



PRIVACY NOTICE COUNCILLORS, STAFF & ROLE HOLDERS

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For Councillors ¹, Staff ² and Role Holders ³

¹ "Councillors" to refer to elected or delegated members of Neston Town Council, including any probationary or similar phase if appropriate. This also includes applicants or candidates to become a Councillor of the Council.

² "Staff" to refer to employees, workers, agency staff and any individual retained by Neston Town Council on a Temporary or Permanent basis.

³ "Role Holders" to refer to, volunteers, contractors, agents, and other role holders within the Council including former staff ² and former Councillors ¹. This also includes applicants or candidates for any of these roles.

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, photograph, video, email address, or address.

Identification can be made directly using the data itself or by combining it with other information which helps to identify a living individual. For example, a list of staff may contain personnel ID numbers rather than names, but if you use a separate list of the ID numbers which give the corresponding names to identify the staff in the first list then the first list will also be treated as personal data.

The processing of personal data is governed by legislation relating to personal data which applies in the United Kingdom including the Data Protection Act 2018 and other legislation relating to personal data and rights such as the Human Rights Act.

Who are we?

This Privacy Notice is provided to you by Neston Town Council (hereafter referred to as 'The Council') which is the data controller for your data.

The Council works together with:

- Other data controllers, such as Local Authorities, Public Authorities, central Government and associated agencies such as HMRC or DVLA.
- Staff Pension Providers.

- Former and Prospective Employers.
- DBS Services Suppliers.
- Payroll Services Providers.
- HR Services Providers.
- Recruitment Agencies.
- Credit Reference Agencies.

We may need to share personal data we hold with them so that they can carry out their responsibilities to the Council and our community.

The organisations referred to above will sometimes be referred to as “joint data controllers”. For example, this would occur where two or more data controllers are working together for a joint purpose. This means we are collectively responsible to you for how we process your data.

If there is no joint purpose or collaboration then the data controllers will be independent and will be individually responsible to you for the data they hold.

If you have any questions, wish to exercise any of your rights (see below) or wish to raise a complaint, you should do so directly to the relevant data controller.

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 from loss, misuse, unauthorised access and disclosure during the time we hold it.

What data do we process?

- Names, titles, and aliases, photographs.
- Start date / leaving date.
- Contact details such as telephone numbers, addresses, and email addresses.
- Where they are relevant to our legal obligations, or where you provide them to us, we may process information such as gender, age, date of birth, marital status, nationality, education / work history, academic / professional qualifications, employment details, hobbies, family composition, and dependants.
- Non-financial identifiers such as passport numbers, driving licence numbers, vehicle registration numbers, taxpayer identification numbers, staff identification numbers, tax reference codes, and national insurance numbers.
- Financial identifiers such as bank account numbers, payment card numbers, payment / transaction identifiers, policy numbers, and claim numbers.
- Financial information such as National Insurance number, salary or wages and associated records, tax codes, tax values, benefits or pension contributions and expenses claimed.

- Other operational personal data created, obtained, or otherwise processed in the course of carrying out our activities, including but not limited to, CCTV footage, recordings of telephone conversations, IP addresses, website and email logs, logs of visitors, logs of accidents or injuries and insurance claims.
- Next of kin and emergency contact information.
- Recruitment information (including copies of right to work documentation, references and other information included in a CV or cover letter or as part of the application process and referral source (e.g., recruitment agency)).
- Location of employment or workplace.
- Other staff data (not covered above) including; level, performance management information, languages and proficiency, licences / certificates, immigration status, employment status, information for disciplinary / grievance proceedings and personal biographies.
- CCTV footage and other information obtained through electronic means such as swipe-card records.
- Information about your use of our information and communications systems.

We may use several pieces or sources of data in combination and this list may not be exhaustive. The type and quantity of data we keep will depend on your role or position with regards to the Council as outlined at the start of this document.

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

- Making a decision about your recruitment or appointment.
- Determining the terms on which you work for us.
- Checking you are legally entitled to work in the UK.
- Paying you and, if you are an employee, deducting tax and National Insurance contributions.
- Providing any contractual benefits to you.
- Liaising with your pension provider.
- Administering the contract, we have entered into with you.
- Management and planning, including accounting and auditing.
- Conducting performance reviews, managing performance and determining performance requirements.
- Making decisions about salary reviews and compensation.
- Assessing qualifications for a particular job or task, including decisions about promotions.
- Conducting grievance or disciplinary proceedings.
- Making decisions about your continued employment or engagement.
- Making arrangements for the termination of our working relationship.
- Education, training and development requirements.
- Dealing with legal disputes involving you, including accidents at work.
- Ascertaining your fitness to work.
- Managing sickness absence.
- Complying with health and safety obligations.
- To prevent fraud.
- To monitor your use of our information and communication systems to ensure compliance with our IT policies.

