

# WELLINGTON TOWN COUNCIL PRIVACY NOTICE



## 1. Introduction

This Privacy Notice sets out how Wellington Town Council processes your personal data in line with the General Data Protection Regulations 2018.

In order to conduct its business, services and duties, Wellington Town Council processes a wide range of data, relating to its own operations and some which it handles on behalf of partners. In broad terms, this data can be classified as:

- Data shared in the public arena about the services it offers, its mode of operations and other information it is required to make available to the public;
- Confidential information and data not yet in the public arena such as ideas or policies that are being worked up;
- Confidential information about other organisations because of commercial sensitivity;
- Personal data concerning its current, past and potential employees, Councillors, and volunteers;
- Personal data concerning individuals who contact it for information, to access its services or facilities or to make a complaint.

Wellington Town Council will adopt procedures and manage responsibly, all data which it handles and will respect the confidentiality of both its own data and that belonging to partner organisations it works with and members of the public. In some cases, it will have contractual obligations towards confidential data, but in addition will have specific legal responsibilities for personal and sensitive information under data protection legislation.

The Town Council will periodically review and revise this policy in the light of experience, comments from data subjects and guidance from the Information Commissioners Office. The Council will be as transparent as possible 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.

## **Data Protection Terminology**

**Data subject** - means the person whose personal data is being processed. That may be an employee, prospective employee, volunteer, associate or prospective associate of Wellington Town Council or someone transacting with it in some way, or an employee, Member or volunteer with one of our clients, or persons transacting or contracting with one of our clients when we process data for them.

**Personal data** - means any information relating to a natural person or data subject that can be used directly or indirectly to identify the person. It can be anything from a name, a photo, and an address, date of birth, an email address, bank details, and posts on social networking sites or a computer IP address.

**Sensitive personal data** - includes information about racial or ethnic origin, political opinions, and religious or other beliefs, trade union membership, medical information, sexual orientation, genetic and biometric data or information related to offences or alleged offences where it is used to uniquely identify an individual.

**Data controller** - means a person who (either alone or jointly or in common with other persons) (e.g. Town Council, employer, council) determines the purposes for which and the manner in which any personal data is to be processed.

**Data processor** - in relation to personal data, means any person (other than an employee of the data controller) who processes the data on behalf of the data controller.

**Processing information or data** - means obtaining, recording or holding the information or data or carrying out any operation or set of operations on the information or data, including: • organising, adapting or altering it; • retrieving, consulting or using the information or data; • disclosing the information or data by transmission, dissemination or otherwise making it available; • aligning, combining, blocking, erasing or destroying the information or data. regardless of the Technology used.

If you would like a paper copy of the Privacy Notice, please contact us – you will find our contact details in section 17 at the bottom of this document.

## **2. 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, photographs, videos, email address, or address). Identification can be made directly using the data itself, or by combining such data with other information which helps to identify a living individual. 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.

## **3. Who are we?**

The Data Controller within an organisation is an individual, or group who makes decisions concerning processing personal data, and ensures that all obligations of GDPR are complied with. This includes which information about an individual is stored, how it is used, and how long personal data is kept  
This Privacy Notice is provided to you by the **Wellington Town Council** which is the Data Controller for your data.

#### **4. Other Data Controllers Wellington Town Council works with:**

- Local Authorities such as Somerset West and Taunton Council and Somerset County Council;
- Community groups;
- Charities;
- Other not for profit entities ;
- Contractors;
- Businesses or individuals providing services to the Council

We will only share personal data we hold about you with these third parties to enable them to carry out their responsibilities to the council. If we and the other Data Controllers listed above are processing your data jointly for the same purposes, then the Council and the other party may be “joint Data Controllers” which means both parties are collectively responsible to you concerning your 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. 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 Data Controller, and contact details are given at the end of this Privacy Notice.

#### **5. The Legal Basis for Processing your data**

Wellington Town Council will rely on any one or several of the following bases for processing personal data, depending on the circumstances:-

- The data subject has given their consent;
- Processing is necessary for contractual purposes;
- Processing is required to comply with a legal obligation;
- Processing is necessary for archival purposes in the public interest, or for historic or statistical research purposes;
- It is necessary to protect someone’s vital interests;
- Processing is necessary for the Council’s legitimate interests, unless such interests are overridden by the interests or fundamental rights and freedoms of the data subject.

