



Heworth Without Parish Council  
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## PRIVACY NOTICE

(For employees, Councillors, role holder and volunteers)

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#### 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 directly using the data itself or by combining it with other information which helps to identify a living individual (e.g. 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 General Data Protection Regulation (the “GDPR”) and other legislation relating to personal data and rights such as the Human Rights Act.

This Privacy Notice aims to help you understand our personal data collection, usage and disclosure practices by explaining:

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## Section 1

### A. Who are we?

This Privacy Notice is provided to you by Heworth Without Parish Council, a statutory local authority established under the Local Government Act 1972, hereinafter also referred to as *the Council*, which is the data controller for your data.

### B. Joint Data Controllers- Who we share your personal data with

We may also share your personal data with a variety of the following categories of third parties:

- i. Data controllers, such as local authorities, public authorities, central government and agencies such as HMRC and DVLA
- ii. Staff pension providers
- iii. Former and prospective employers
- iv. DBS services suppliers
- v. Payroll services providers
- vi. Recruitment Agencies
- vii. Credit reference agencies
- viii. Local Councils County Association (YLCA)
- ix. Our professional advisors (e.g. legal, financial, business, risk management or other advisors), bankers and auditors;
- x. Our insurers and insurance brokers.

We may also process your personal data to comply with our regulatory requirements or in the course of dialogue with our regulators as applicable, which may include disclosing your personal data to government, regulatory or law enforcement agencies in connection with enquiries, proceedings or investigations by such parties anywhere in the world or where compelled to do so. Where permitted, or unless to do so would prejudice the prevention or detection of a crime, we will direct any such request to you or notify you before responding.

The organisations/ individuals referred to above will sometimes be “joint data controllers”. (If so, they will have a published Private Notice.) This means we are all responsible to you for how we process your data where for example two or more data controllers are working together for a joint purpose. If there is no joint purpose or collaboration then the data controllers will be independent and will be individually responsible to you.

## **SECTION 2. What personal data we collect about you.**

Please note that when we ask you for personal data, we will:

- i. tell you why we need it.
- ii. only ask for relevant information.
- iii. look after it and make sure it is only accessible to those who need to see it.
- iv. only keep it for as long there is a business, statutory or legal obligation (see our retention policy below).
- v. not to make your personal information available for commercial use without your permission.

We may collect and process different types of personal data in the course of operating our business and providing our services. These include, but are not limited to,

- i. Names, titles, and aliases, photographs.
- ii. Start date / leaving date
- iii. Contact details such as telephone numbers, addresses, and email addresses.
- iv. 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.
- v. 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.
- vi. Financial identifiers such as bank account numbers, payment card numbers, payment/transaction identifiers, policy numbers, and claim numbers.
- vii. Financial information such as National Insurance number, pay and pay records, tax code, tax and benefits contributions, expenses claimed.
- viii. 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 and website visit histories, logs of visitors, and logs of accidents, injuries and insurance claims.
- ix. Next of kin and emergency contact information
- x. 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. agency, staff referral))
- xi. Location of employment or workplace.
- xii. Other staff data (not covered above) including; level, performance management information, languages and proficiency; licences/certificates, immigration status; employment status; information for disciplinary and grievance proceedings; and personal biographies.
- xiii. CCTV footage and other information obtained through electronic means such as swipecard records.
- xiv. Information about your use of our information and communications systems.
- xv. Data that you may provide to us in course of registering for and attending events or meetings, including access requirements; and
- xvi. Data from publicly available sources
- xvii. Any other personal data relating to you that you may provide.

## **SECTION 3.**

### **A. How we use your personal data**

Please note: We will only use your personal data where we are permitted to do so by applicable law.

We need all the categories of personal data in the list above primarily to allow us to perform our contract with you and to enable us to comply with legal obligations- such as;

- i. Making a decision about your recruitment or appointment.
- ii. Determining the terms on which you work for us.
- iii. Checking you are legally entitled to work in the UK.
- iv. Paying you and, if you are an employee, deducting tax and National Insurance contributions.
- v. Providing any contractual benefits to you
- vi. Liaising with your pension provider.
- vii. Administering the contract we have entered into with you.
- viii. Management and planning, including accounting and auditing.
- ix. Conducting performance reviews, managing performance and determining performance requirements.
- x. Making decisions about salary reviews and compensation.
- xi. Assessing qualifications for a particular job or task, including decisions about promotions.
- xii. Conducting grievance or disciplinary proceedings.
- xiii. Making decisions about your continued employment or engagement.
- xiv. Making arrangements for the termination of our working relationship.
- xv. Education, training and development requirements.
- xvi. Dealing with legal disputes involving you, including accidents at work.
- xvii. Ascertaining your fitness to work.
- xviii. Managing sickness absence.
- xix. Complying with health and safety obligations.
- xx. To prevent fraud.
- xxi. To monitor your use of our information and communication systems to ensure compliance with our IT policies.
- xxii. To ensure network and information security, including preventing unauthorised access to our computer and electronic communications systems and preventing malicious software distribution.
- xxiii. To conduct data analytics studies to review and better understand employee retention and attrition rates.
- xxiv. Equal opportunities monitoring.
- xxv. To undertake activity consistent with our statutory functions and powers including any delegated functions.
- xxvi. To maintain our own accounts and records;
- xxvii. To seek your views or comments;
- xxviii. To process a job application;
- xxix. To administer councillors' interests
- xxx. To provide a reference.

Our processing may also include the use of CCTV systems for monitoring purposes.