- To ensure network and information security, including preventing unauthorised access to our computer and electronic communications systems and preventing malicious software distribution.
- To conduct data analytics studies to review and better understand employee retention and attrition rates.
- Equal opportunities monitoring.
- To undertake activity consistent with our statutory functions and powers including any delegated functions.
- To maintain our own accounts and records.
- To seek your views or comments.
- To process a job application.
- To administer Councillors' interests.
- To provide a reference.
- Our processing may also include the use of CCTV systems for monitoring purposes.

Some of the above data will overlap and there may be several purposes for which we may use your personal data. Purposes for usages of your personal data which we keep will depend on your role or position with regards to the Council as outlined at the start of this document. In addition, this list may not be exhaustive.

We will only use your personal data when the law allows us to. Most commonly, we will use your personal data in the following circumstances:

- Where we need to perform the contract, or engagement we have entered into with you.
- Where we need to comply with a legal obligation.

We may also use your personal data in the following situations, which are likely to be rare:

- Where we need to protect your interests or someone else's interests.
- Where it is needed in the public interest or for official purposes.

How we use sensitive personal data

We may process sensitive personal data relating to Staff, Councillors and Role Holders as appropriate. This may include:

- Information about your physical or mental health condition in order to monitor sick leave and take decisions on your fitness for work.
- Your racial or ethnic origin or religious or similar information in order to monitor compliance with equal opportunities legislation.

These types of data are described in the Data Protection Act 2018 as "Special categories of data" and require higher levels of protection. We need to have further justification for collecting, storing and using this type of personal data.

We may process special categories of personal data in the following circumstances:

- In limited circumstances, with your explicit written consent.
- Where we need to carry out our legal obligations.
- Where it is needed in the public interest, such as for equal opportunities monitoring or in relation to our pension scheme.

- Where it is needed to assess your working capacity on health grounds, subject to appropriate confidentiality safeguards.

Less commonly, we may process this type of personal data where it is needed in relation to legal claims or where it is needed to protect your interests or someone else's interests and you are not capable of giving your consent, or where you have already made the information public.

Do we need your consent to process your sensitive personal data?

We do not need your consent if we use your sensitive personal data in accordance with our rights and obligations in the field of employment and social security law.

In limited circumstances, we may approach you for your written consent to allow us to process certain sensitive personal data. If we do so, we will provide you with full details of the personal data that we would like and the reason we need it, so that you can carefully consider whether you wish to consent.

You should be aware that it is not a condition of any contract with us that you must agree to any request for consent from us.

Information about criminal convictions

We may only use personal data relating to criminal convictions where the law allows us to do so. This will usually be where such processing is necessary to carry out our legal obligations and in the event we do so, this would be subject to our data protection policy.

Less commonly, we may use personal data relating to criminal convictions where it is necessary in relation to legal claims, where it is necessary to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.

We will only collect personal data about criminal convictions if it is appropriate given the nature of the role and where we are legally able to do so.

What is the legal basis for processing your personal data?

Some of our processing is necessary for compliance with a legal obligation.

We may also process data if it is necessary for the performance of a contract with you, or to take steps to enter into a contract.

We will also process your data in order to assist you in fulfilling your role in or with the Council including administrative support or if processing is necessary for compliance with a legal obligation.

Sharing your personal data

Your personal data will only be shared with third parties, including other data controllers, where it is necessary for the performance of the data controllers' tasks or where you first give us your prior consent. It is likely that we will need to share your data with:

- Our Agents, Suppliers and Contractors. For example, we may ask a commercial provider to manage our HR or Payroll functions, or to maintain Council databases.
- Other persons or organisations operating within local community.

- Other data controllers, such as local authorities, public authorities, central government and associated agencies such as HMRC or DVLA.
- Staff Pension Providers.
- Former and Prospective Employers.
- DBS Services Suppliers.
- Payroll Services Providers.
- Recruitment Agencies.
- Credit Reference Agencies.
- Professional Advisors or Consultants.
- Trade Unions or Employee Representatives.

This list is not exhaustive and your data may be shared with other third parties only where it is necessary or where you have provided prior consent.

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. For example, it is currently best practice to keep financial records for a minimum period of 8 years to support HMRC audits or provide tax information for Central Government agencies.

We may have legal obligations to retain some data in connection with our statutory obligations as a public authority.

The Council is also 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 these purposes and for 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 securely delete it when it is no longer needed.

Your responsibilities

It is important that the personal data we hold about you is accurate and current. Please keep us informed if your personal data changes during your working relationship or association with us.

Your rights in connection with personal data

You have rights with respect to your personal data held by Neston Town Council.

