



THORPE ST ANDREW TOWN COUNCIL

THORPE ST ANDREW TOWN COUNCIL INFORMATION & DATA PROTECTION POLICY

Adopted by the Council at its Meeting held on

The Council recognises it must at times, keep and process sensitive and personal information about both employees and the public, it has therefore adopted this policy not only to meet its legal obligations but to ensure high standards. This Policy is linked to its Quality Policy, which will ensure information considerations are central to the ethos of the organisation, and to its ICT Policy.

The Council will be very open about its operations and will work closely with public, community and voluntary organisations. Therefore in the case of all information which is not personal or confidential, it will be prepared to make it available to partners and members of the Town's communities. Details of information which is routinely available is contained in the Council's Publication Scheme which is based on the statutory model publication scheme for local councils.

Making Information Available

The Freedom of Information Act 2000 (FOI) requires public authorities to publish information as a matter of routine in addition to that supplied when responding to information requests.

The Publication Scheme is a means by which the Council can make a significant amount of information available routinely, 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.

In accordance with the provisions of the Freedom of Information Act 2000, this Scheme specifies the classes of information which the Council publishes or intends to publish. It is supplemented with an Information Guide which will give greater detail of what the Council will make available and hopefully make it easier for people to access it.

All formal meetings of Council and its committees are subject to statutory notice being given on notice boards, the Website and sent to the local media. The Council publishes an annual programme in May each year. All formal meetings are open to the public and press and reports to those meetings and relevant background papers are available for the public to see. The Council welcomes public participation and has a public participation session on each Council and committee meeting. Details can be seen in the Council's Standing Orders, which are available on its Website or at its Office.

Occasionally, Council or committees may need to consider matters in private. Examples of this are matters involving personal details of staff, or a particular member of the public, or where details of commercial/contractual sensitivity are to be discussed. This will only happen after a formal resolution has been passed to exclude the press and public and reasons for the decision are stated. Minutes from all formal meetings, including the confidential parts are public documents.

The Council are willing to make special arrangements on request for persons who do not have English as their first language or those with hearing or sight difficulties.

Making a request for information

Information which cannot be accessed via the publication scheme can also be requested providing it is held in an easily retrievable format. If an exemption under the Act applies, the information will not be made available.

Requests can be made verbally or in writing; by e-mail to office@thorpestandrew-tc.gov.uk or by post to CEO, Thorpe St Andrew Town Council, Pound Lane, Thorpe St Andrew, NR7 0UL
They should include:-

The name and address of the applicant

A telephone number, in case we need to discuss the request (optional)

A clear description of the information sought

After a request has been made

The receipt of a request will be acknowledged within three days and will indicate by when it is aimed to provide a response. This will normally be within 20 working days which may be extended, for example where the applicant is asked for further clarification or information about the request.

If we do not hold the information requested, the applicant will be informed of this in writing. If it is established that the information could be obtained from another Authority, we will advise the applicant of this.

Any obligations under equality legislation will be adhered to when providing information.

Protecting Confidential or Sensitive Information

The Data Protection Act 1998 seeks to strike a balance between the rights of individuals and the sometimes competing interests of those with legitimate reasons for using personal information. The policy is based on these principles:

The Council will make any notification required to the Information Commissioner's Office under the Data Protection Act and periodically up date the information.

The Council will comply with the eight principles of good practice for processing sensitive data, by ensuring it is:

- Fairly & lawfully processed
- Processed for limited purposes
- Adequate, relevant & not excessive
- Accurate and up to date
- Not kept longer than is necessary
- Processed in accordance with the individuals rights
- Secure
- Not transferred to countries outside the EU unless the country has adequate protection for the individual.

The Council will ensure that at least one of the following conditions is met for personal information to be considered fairly processed:

- The individual has consented to the processing
- Processing is necessary for the performance of a contract with the individual
- Processing is required under a legal obligation
- Processing is necessary to protect the vital interests of the individual
- Processing is necessary to carry out public functions
- Processing is necessary in order to pursue the legitimate interests of the data controller or third parties.

Particular attention is paid to the processing of any sensitive personal information and the Council will ensure that at least one of the following conditions is met:

- Explicit consent of the individual
- Required by law to process the data for employment purposes
- A requirement in order to protect the vital interests of the individual or another person

The Council will always give guidance on personnel data to employees through the Employee handbook.

The Council will ensure that individuals on whom personal information is kept are aware of their rights and have easy access to that information on request.

Disclosure Information

The Council will as necessary undertake checks on both staff 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. It will include an appropriate operating procedure in its integrated quality management system.

Data Transparency

The Council has resolved to act in accordance with the Code of Recommended Practice for Local Authorities on Data Transparency (September 2011). This sets out the key principles for local authorities in creating greater transparency through the publication of public data and is intended to help them meet obligations of the legislative framework concerning information. "Public data" means the objective, factual data on which policy decisions are based and on which public services are assessed, or which is collected or generated in the course of public service delivery.

The Code will therefore underpin the Council's decisions on the release of public data and ensure it is proactive in pursuing higher standards and responding to best practice as it develops.

The principles of the Code are:

Demand led: new technologies and publication of data should support transparency and accountability

Open: the provision of public data will be integral to the Council's engagement with residents so that it drives accountability to them.

Timely: data will be published as soon as possible following production.

Right to appeal

Where a request for information under the individual right of access is denied, the applicant has the right to appeal the decision. Appeals should in the first instance be made to Thorpe St Andrew Town Council, where they will be subject to scrutiny by the Finance and Staffing Committee who will have been independent of the original process.

The Information Commissioner's Office recommend that a response should be made in 20 working days.

If the applicant is still unhappy with the decision they have the right to appeal against the decision of non-disclosure to the Information Commissioner.