



Chippenham  
Town Council

Improving  
the quality  
of town life

# Data Privacy Impact Assessments & Privacy Notices Policy

Approved and adopted by:  
Strategy and Resources Committee

Date policy was adopted: 13<sup>th</sup> June 2018

Review date: 13<sup>th</sup> June 2021

## Updates

Amendments which do not require a policy review.

Date:

Detail:

# Data Privacy Impact Assessments & Privacy Notices Policy

---

*Chippenham Town Council*

MAY 2018

## Contents

<b>1</b>	<b>Change Control</b>	<b>5</b>
<b>2</b>	<b>Definitions</b>	<b>6</b>
<b>3</b>	<b>Mission Statement</b>	<b>7</b>
3.1	Purpose	7
<b>4</b>	<b>Spidergram of Policies</b>	<b>8</b>
<b>5</b>	<b>Guidance to template</b>	<b>9</b>
<b>6</b>	<b>Lawful basis for processing</b>	<b>11</b>
<b>7</b>	<b>Privacy Notices</b>	<b>12</b>
<b>8</b>	<b>Training &amp; Development</b>	<b>13</b>
<b>9</b>	<b>Further Information</b>	<b>14</b>
	<b>Annex 1 – DPIA Template</b>	<b>15</b>
	<b>Annex 2 – Legitimate Interest Assessment</b>	<b>18</b>
	<b>Annex 3 – Privacy Notice Template</b>	<b>19</b>

# 1 Change Control

This Policy was created in	May 2018
Council Staff were consulted on this document and it was accepted on	
It was ratified by the Council on	
Renewal data	April 2019
This version is	Version 1.0
It replaces	No previous version
It is necessary to comply with	Data Protection Act 1998  General Data Protection Regulation 2016

## 2 Definitions

Data Protection Act 1998 ("DPA")	The law on data protection in the UK
General Data Protection Regulation ("GDPR")	A new law on data protection that comes into force on 25 May 2018 throughout Europe
Data Controller	A person or organisation that handles and processes personal data and determines the way such data should be processed
Personal Data	Any information from which a living individual can be identified
Sensitive Personal Data	Any Personal Data which includes further information as defined in the DPA. Further information includes (i) racial or ethnic origin; (ii) political opinions; (iii) religious beliefs; (iv) membership of a trade union; (v) physical or mental health or condition; (vi) sexual life or preferences; (vii) information about any criminal offence or court proceedings related to a criminal offence
Information Commissioner's Office ("ICO")	The statutory regulator of the DPA and the GDPR
Privacy Notice	A description of Personal Data held by the Council, along with details of purpose, retention and other information about how the Council will handle the Personal Data
Data Subject	As defined in the DPA and the GDPR. The Data Subject is the person who the Personal Data is about, or who is identified by the Personal Data
Data Privacy Impact Assessments ("DPIAs")	The new requirement under the GDPR to impact assess all Personal Data that is held and record all processing activities

## **3 Mission Statement**

Chippenham Town Council ("the Council") is a town council representing the local community, delivering services to meet local needs and improving the quality of town life for all.

In order to make this happen, the Council collects and uses Personal Data about residents, staff, volunteers, councillors and other individuals who all play their part in being part of the community. This information is gathered in order to enable the Council to provide a rich and broad service. In addition, there may be a legal requirement to use information for the purpose of sharing it with other organisations. In some cases, the Council must collect information to ensure that it complies with statutory obligations.

The Council holds large amounts of personal and sensitive data. It is responsible for safeguarding the data it holds and is legally bound under the GDPR to ensure the security and confidentiality of personal information processed. These responsibilities extend to other organisations working on behalf of the Council.

The Council will only ever hold Personal Data that it is required or permitted to hold in accordance with lawful processing provisions.

### **3.1 Purpose**

A DPIA allows the Council to evaluate the risk to individuals by virtue of the Council processing Personal Data relating to them. If, as a result of a DPIA indicating a high risk to any individual in the processing of that person's Personal Data, the Council will first consider what mitigation can be applied to reduce that risk, or impact of that risk. If the risk cannot be mitigated, then the Council will consult with affected individuals and seek the approval of the ICO.