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 require you to respond with proof of your identity before you can exercise these rights.

1. The right to access personal data we hold on you.

- At any point you can contact us to request the personal data we hold on you as well as why we have that personal data, who has access to the personal data and where we obtained the personal data from. Once we have received your request, we will respond within one month.

- There are no fees or charges for the first request but additional requests for the same personal data or requests which are manifestly unfounded or excessive may be subject to an administrative fee.

2. The right to correct and update the personal data we hold on you.

- If the data we hold on you is out of date, incomplete or incorrect, you can inform us and your data will be updated.

3. The right to have your personal data erased.

- If you feel that we should no longer be using your personal data or that we are unlawfully using your personal data, you can request that we erase the personal data we hold.
- When we receive your request, we will confirm whether the personal data has been deleted or the reason why it cannot be deleted (for example because we need it for to comply with a legal obligation).

4. The right to object to processing of your personal data or to restrict it to certain purposes.

- You have the right to request that we stop processing your personal data or ask us to restrict processing. Upon receiving the request, we will contact you and let you know if we are able to comply or if we have a legal obligation to continue to process your data.

5. The right to data portability.

- You have the right to request that we transfer some of your data to another controller. We will comply with your request, where it is feasible to do so, within one month of receiving your request.

6. The right to withdraw your consent to the processing at any time for any processing of data to which consent was obtained.

- You can withdraw your consent easily by telephone, email, or by post please refer to the Contact Details section below.

7. 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 via post: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

What are cookies?

To make our website site work properly, we sometimes place small data files called cookies on your device. Almost all websites do this for a variety of reasons.

A cookie is a small text file that a website saves on your computer or mobile device when you visit a website. It enables the website to remember your actions and preferences (such as login, language, font-size and other display preferences) over a period of time, so you don't have to keep re-entering them whenever you come back to the site or browse from one page to another.

Cookies often ask for permission to be placed on your computer's hard drive. Once you agree, the file is added to your device. Cookies can allow web applications to respond to your browser as an individual. The web application can tailor its operations to your needs, likes and dislikes by gathering and remembering information about your preferences.

How we use cookies

A cookie is a small file which asks permission to be placed on your computer's hard drive. Once you agree, the file is added and the cookie helps analyse web traffic or lets you know when you visit a particular site. Cookies allow web applications to respond to you as an individual. The web application can tailor its operations to your needs, likes and dislikes by gathering and remembering information about your preferences.

We use traffic log cookies to identify which pages are being used. This helps us analyse data about web page traffic and improve our website in order to create a better experience for our website users. We only use this information for statistical analysis purposes and then the data is removed from the system.

Overall, cookies help us provide you with a better website, by enabling us to monitor which pages you find useful and which you do not. A cookie in no way gives us access to your computer or any information about you, other than the data you choose to share with us.

You can choose to accept or decline cookies. Most web browsers automatically accept cookies, but you can usually modify your browser setting to decline cookies if you prefer. This may prevent you from taking full advantage of our website.

We are not in control of the delivery of cookies from service providers such as Google Analytics and YouTube. Any comments or questions that you may have should be raised with the originator of those cookies.

Your use of this site is taken as consent to the placing of cookies on your system. If you disagree, please take the following action:

- Close this website.
- Use your web browser's tools to "delete your cache".
- Quit your browser.
- You can then choose to disallow cookies from this website via browser settings.
- If you continue without changing your settings, we'll assume that you are happy to receive all cookies from our website.

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.

In common with most websites, our Council website is accessible from outside the EEA, so you should be aware that some personal data (for example a reference to your name in an article for a newsletter) could be accessed from outside the EEA.

Further processing

If we wish to use your personal data for a new purpose, not covered by this Privacy Notice, then we will provide you with a new 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, if we start to use your personal data for a purpose not mentioned or inferred in this notice.

Changes to this notice

We keep this Privacy Notice under regular review and we will place any updates on our Council website which is browsable at: <https://neston.org.uk>

This Privacy Notice was last updated in November 2022.

Contact Details

If you have any questions about this Privacy Notice, the personal data we hold about you or to exercise relevant rights, queries or complaints please contact us using one of these methods:

Post: The Data Controller, Neston Town Council, Neston, CH64 9TR.

Email: council@nestontowncouncil.org.uk

Telephone: 0151 336 3840

The Council's Data Protection Officer is:

Post: JDH Services Ltd, Carreg Lwyd, Cefn Bychan Road Pantymwyn, Flintshire, CH7 5EW.

Email: john@jdhbs.co.uk

Telephone: 01352 754 807

Information Commissioners Office (ICO)

You can contact the Information Commissioners Office via

Post: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

Email: <https://ico.org.uk/global/contact-us/email/>

Telephone: 0303 123 1113