BOROUGH GREEN PARISH COUNCIL

ESTABLISHED 1934

Data Privacy, Use and Retention Policy

Reviewed: 1st April 2025

Chairman: Francis Michael Taylor

Proper Officer/Responsible Financial Officer: Bernard Galopin

Introduction

As a public authority, Borough Green Parish Council will have access to personal data. The purpose of this document is to set out how the Council will store, use and retain personal data. Other data controllers the Council works with include the following:

- Local Authorities
- Contractors

The Council may need to share personal data that we hold with them so that they can carry out their responsibilities. If we and the other data controllers are processing personal data jointly for the same purposes, then the Council and the other data controllers may be "joint data controllers". This means that we are collectively responsible to you for your personal data.

Where each of the parties listed above are processing your data for their own independent purposes then each of us will be independently responsible to you and 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.

A revised section on CCTV is included in the appendix to this policy.

The Council will process the following personal data where necessary to perform its tasks:

- Names & Titles;
- Contact details such as telephone numbers, addresses, and email addresses;
- Where you pay for activities e.g. use of a council hall then financial identifiers, i.e. bank account numbers, payment card numbers, payment/transaction identifiers, policy numbers, and claim numbers.

The Council will comply with data protection law. This means that the personal data we hold must be:

- Used lawfully, fairly and in a transparent way, i.e. justified.
- Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes, i.e. necessary and proportionate.
- 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 to protect personal data from loss, misuse, unauthorised access and disclosure.

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

- To contact you by post, email, telephone or using social media (e.g. Facebook, Twitter, WhatsApp);
- To maintain our own accounts and records;
- To notify you of changes to our facilities, services, events and staff, councillors and other role holders;
- To process relevant financial transactions including grants and payments for goods and services supplied to the Council;
- To allow the statistical analysis of data so we can plan the provision of services.

Our processing may also include the use of CCTV systems for the prevention and prosecution of crime.

What is the legal basis for holding, processing and retaining your personal data?

Most of your personal data is processed for compliance with a legal obligation which includes the discharge of the Council's statutory functions and powers. Sometimes when exercising these powers or duties it is necessary to process personal data of residents or people using the Council's services. We will always take into account your interests and rights and ensure there are sufficient safeguards in place. This Privacy Notice sets out your rights and the Council's obligations to you.

We may process personal data if it is necessary and proportionate for the performance of a contract with you, or to take steps to enter into a contract. Sometimes the use of your personal data requires your consent. We will first obtain your consent to that use. The legal framework in which the Council operates within includes: The Human Rights Acts 1998 (Article 8 – Right to privacy), the Freedom of Information Act 2000 and the Data Protection Act 2018.

Sharing your personal data

This section provides information about the third parties with whom the Council may share your personal data. These third parties have an obligation to put in place appropriate security measures and will be responsible to you directly for the manner in which they process and protect your personal data. It is likely that we will need to share your data with some or all of the following (but only where necessary):

- The data controllers listed above under the heading "Other data controllers the Council works with".
- On occasion, other local authorities or not for profit bodies with which we are carrying out joint ventures, e.g. in relation to facilities or events for the community.

How long do we retain your personal data?

We will keep some records permanently if we are legally required to do so, e.g. financial records are retained 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. In general, we will endeavour to keep data only for as long as we need it. This means that we will delete it when it is no longer needed. All information will be held securely and disposed of confidentially.

Your rights and your personal data

You have the following rights with respect to your personal data. 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 need you to respond with proof of your identity before you can exercise these rights.

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.

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

- If the data we hold on you is inaccurate you can inform us and your data will be updated.

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 (e.g. legal compliance).

The right to object to processing of 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.

The right to withdraw your consent to the processing of personal data at any time

- You can withdraw your consent easily by telephone, email, or by post (see contact details below).

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

Public Meetings

- Given that members of the public regularly attend public meetings raising discussion points and discussions in public meetings often include personal and personal identification data, it is highly likely that the minutes, presenting the essence of a meeting, may include such information.

- Whilst every attempt will be made to limit the use of personal and personal identification data in the publication of agendas and minutes by the Parish Council, we will balance the need to reflect accurate and transparent agendas and minutes against the protection of rights and freedoms of any person in accordance with the prescribed legislation and regulations (noted previously). Please be aware that your data may be used for these purposes.

Changes to this notice

We keep this Privacy Notice under regular review and we will place any updates on www.boroughgreen.gov.uk.

This Notice was last updated on 29th August 2024.

Contact Details

Please contact Borough Green Parish Council 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:

Bernard Galopin
Parish Clerk
Borough Green Parish Council
Email: clerk@boroughgreen.gov.uk
Address: PO box 635, Sevenoaks, Kent, TN13 9UX.

Website: www.boroughgreen.gov.uk

Appendix – CCTV

BOROUGH GREEN PARISH COUNCIL

Chairman: Mike Taylor
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PO Box 635
Sevenoaks
TN13 9UX

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Introduction

This policy relates to the use of CCTV which is owned and controlled by Borough Green Parish Council (BGPC) at two sites:

a. The Recreation Ground, Maidstone Road, Borough Green, Sevenoaks, Kent, TN15 8SD
b. Potters Mede, Wrotham Road, Wrotham, Sevenoaks, Kent, TN15 8RD

The use of CCTV at these sites is intended to assist in the deterrence, prevention and subsequent investigation of crime and anti-social disorder at these locations. The systems capture and retain images of individuals which is defined as personal data.

This policy is designed to address both the powers and obligations of the Parish Council and the legislation protecting the rights of individuals.

This policy has been updated in line with the Borough Green Data Privacy and Prevention Policy.