The spidergram overleaf shows how this Policy interacts with the Data Protection Policy and policies.

Staff and councillors are expected to adhere to the principles and spirit of this Policy in order to protect Personal Data belonging to our residents, staff and community of the Council. Anyone found to have breached this Policy may find that the Council will invoke the Disciplinary Procedure.

This Policy has been approved by the elected members of the Council, and is evidence of the commitment the Council makes to safeguarding Personal Data.

## 4 Spidergram of Policies



## 5 Guidance to template

DPIAs are the most effective tool to enable the Council to identify the best way to comply with its data protection obligations and meet individuals' expectations of privacy.

### When must a DPIA be carried out?

The Council will carry out a DPIA in the following circumstances:

1. Prior to the introduction of the GDPR in May 2018, to all of the Council's processing activities which involve Personal Data;
2. When new technologies are contemplated;
3. When the processing is likely to result in a high risk to the rights and freedoms of individuals;
4. When the processing is likely to result in a high risk that includes
5. Systematic and extensive processing activities
  - a) Profiling
  - b) Decisions that have legal or significant effects on an individual
  - c) Large scale processing of Sensitive Personal Data or Personal Data relating to criminal convictions or offences
  - d) Large scale, systematic monitoring of public areas (e.g. CCTV)

### What information should the DPIA contain?

The DPIA must contain the following information:

- A description of the processing operations and the purposes, including, where applicable, the legitimate interests pursued by the Council
- An assessment of the necessity and proportionality of the processing in relation to the purpose
- An assessment of the risks to individuals
- The measures in place to address risk, including security

### How should the template be used?

Staff and councillors must complete the template contained in this Policy and present it to the Council's Data Protection Officer (DPO) for approval. The DPO will either approve the DPIA and maintain a record of it or reject it and return it to the member of staff or councillor explaining why it has been returned. The member of staff or councillor must then determine whether he or she wishes to continue the particular processing activity or not. If he or she does wish to continue, they should engage with the DPO and make any changes identified by the DPO.

**How often must a DPIA be reviewed?**

DPIAs once approved must be reviewed either

- a) Annually
- b) Whenever the nature or method of the processing activity changes, including where more (or less) Personal Data is to be collected or where the Council wishes to use Personal Data collected for one purpose for a different purpose.

## **6 Lawful basis for processing**

All Personal Data that is handled or collected by the Council will fit into one of the categories below:

### **Consent**

The data subject has consented – specifically, and with affirmative action – to the processing of the Personal Data. Evidence of this consent should be attached to the DPIA.

### **Necessary for a legal obligation**

There is a “clear and precise” statutory obligation that makes it necessary for the Council to collect and process the Personal Data. The relevant statutory obligation should be referred to in the DPIA.

### **Contractual obligation**

There is a contractual obligation for the Council to process the Personal Data. The contract should be attached to the DPIA.

### **Vital interests**

The processing of the Personal Data is in the vital interests of the individual, such as to protect someone’s life

### **Legitimate interests**

The processing is necessary for reasons such as internal administration, network and information technology provision (including being able to prevent unauthorised access to electronic communications), or prevention of crime or fraud.

### **Public Task**

The processing is necessary for the Council to perform a task in the public interest or for the Council’s official functions, and the task or function has a clear basis in law.

## 7 Privacy Notices

Each Data Subject is entitled to basic information about the nature of and manner in which the Council holds their Personal Data. This is known as a Privacy Notice. The GDPR states what information must be provided.

### Identity of Council

To include contact details of the Data Protection Officer

### Content

To include the purpose and legal basis for the processing

### Recipients

Who the Personal Data will be shared with

### Retention

The period for which the Personal Data will be retained

### Individual rights

What the process is for Data Subjects to pursue their rights to

- Access their data
- Object to their data being used
- Require the Council to rectify incorrect data
- Delete their data

### Complaint

The right to complain to the ICO

### Source

The source of the data

The Council will always publish any Privacy Notices in respect of Personal Data that it holds, usually on its website. Anyone who has difficulties accessing the website can request a paper hard copy by contacting the Council's Head of Finance and Administration.

Privacy Notices will be reviewed as often as is necessary, and at least annually.