Some of the above grounds for processing will overlap and there may be several grounds which justify our use of your personal data.

## **B. How we use sensitive personal data**

- a) We may process sensitive personal data relating to staff, councillors and role holders including, as appropriate:
  - i. information about your physical or mental health or condition in order to monitor sick leave and take decisions on your fitness for work;
  - ii. your racial or ethnic origin or religious or similar information in order to monitor compliance with equal opportunities legislation;
- in order to comply with legal requirements and obligations to third parties.
- b) These types of data are described in the GDPR 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.
- c) We may process special categories of personal data in the following circumstances:
  - i. In limited circumstances, with your explicit written consent.
  - ii. Where we need to carry out our legal obligations.
  - iii. Where it is needed in the public interest, such as for equal opportunities monitoring or in relation to our pension scheme.
  - iv. Where it is needed to assess your working capacity on health grounds, subject to appropriate confidentiality safeguards.
- d) 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.

## **C. Do we need your consent to process your sensitive personal data?**

- a) 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.
- b) 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.
- c) You should be aware that it is not a condition of your contract with us that you agree to any request for consent from us.

## **D. Information about criminal convictions**

- i. 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 obligations and provided we do so in line with our data protection policy.
- ii. 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.
- iii. 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. [Where appropriate, we will collect personal data about criminal convictions as part of the recruitment process or we may be notified of such personal data directly by you in the course of you working for us.

#### **E. What is the legal basis for processing your personal data?**

- a. Some of our processing is necessary for compliance with a legal obligation.
- b. 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.
- c. We will also process your data in order to assist you in fulfilling your role in the council including administrative support or if processing is necessary for compliance with a legal obligation.

#### **Section 4. Retention Policy: How long do we keep your personal data?**

- i. 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. We may have legal obligations to retain some data in connection with our statutory obligations as a public authority. The council is 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 this purpose as long as we believe it is necessary to be able to defend or pursue a claim. In general, we will retain your personal data for as long as is necessary to fulfil the purpose for which this data was collected. .

#### **Section 5. How we protect your personal data**

- i. We recognise that information security is an integral element of data privacy. While no data transmission (including over the Internet or any website) can be guaranteed to be secure from intrusion, we implement a range of commercially reasonable physical, technical and procedural measures to help protect personal data from unauthorised access, use, disclosure, alteration or destruction in accordance with data protection law requirements.
- ii. The Council understands the importance of protecting personal information and we are committed to complying with UK data protection legislation, including the UK General Data Protection Regulation (GDPR) and the Data Protection Act 2018.
- iii. Everyone at the Council and any third party service providers we may engage that process personal data on our behalf (for the purposes hereinabove) are also contractually obligated to respect the confidentiality of personal data.

#### **Section 6. Your responsibilities**

We are also required to take reasonable steps to ensure that your personal data remains accurate. In order to assist us with this, please let us know of any changes to the personal data that you have provided to us by contacting us at [clerk.hwpc@gmail.com](mailto:clerk.hwpc@gmail.com) or Gayle Enion-Farrington, Clerk, 1 Allington Drive, Appletree Village, York, YO310NL

#### **Section 7 Your rights in connection with personal data**

- a) If you have any questions about our use of your personal data, you should first contact us via the details provided in section “*Contact Details*” \_\_ below.
- b) Under certain circumstances and in accordance applicable data protection laws, you may have the right to require us to:
  - i. provide you with further details on the use we make of your information

- ii. provide you with a copy of information that we hold about you;
  - iii. update any inaccuracies in the personal data we hold;
  - iv. delete any personal data that we no longer have a lawful ground to use;
  - v. where processing is based on consent, to withdraw your consent so that we stop that particular processing;
  - vi. object to any processing based on the legitimate interests ground unless our reasons for undertaking that processing outweigh any prejudice to your data protection rights; and
  - vii. restrict how we use your information whilst a complaint is being investigated.
- c) When exercising any of the rights listed above, in order to process your request, we may need to verify your identity for your security. In such cases we will need you to respond with proof of your identity before you can exercise these rights.
- d) While it is our policy to respect the rights of individuals, please be aware that your exercise of these rights is subject to certain exemptions to safeguard the public interest (e.g. the prevention or detection of crime), our interests (e.g. the maintenance of privileged information) and some of these rights may be limited (for example the right to withdraw consent) where we are required or permitted by law to continue processing your personal data to defend our legal rights or meet our obligations.
- e) If you contact us to exercise any of these rights, we will check your entitlement and respond in most cases within 30 working days.
- f) If you are not satisfied with our use of your personal data or our response to any exercise of these rights, you have the right to complain to 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 at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

## **Section 8. Transfer of Data Abroad**

- i. 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. [Our website is also accessible from overseas so on occasion some personal data (for example in a newsletter or meeting minutes) may be accessed from overseas].

## **Section 9. Further processing**

- a) 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 in this notice.

## **Section 10. Amendments to this Notice**

- a) We keep this Privacy Notice under regular review and we will place any updates on <http://www.heworthwithout.org.uk>. This Notice was last updated in December 2021.

## **Section 11. Contact Details**

- i. Please contact us if you have any questions about this Privacy Notice or the personal data we hold about you or to exercise all relevant rights, queries or complaints at:  
The Data Controller: Heworth Without Parish Council  
Email: [clerk.hwpc@gmail.com](mailto:clerk.hwpc@gmail.com)

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To be reviewed December 2022

Heworth Without Parish Council – Privacy Notice for employees, Cllrs and role holders, etc 2021/2022