

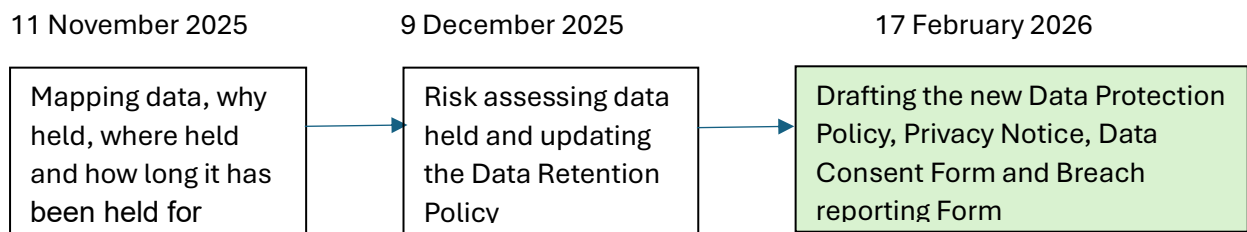
APPENDIX D: DATA PROTECTION POLICY

Bowes Parish Council

February 2026

Introduction

The Council agreed a General Data Protection Regulations (GDPR) Compliance Plan at its meeting on 14 October 2025. The next stage in the plan is **to draft the new data protection policy, privacy notice, data consent form and breach reporting form** as indicated below:



Bowes Parish Council is committed to handling personal data responsibly in compliance with GDPR and the Data Protection Act (2018). The Council approved a data protection policy in 2018 to demonstrate this commitment. However, this policy is no longer fit for purpose, because:

- The policy was based on a template developed by another parish council and is not tailored to the needs of Bowes Parish Council;
- The legal requirements for parish councils regarding data protection have changed since 2018, with the Data Use and Access Act (2025) taking effect on 5 February 2026;
- The 2025 Practitioner’s Guide issued by the Smaller Authorities Proper Practices Panel establishes a new assertion (assertion 10) in the Annual Governance Statement, which explicitly requires the Council to comply with GDPR and related legislation, process personal data fairly and recognise its role as a data processor and controller;
- The increased profile of data protection is likely to result in greater audit scrutiny and risk of Information Commissioner Officer investigations and penalties; and
- The Council approved a new IT Strategy and Data Retention Policy during 2025/26 and the Data Protection Policy needs to be part of a consistent framework for managing data.

Responsibilities

The Council as a corporate body is ultimately responsible for ensuring that it complies with the principles of GDPR namely:

- Personal data is processed fairly and lawfully and, in particular, shall not be processed unless specific conditions are met;
- Personal data shall only be obtained for specific purposes and processed in a compatible manner;
- Personal data shall be adequate, relevant, but not excessive;
- Personal data shall be accurate and up to date;

- Personal data shall not be kept for longer than is necessary;
- Personal data shall be processed in accordance with the rights of the data subject; and
- Personal data shall be kept secure.

The Council has delegated this responsibility day to day to the Clerk, who acts as data processor and data controller and can be contacted via the website form or at clerk@bowesparishcouncil.gov.uk

Parish councils do not have to designate a Data Protection Officer.

What Data is Covered

This policy covers personal data. Personal data is defined as data that relates to a living individual who can be identified:

- a) from the data, or
- b) from data and other information which is in the possession of or is likely to come into the possession of the data controller.

It includes any expression of opinion about the individual and any indication of the intentions of the Council or other person in respect of the individual. It includes both automated personal data and manual filing systems where personal data is accessible according to specific criteria. It does not include anonymised data.

The data audit completed in November 2025 identified ninety different paper records which potentially contained personal data. Since 2000, most of these paper records have a matching electronic record as records are usually created electronically and printed down for ease of access. The Clerk is satisfied that the only personal data held exclusively in electronic format is the electoral roll obtained annually from Durham County Council.

Process if there is a breach.

The Council have robust measures in place to minimise and prevent data breaches from taking place. However, if a breach of personal data does occur the Council will complete the form at **Appendix 1** and send it to the Information Commissioner's Office (ICO) within 72 hours of discovery, unless the ICO states that the low risk renders formal reporting unnecessary. The Clerk will record all data breaches regardless of their effect and ensure that all councillors are promptly informed.

If the breach is likely to result in a high risk to the rights and freedoms of individuals, the Clerk will send the form to all impacted individuals to explain the breach and indicate its likely consequences and the mitigation measures taken or planned.

If an individual is aware of a data breach involving Bowes Parish Council, they must contact the Clerk or Chair of the Council immediately and keep any evidence that they have in relation to the breach.

Lawful purpose for processing the data

GDPR requires the Council to establish the lawful purpose for processing personal data. If there are not specific grounds for processing it, the Council will need to obtain consent from the individuals that the data relates to. However, in practice, providing the Council is careful to only collect and retain the minimum personal data it needs to meet its legal obligations and provide

services the need for consent is anticipated to be rare. This is explained in the Privacy Notice at **Appendix 2**.

On the rare occasions that consent is needed the Council will send the relevant individual(s) the consent form at **Appendix 3**.

GDPR places further restrictions on councils processing “**sensitive personal data**”. This is defined as “*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.*” It is unlikely that Bowes Parish Council will process any such data, other than that required for statutory purposes such as councillors’ declaration of interests.

