal)	Names of Cheques Payable, with Values	X						
Auditing of accounts (external)	Names of Cheques Payable, with Values	X						
Publication of formal/Legal notices	Clerk's name & contact details	X						
Reclaiming VAT	List of business names, addresses & VAT numbers	X						
Run Pay Role	Name, address & NI Number, plus values		X					
Issue P60 & P45	Name, address & NI Number, plus values		X					
Storage of Bank Statements	Names of cheques paid, plus values	X						
Storage of Invoices	Names of cheques paid, plus values & addresses & VAT numbers	X						
Issue of Remittance Notices	Names of cheques paid, plus values & reason for payment		X					
Issue of Bank Mandate	Councillor names, contact details & signatures	X						
Receipt & storage of quotations	Company names, contacts and prices & VAT numbers		X					
Acceptance of quotations	Company names, contacts and prices & VAT numbers		X					

Pension Administration	Name, address & NI Number, plus values		X				
Volunteer / Honoraria payments	Names & addresses and payment details		X				
Tenant contract & payments	Name, contact details, bank details, signature, endorsements.		X				
Disclosure of Pecuniary Interest Forms	Councillor names and addresses and land owned etc	X					
Disclosure of Gifts Forms	Councillor names and addresses and gift	X					
Grant application forms	Authorising names, contact details, quotations, company details & values	X					
Grant/s137 request forms	Requestor name, contact details & values	X					
CONSULTATIONS							
Circulation of Consultation Documents	Contact details and names	X					
Storage of Councillor Comments	Contact details and names	X					
Response to Consultation	Contact details and names	X					
Meeting with representatives	Contact details and names	X					
LEGAL REQUIREMENTS							
Publication of Councillor contact details	Councillor name & contact details	X			X		
Publication of Clerk's contact details	Clerk's name & contact details	X			X		
Issue of Acceptance of Office notices	Name & signature	X			X		
STAFF							
Staff Contract	Names, addresses, contact details, salary and remuneration		X		X		
Interview Notes	names, job history, qualification		X				
Staff personal records	Names, contact details, NI numbers, tax code		X				
Honoraria Contracts	Names, addresses, contact details, remuneration value		X				
MISCELLANEOUS							
Facebook - public	Details of facebook accounts				X		
Facebook - WALC closed group	Details of facebook accounts				X		
Electoral register	Names & addresses & birth dates of people coming of age	X					
Website - Council details including costs	Names, Contact details, affiliations, bank details, hosting costs	X					
Website - advertising	Names & Contact details	X					
Emergency Plan contacts	Names, addresses, contact details	X					
Licenses, Leases and Permissions.	Names, addresses, contact details, signatures, values		X				
Emergency Access Key Holders e.g. Millennium Field	Names, contact details					X	

Notice Boards - gardeners, will writing, presentations	Names, addresses, contact details	X					
External committee council reps - contact, minutes etc		X					
Surveys		X					