Legal Basis

The power for a parish council to install CCTV and other surveillance equipment is conferred under the Local Government and Rating Act 1997, S.31:

A parish council or community council may, for the detection or prevention of crime in their area

- install and maintain equipment,
- establish and maintain any scheme, or
- assist others to install and maintain any equipment or to establish and maintain any scheme.

A Council also has a duty to consider crime and disorder implications of their functions under the Crime and Disorder Act 1998, S.17:

"…It shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonable can to prevent,

- crime and disorder
- the misuse of drugs, alcohol and other substances, and
- re-offending

Under Article 8 Human Rights Acts1998, an individual has the qualified right to respect for private and family life.

However, the rights of the individual are protected with regard to the qualifications that are outlined in the Protection of Freedoms Act 2012, S33.

In addition to legislation, every relevant authority must have regard to the Surveillance Camera Code.

Scope

The purpose of this policy is to enshrine within the Parish Council's practices the Surveillance Camera Code of Practice and also the Data Protection Code of Practice for Surveillance Cameras and Personal Information to ensure the Council meets its statutory obligations and that individuals and the wider community have confidence that surveillance cameras are deployed to protect and support them rather than spy on them.

https://www.gov.uk/government/publications/surveillance-camera-code-of-practice
https://ico.org.uk/media/1542.cctv-code-of-practice.pdf

The Parish Council currently operates CCTV cameras located at the Recreation Ground and Potters Mede.

The People and organisations who are covered by this policy include:

- Data Controller/Owner – Borough Green Parish Council
- Systems Manager – Parish Clerk and Groundsmen
- System User – Councillors, officers, staff and other individuals authorised to use the surveillance equipment.
- Data subject – any individual whose personal information is captured by the surveillance camera.

Policy Statement

In accordance with the Surveillance Camera Code of Practice 2013 the Parish Council has adopted the following 12 points:

1. The use of a surveillance camera system must always be for a specified purpose which is in pursuit of a legitimate aim and necessary to meet an identified pressing need.

   The specified purpose is for the prevention and detection of crime and anti-social behaviour within the Recreation Ground and Potters Mede.

2. The use of a surveillance camera system must take into account its effect on individuals and their privacy, with regular reviews to ensure its use remains justified.

   The Parish Council will monitor incidents of reported crime and SB whilst observing the principles of Article 8 HRA 98. Recordings will only be taken by the CCTV system installed.

3. There must be as much transparency in the use of surveillance camera system as possible, including a published contact point for access to information and complaints.

   The contact details for the Parish Council are set out in the BGPC Privacy and Retention Policy.

4. There must be clear responsibility and accountability for all surveillance camera system activities including images and information collected, held and used.

   The Data Controller and Data Owner shall have overall ownership for the surveillance systems in place, with the System's Manager having responsibility for ensuring that proper governance arrangements are in place and ensuring that such arrangements are communicated to and adhered to by any system users.

5. Clear rules, policies and procedures must be in place before a surveillance camera system is used and these need to be communicated to all who need to comply with them.

The System Manager will ensure that all system users are aware of the contents of its policy and have sufficient training to use the equipment safely and securely. All staff of BGPC have received on-the-job training in the use of its CCTV equipment by the installers.

6. No more images and information should be stored than that which is strictly required for the stated purpose of a surveillance camera system and such images and information should be deleted once their purposes have been discharged.

   Both CCTV systems that are located at the Recreation Ground and Potters Mede record 24 hours/day for 7 days a week for a period of 28 days. After this period all data is automatically overwritten from the system on a rolling basis. Data will be retained on the hard drive if it meets the need under S.17 Crime and Disorder Act 1998.

7. Access to retained images and information should be restricted and there must be clearly defined rules on who can gain access and for what purpose such access is granted.

   The disclosure of images will only be granted under S.17 Crime and Disorder Act 1998 to the police or other body as appropriate in the circumstances (e.g. school management or youth club leaders). Where footage is extracted for the purposes of passing this to a third party the Council shall ensure this complies with its Privacy and Data Retention Policy. The Parish Council will also ensure that the third party has in place practices and procedures to comply with data regulation (Data Protection Act 2018). The Human Rights Act 1998, Article 8 will always be prioritised where a third party requests data subject to the guidance outlined in the Surveillance Camera Code of Practice 2013.

8. Surveillance camera system operators should consider any approved operational, technical and competency standards relevant to a system and its purposes.

   The system Manager ensured that the installers and equipment met the British Standard BS7958 for the installation and quality of the system.

9. Surveillance camera system images and information should be subject to appropriate security measures to safeguard against unauthorised access and use.

   In relation to the Recreation Ground, the surveillance camera hard drive and monitor are located in a key controlled secure access unit on site. In terms of Potters Mede, the surveillance camera hard drive and monitor are located within a secure key locked room on site. Coded entry is required to access the data held on the hard drive. The Data Controller and Data Manager are the only people who have access to this data via the hard drive.

10. There should be effective review and audit mechanisms to ensure legal requirements and policies are complied with in practice.

    The policies are reviewed annually and made available for review to the Internal Auditor.

11. When the use of a surveillance camera system is in pursuit of a legitimate aim, and there is a pressing need for its use, it should be used in the most effective way to support public safety and law enforcement with the aim of processing images and information of evidential value.

    The systems installed by BGPC were critiqued by a Police Detective Superintendent who was satisfied that the images were of a satisfactory evidential standard.

12. Any information used to support a surveillance camera system which compares against a reference database for matching purposes should be accurate and kept up to date.

    At this time, the Parish Council does not have any need for processing a ‘Watch List’ for facial recognition or ANPR system. However, if the need arises the Parish Council will ensure that data is accurate and up to date.