## **8 Training & Development**

The Council is committed to ensuring the staff and councillors adopt the highest standards in relation to the processing and handling of Personal Data.

All existing staff and councillors will be trained within 6 months of the dissemination of this Policy.

New staff and councillors will be trained as part of their induction within 3 months of their joining the Council and being able to access Personal Data.

Staff and councillors will be re-trained according to their needs against the tide of new guidance and legislation. It is anticipated that this will usually be annually.

No member of staff or councillors will have access to any Personal Data unless they have read this Policy first.

## 9 Further Information

Any person reading this Policy requiring further information or assistance is invited to contact the Council's Head of Finance and Administration.

Where any person has a complaint about the way the Council has handled their Personal Data or that of their child's, they may address their concern in writing to the Chief Executive.

For further information about the DPA, GDPR and its application, the Information Commissioner's Office has a wealth of information on its website – [www.ico.org.uk](http://www.ico.org.uk)

## Annex 1 – DPIA Template

<b>Data Privacy Impact Assessment (“DPIA”)</b>			
<i>Please leave this blank (to be completed by the DPO)</i>			
DPIA Reference Number:			
<b>Title or brief description of processing activity:</b>			
<b>Name of person completing DPIA:</b>		<b>Department:</b>	
<b>Version:</b>		<b>Date:</b>	
<b>Approvals</b>			
Please ensure that approval is also sought from the Data Protection Officer			
<b>Name</b>	<b>Date</b>	<b>Approved (Yes / No)</b>	<b>Title</b>
	Data Protection Officer		
<b>Distribution</b>			
Please ensure that a copy once approved is sent to the Data Protection Officer for record-keeping			
<b>Name</b>	<b>Job Title</b>	<b>Reason for Distribution</b>	<b>Date</b>
	Data Protection Officer		
<b>Version History</b>			
<b>Version</b>	<b>Reason for change</b>	<b>Author</b>	<b>Date</b>

<b>Screening Questions</b>					
<b>Description of process or activity</b>					
Give a detailed explanation, attach relevant reports or papers, explain why the processing is necessary and proportionate					
<b>What Personal Data will you be processing?</b>					
List the type of personal data that you will be collecting					
<b>What is the lawful basis for processing</b>					
Select (x) only one					
Consent		Contractual obligation		Legitimate interests of the organisation	
Statutory obligation		Vital interest of the data subject		Public Task	
<b>Explain the lawful basis you are relying on</b>					
Attach any relevant documents (e.g. contracts, evidence of consent)					
<b>Impact on individuals</b>					
Explain whether there will be any negative impact on or risks to the affected individuals					
<b>Measures</b>					
Explain what measures will be put in place to mitigate the impact (e.g. security, deletion, redaction, encryption, restricting access, staff training)					
<b>How many individuals' Personal Data will be affected?</b>					
Enter the number of individuals					

	<b>Yes (x)</b>	<b>No (x)</b>
<p><b>Will the personal data collected include "Special Categories of Personal Data"?</b> These include medical/health, religious, political, racial/ethnic or trade union data</p>		
<p><b>Will the personal data collected include "criminal offence data"?</b></p>		
<p><b>Will the data be used for profiling purposes?</b> Profiling means making automated decisions (typically involving algorithms or IT systems) that would have an impact on a person's life</p>		
<p><b>Will the activity compel individuals to provide their Personal Data?</b></p>		
<p><b>Are you using the Personal Data for a purpose it is not currently used for?</b></p>		
<p><b>Does the processing activity involve new technology?</b> This might be perceived as being privacy intrusive. For example, the use of biometrics or facial recognition.</p>		
<p><b>Is the processing activity likely to be intrusive to an individual's privacy?</b></p>		
<p><b>Will the Personal Data be shared with other organisations?</b></p>		
<p><b>If so, who and why?</b> Please include a copy of the contract or agreement governing the sharing of information</p>		

**Please submit completed form to the Data Protection Officer**

## Annex 2 – Legitimate Interest Assessment

This LIA form should be completed in conjunction with a DPIA, where the “Legitimate Interests” box is ticked.

