

Orton Waterville Parish Council

DATA PROTECTION POLICY

January 2011

Adopted by Orton Waterville Parish Council at the meeting on 19th January 2011

DATA PROTECTION

Orton Waterville Parish Council recognizes the provisions of the DATA PROTECTION ACT 1998 for the promotion of the work of the Parish Council. The Data Protection Act provides a right of access to individuals in respect of personal data of which they are the subject.

1. Requests for Information

Upon making a written request and paying the requisite fee, amongst other things an individual is entitled to have communicated to him in intelligible form: information which forms any such personal data, and any information available to the data controller as to the source of those data.

In some circumstances, responding to a request may involve providing information relating to another individual (third party) who can be identified from that information. This can give rise to conflict between the data subject's right of access and the third party's right to respect for his or her private life. When dealing with such requests, therefore, the Clerk will be sensitive to and give proper consideration to this potential conflict before deciding whether to disclose third party information as follows:

The Clerk will carefully consider all requests from data subjects for information held by the Council and to what extent it is possible to communicate the information sought without disclosing any third party information, such as an e-mail address, and will give as much information as possible to the data subject without revealing the identity of the third party.

If it is not possible to communicate the information sought without disclosing any third party information, the Clerk will ask the third party for consent to disclose. If this is given, the information will be disclosed. If it is refused, or it is not possible to obtain for some other reason, the Clerk will consider whether it is reasonable to disclose without the third party's consent. If the Clerk decides not to disclose, the data subject will be informed of the reason his/her request has not been met.

2. Non-disclosure

When the Council receives correspondence that contains personal information about an individual or the personal opinions of an individual and it is a matter that needs to be considered by the Parish Council, the subject will be included on the agenda and/or reports without reference to any personal information/allegation. Neither will this information/allegation be included in Council Minutes.

3. E-mail

E-mail has become the primary business tool for both internal and external communication and as a result will need to be treated with the same level of attention as given to drafting and managing formal letters and memos. Because of their written nature, e-mails should not be treated as an extension of the spoken word, as they are treated with greater authority. All e-mail messages are subject to Data Protection and Freedom of Information Legislation and can be used in evidence in legal proceedings. E-mails containing inaccurate information in the form of opinion or fact about an individual or organisation may result in legal action being taken against the person sending the e-mail and anyone forwarding the e-mail on to others.

Neither the Clerk, nor councillors acting on behalf of the Council, will forward e-mails from members of the public to another member of the public not mentioned in the e-mail or another body without permission.