

**MINUTES OF THE EXTRAORDINARY MEETING OF HARDEN PARISH COUNCIL
HELD ON 22nd May 2018 AT 7.30PM IN HARDEN MEMORIAL HALL**

Present: Cllr Gerwyn Bryan
Cllr Diane Bonham
Cllr Gerald Jennings
Cllr Kay Kirkham
Cllr Ann Taylor
Cllr Gina Thompson
Ken Eastwood (Clerk)

1/05b/18 Apologies

Cllr Julia Gregson – business reasons.

2/05b/18 General Data Protection Regulation (GDPR)

The Clerk started the meeting by giving a presentation on GDPR.

He explained that data protection is about avoiding harm to individuals by misusing or mismanaging their personal data. He explained the eight principles, which include: -

- Only collect information for specific purposes and don't then use it for other purposes
- Only collect what we need for the specific purpose
- Keep data that permits identification of data subjects for no longer than is necessary
- Keep it accurate and up to date; and safe and secure
- Processing information lawfully and allowing subject access

He explained that personal data is defined as: -

- Any information about a living individual, which is capable of identifying that individual (alone or when combined with other data).

Sensitive personal data is defined as: -

- Any information relating to an individual's racial or ethnic origin, political opinions, religious beliefs, trade union membership, physical or mental health or condition, sexual life, alleged or actual criminal activity and criminal record.
(Under GDPR sensitive personal data is referred to as "special categories of personal data")

GDPR comes into force on 25th May 2018 through a new UK Data Protection Act.

Signed:

14th June 2018

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From that date the following will apply: -

- We must have a legitimate reason for processing data
- Consent must be freely and unambiguously given and can be just as easily withdrawn
- Data processing activities must start with "privacy by design and default"
- Subject Access Requests – will include how we process and share data not just what we hold and we'll have less time to respond (30 days)
- Subjects can request data deletion – "the right to be forgotten"
- There will be mandatory breach reporting
- Data processors will be held liable
- We must be able to demonstrate compliance with GDPR

The principles of GDPR were set out as: -

- Lawfulness, fairness and transparency – as with Data Protection
- Purpose limitation – only collect for specific purposes and then don't use it for other purposes
- Data minimisation – only collect the data we need for the purpose we are using it
- Accuracy – as now, keep it up to date
- Storage limitation – do not keep it for longer than we need to fulfil the purpose
- Integrity and confidentiality – keep it safe and secure e.g. encrypted
- Accountability – we must be able to prove we have complied with the above

The Clerk said that the draft bill required Parish Councils to appoint a Data Protection Officer but a proposed amendment may exempt Parish Councils from this requirement.

The Clerk then talked about when consent is needed for data processing. The Parish Council can process personal data without consent where it is necessary: -

- For the performance of a contract (for example allotments)
- For compliance with a legal obligation (for example the register of Councillor's interests)
- To protect the vital interests of the data subject or another person (for example to protect someone's life in an emergency)
- In the exercise of official authority or in the public interest (for example processing the electoral register for the purposes of a Parish meeting)
- For the purposes of legitimate interests you are undertaking (not for public authorities)

He explained that the Parish Council only need to obtain consent if none of these apply.

When relied upon, consent must be: -

“Freely given, specific, informed and unambiguous indication of the data subject’s wishes by which he or she, by a statement or a clear affirmative action, signifies agreement to the processing of personal data relating to him or her.”

This means that: -

- Conditions for consent are very clear
- No pre-ticked boxes, opt-outs etc.
- Consent is given for a specific, defined purpose (cannot then be used for something else)

The Clerk then outlined what the Parish Council has already done to meet GDPR requirements. This included: -

- Reviewed data storage and improved security (encryption)
- Deleted some data (electronic files)
- Prepared the following draft policies: -
 - Information & Data Protection
 - Management of Transferrable Data
 - Retention & Disposal
 - Social Media
 - General & Councillor Privacy Notices

However, he said there are still things that need to be addressed. These include: -

- Change how we prepare agendas (redact all personal data)
- Ask members to review what they hold and to delete/dispose as required
- Remove data stored in Polldaddy (no longer necessary to retain)
- Organise existing paper records and destroy or archive in line with new retention & disposal policy

3/05b/18 Response to GDPR

The Clerk discussed the email addresses held by the Parish Council. These total 110 contacts with the information obtained from people subscribing to the Mailchimp newsletter service, completing online surveys or asking to receive email updates when the website was updated.

The Clerk said the advice from the Society for Local Council Clerks (SLCC) was that consent was needed, but their proposal involved obtaining more personal data. He said the options were to use the SLCC approach, or to draw up an online form to obtain consent or do nothing.

There was a general view that the email addresses were very useful to the Parish Council as a means of communicating with residents on issues such as the Neighbourhood Development Plan.

Resolved:

The Clerk to prepare an online form and ask for consent from the Parish Council contacts to continue to receive news and updates from the Council.

The Clerk then moved onto the issue of whether all members should be using email addresses set up by the Council (which end in .gov.uk). He talked about the right of anyone to be "be forgotten" and deleted from Parish Council records. This is not possible if members are using personal email addresses. YLCA have advised that all members should be using .gov.uk emails.

Resolved:

All Councillors will use a Parish Council email address. The Clerk to circulate set up instructions.

There was a general discussion about queries raised by residents, which were then included on an agenda. It was noted that the full agenda with appendices is only made available to Parish Councillors. The public agenda will not include appendices.

The Clerk queried whether all information requested in small grant applications was required.

Resolved:

Members determined that the financial information requested was a necessary part of the application. The Clerk to review the application form to include an appropriate privacy notice.

In discussing the retention and storage of documents by members, it was noted that the Clerk should hold the Parish Council's records. In most cases members should not retain copies of documents or emails. YLCA have recommended that planning applications should only be kept for so long as necessary to formulate a response. Cllr Kirkham stated she felt she needed to retain some applications for historical purposes and to refer to on occasion when amended applications were made.

Resolved:

Members to review documents held and securely dispose of those not required. Cllr Kirkham to review planning applications and redact all personal information from those retained.

4/05b/18 Policies

The Clerk discussed the draft policies, explaining they were based on templates provided by SLCC and NALC. Members discussed amendments and proposed to review one policy each, providing the Clerk with any minor amendments.

Resolved:

To approve the following policies, subject to suggested minor amendments: -

- Information and Data Protection Policy
- Retention and Disposal Policy
- Councillor Privacy Notice
- General Privacy Notice
- Management of Transferrable Data Policy
- Social Media Policy

5/05b/18 Data Audit**Resolved:**

Members reviewed and agreed the data audit.

6/05b/18 Finance**Resolved:**

To authorise the following expenditure: -

Item	Reason	Cost	Comment
Set up a PO address	Clerk's home address not published	£275.00	Annual cost for PO box with delivery service.
Parish Council email addresses	Manage information sent by email	£18 per mailbox (plus VAT)	Total annual cost for 5 Members not currently using .gov.uk mailboxes.
Filing cabinet keys	Secure storage	Minor expenditure	The Clerk to obtain keys for his filing cabinet.

7/05b/18 Next Meeting

Agreed that the next meeting of the Parish Council will take place on 14th June 2018 at 7.15pm, in Harden Memorial Hall.

The Chair closed the meeting at 8.47pm.