<b>Legitimate Interests Assessment (“LIA”)</b>	
<i>Please leave this blank (to be completed by the DPO)</i>	
DPIA Reference Number:	
<b>Title or brief description of processing activity:</b>	
<b>Name of person completing DPIA:</b>	<b>Department:</b>
<b>Version:</b>	<b>Date:</b>
<b>Checklist</b>	
Please tick all that apply. If any boxes are not ticked, you may not submit the DPIA for approval until or unless you have rectified the processing so that all the boxes can be ticked	
<b>Please check</b>	<b>Description</b>
<input type="checkbox"/>	We have checked that legitimate interests is the most appropriate basis.
<input type="checkbox"/>	We understand our responsibility to protect the individual's interests.
<input type="checkbox"/>	We have conducted a legitimate interest assessment (LIA) and kept a record of it, to ensure that we can justify our decision.
<input type="checkbox"/>	We have identified the relevant legitimate interests.
<input type="checkbox"/>	We have checked that the processing is necessary and there is no less intrusive way to achieve the same result.
<input type="checkbox"/>	We have done a balancing test and are confident that the individual's interests do not override those legitimate interests.
<input type="checkbox"/>	We only use individuals' data in ways they would reasonably expect, unless we have a very good reason.
<input type="checkbox"/>	We are not using people's data in ways they would find intrusive or which could cause them harm, unless we have a very good reason.
<input type="checkbox"/>	If we process children's data, we take extra care to make sure we protect their interests.
<input type="checkbox"/>	We have considered safeguards to reduce the impact where possible.
<input type="checkbox"/>	We have considered whether we can offer an opt out.
<input type="checkbox"/>	We keep our LIA under review and repeat it if circumstances change.
<input type="checkbox"/>	We include information about our legitimate interests in our privacy information.

## Annex 3 – Privacy Notice Template

<b>Privacy Notice</b>
<b>What is our lawful basis for processing this data</b>
<b>What data do we collect</b> [The categories of this information that we collect, process, hold and share include]
<b>Why do we need it and what do we do with it</b>
<b>How long do we keep it</b>
<b>Who we share this information with and why</b> [Other than this, we/We] do not routinely share this information outside of our organisation, but may share this information with our legal or trusted advisers for the purpose of obtaining advice, with government agencies if required by law, or with law enforcement agencies for the prevention or detection of crime.
<b>What are your rights</b> You have a number of rights in relation to your personal information under data protection law. In relation to most rights, we will ask you for information to confirm your identity and, where applicable, to help us search for your personal information. We will respond to you within 30 days after we have received any request (including any identification documents requested).  You have the right to:  <ol style="list-style-type: none"> <li>1. Ask for a copy of the information that we hold about you;</li> <li>2. Correct and update your information;</li> <li>3. Withdraw your consent (where we rely on it).</li> <li>4. Object to our use of your information (where we rely on our legitimate interests to use your personal information) provided we do not have any continuing lawful reason to continue to use and process the information.</li> <li>5. Erase your information (or restrict the use of it), provided we do not have any continuing lawful reason to continue to use and process that information;</li> <li>6. Transfer your information in a structured data file (in a commonly used and machine-readable format), where we rely on your consent to use and process your personal information.</li> </ol> Please see our <a href="#">Data Protection Policy</a> for further information and for details of how to make a request.
<b>Contact information</b> You can exercise the above rights and/or manage your information by contacting us using the details below:  Identity of data controller: Chippenham Town Council  Postal address: The Town Hall, High Street Chippenham, Wiltshire, SN15 3ER Email: <a href="mailto:enquiries@chippenham.gov.uk">enquiries@chippenham.gov.uk</a>

Phone: +44 (0) 1249 446699

Our Data Protection Officer is Omnigov Limited and you can contact them at [dpo@chippenham.gov.uk](mailto:dpo@chippenham.gov.uk)

**Complaints**

If you wish to raise a complaint on how we have handled your personal data, please contact us at [dpo@chippenham.gov.uk](mailto:dpo@chippenham.gov.uk).

If you are not satisfied with our response you can complain to the Information Commissioner's Office (ICO). The ICO's contact details are below:

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

Email: [casework@ico.org.uk](mailto:casework@ico.org.uk)

Phone: 0303 123 1113