#### **6. Personal data we may process.**

The Council will process some or all of the following personal data where necessary to perform its tasks:-

- Names, titles, and aliases, photographs;
- Contact details such as telephone numbers, addresses, and email addresses;
- Where it are relevant to the services we provide, or where you provide such data to us, we may process information such as gender, age, marital status, nationality, education/work history, academic/professional qualifications, hobbies, family composition, and dependants;

- Where you pay for activities such as use of a council hall, or taking on an allotment, financial identifiers such as bank account numbers, payment card numbers, payment/transaction identifiers, policy numbers, and claim numbers.

## **7. How we use sensitive or special category personal data**

Certain types of data are classed as 'Special Category' data and require higher levels of protection. We need to have further justification for collecting, storing and using this type of personal data. Special category data includes information about criminal convictions, racial or ethnic origin, mental and physical health, medical details, political beliefs, trade union affiliation, biometric data, and data concerning sexual life or orientation.

On very rare occasions only we may process sensitive or 'special category' in order to comply with legal requirements and obligations to third parties. This could be under 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.

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.

## **8. Do we need your consent to process your Special Category personal data?**

We may approach you for your written consent to allow us to process 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. We will only process your sensitive personal data without your express consent, where the law requires or permits us to do so.

## **9. Complying with Data Protection law.**

Wellington Town Council will comply with all data protection law. This requires that any personal data we hold about you must be:

- Used lawfully, fairly and in a transparent way.
- Collected only for valid purposes which have been 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 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 against loss, misuse, unauthorised access and disclosure.

## **10. Using your personal data.**

Wellington Town Council may use your personal data for some or all of the following purposes:-

- To deliver public services including to understand your needs to provide services that you request and to understand what we can do for you and inform you of other relevant services;
- To confirm your identity so we can provide you with a service;
- To contact you by post, email, telephone or using social media (e.g., Facebook, Twitter, WhatsApp) in response to any query you have made to us;
- To help us to build up a picture of how we are performing;
- To prevent and detect fraud and corruption in the use of public funds and where necessary for the law enforcement functions;
- To enable us to meet all legal and statutory obligations and powers including any delegated functions;
- To carry out comprehensive safeguarding procedures (including due diligence and complaints handling) in accordance with best safeguarding practice from time to time with the aim of ensuring that all children and adults-at-risk are provided with safe environments and generally as necessary to protect individuals from harm or injury;
- To promote the interests of the council;
- To maintain our own accounts and records;
- To seek your views, opinions or comments;
- To notify you of changes to our facilities, services, events and staff, councillors and other role holders;
- To send you communications which you have requested and that may be of interest to you. These may include information about campaigns, appeals, other new projects or initiatives;
- 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.

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

The council is a public authority and has certain powers and obligations. 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. This Privacy Notice sets out your rights and the council's obligations to you.

We may process personal data if it is necessary for the performance of a contract with you, or to take steps to enter into a contract. An example of this would be processing your data in connection with the use of sports facilities, or the acceptance of an allotment garden tenancy

Sometimes the use of your personal data requires your consent. We will first obtain your consent to that use.

## **12 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”;
- Our agents, suppliers and contractors. For example, we may ask a commercial provider to publish or distribute newsletters on our behalf, or to maintain our database software;
- 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.

## **13. 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. 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 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.

## **14. 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.

### ***14.1 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.

### ***14.2 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.

### **14.3 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).

### **14.4 The right to object to processing of your personal data or to restrict it to certain purposes only**

- 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.

### **14.5 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.

### **14.6 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 (see Contact Details below).

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

## **15. 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. Our website is also accessible from overseas so on occasion some personal data (for example in a newsletter) may be accessed from abroad.

## **16. 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.

## **17. Changes to this notice**

Wellington Town Council keeps this Privacy Notice under regular review and we will place any updates on our website at <http://www.wellingtontowncouncil.co.uk/> This Notice was last updated in August 2022.

## **18. Contact Details**

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**

Wellington Town Council  
28 Fore Street  
Wellington  
Somerset  
TA21 8AQ

**Telephone:** 01823 662855

**Email:** [info@wellingtontowncouncil.co.uk](mailto:info@wellingtontowncouncil.co.uk)