The table below illustrates the five lawful purposes for processing personal data without seeking consent and their applicability to Bowes Parish Council:

GDPR Basis for Processing Data	Applicability to Bowes Parish Council	Example of Personal Data Processed by Bowes Parish Council
Processing is necessary for the performance of a contract or agreement with the individual	Frequent and held whilst current.	Contracts with suppliers, insurance provider and service users (e.g. allotment tenancy agreements). Employment contracts. Cemetery and allotment plot maps.
Processing is required under a legal obligation	Frequent and held indefinitely, unless the obligation is time limited.	Minutes and agenda papers Accounting records. VAT records (including invoices) Cemetery records.
Processing is necessary to protect the vital interests of the individual	Unlikely.	None identified. An individual’s health and safety would need to be put at risk by not holding personal data about them.
Processing is necessary to carry out public functions	Limited but may need to share personal data with auditors, the Police or Monitoring Officer.	Audit evidence supporting procurements, grant applications, budget-setting and payroll calculations.
Processing is necessary to pursue the legitimate interests of the data controller or third parties.	Limited. Information service users would expect the Council to hold about them to facilitate service provision.	The Electoral Roll to check eligibility for allotments, cemetery plots. Allotment Waiting Lists. Planning applications and related correspondence. Recent correspondence with users.

Subject Access Requests

Individuals have the right to make a subject access request to ascertain the information held about them by Bowes Parish Council. The Clerk will respond explaining:

- whether or not the relevant person’s data is processed and if so why, the categories of personal data concerned and the source of the data;
- to whom the personal data is (or may be) disclosed;

- for how long the personal data is stored (or how that period is decided);
- individual rights to rectification or erasure of data, or to restrict or object to processing;
- individual rights to complain to the ICO if they think the Council has failed to comply with their data protection rights; and
- whether or not the Council carries out automated decision-making and the logic involved in any such decision-making.

The Council will also provide the individual a copy of their personal data undergoing processing. This will normally be in electronic form, unless agreed otherwise.

To make a subject access request, an individual should send the request to the Clerk or Chair of the Council. In some cases, the Council may need to ask for proof of identification before the request can be processed. The Council will inform the applicant if that is the case.

The Council will normally respond to a request within a period of **one month from the date it is received**. Where the Council processes large amounts of the applicant's data, this may not be possible within one month. The Council will instead write within one month of receiving the original request to explain this.

If a subject access request is manifestly unfounded or excessive, the Council is not obliged to comply with it. A subject access request is likely to be manifestly unfounded or excessive where it repeats a request to which the Council has already responded. The Council will explain the grounds for rejection and an individual's right of appeal to the ICO.

Only collecting the data, the Council needs

The Clerk will always ensure that personal data is only collected and processed where it is adequate, relevant and limited to what is necessary for the purposes of processing. The Clerk will refer to the table above showing the lawful basis for processing data where there is any doubt about the need. Personal data will **not** be collected where there is no current need, but the Clerk thinks that there may be a future need.

Keeping Data Up to Date

The Clerk will always ensure that personal data is updated within two weeks of becoming aware of a relevant change.

Data Retention

The Council approved a Data Retention Policy in December 2025, which will be published on the website with this policy. It reflects a risk assessment of records held following a data audit. The overriding principle is that personal data is only obtained if the risk of retaining it unlawfully is low or negligible. The risk will be negligible if there are clear GDPR grounds for holding it and low if a record is unlikely to include personal data as it is more than 70 years old or retention is recommended by NALC.

The Data Retention Policy confirms that medium or high-risk personal data will be securely disposed of by 31 March 2026.

The Clerk will annually review data held and shred personal data that no longer meets the retention criteria (for example due to time-limited needs expiring). The Council purchased a shredder for this purpose in 2025/26.

Data security

The Council will ensure that all personal data held in hard copy is stored in locked cupboards within the Clerk's premises. The key will be stored separately.

The Council will ensure that all personal data held in electronic form is stored on the Clerk's password-protected laptop and backed up to a password-protected memory stick kept with the paper records in a locked cupboard.

The Council's IT Policy approved in September 2025 provides further information on data security.

Review timetable

This policy together with the attached appendices will be reviewed at the Annual General Meeting in May 2027 and annually thereafter. An earlier review will be required if there is a significant change in data protection legislation between planned reviews.

Appendix 1

Data Security Breach Reporting Form

The Council's Data Protection Policy is designed to prevent and mitigate data breaches. However, even councils with robust controls are vulnerable to data breaches. This form should be used to report such breaches.

Reporting data breaches

Recital 87 of the General Data Protection Regulations (GDPR), 2018 requires the Council to respond to data security incidents by establishing if a personal data breach has occurred, taking appropriate remedial action and reporting any breach to the Information Commissioner **within 72 hours of becoming aware of the breach**. The Council will use this form to communicate data breaches internally (between the Clerk and councillors) and externally (to the Information Commissioner) adhering to the statutory timetable, even if there are insufficient details to complete the form fully.

If the breach has a high risk of adversely affecting individual's rights and freedoms the Clerk will send a copy of the form to the individual and advise them of any action they should take to mitigate the risk.

Date and time of Breach being identified	
Notification of Breach to whom (ICO and all individuals) Name Contact Details	https://report.ico.org.uk/security-breach/
Details of Breach	
Nature and content of Data Involved	
Number of individuals affected:	
Name of person investigating breach Name Job Title Contact details	

Police Informed if relevant	
Time and method of contact	
Name of person contacted	
Contact details	
Containment Actions taken	
Assessment of ongoing risk	
Evaluation and response	
Signed	
Date and time of notification	

Appendix 2

Contact Privacy Notice

Introduction

In accordance with the law, Bowes Council only collects a limited amount of information about you that is necessary for correspondence, information and service provision. The Council does not use your data for purposes other than those specified. The Council makes sure your data is stored securely and deletes all information deemed to be no longer necessary.

The Council does not use profiling or cookies and it does not sell or pass your data to third parties.

When you contact us

The information you provide (personal information such as name, address, email address) will be processed and stored to enable us to contact you and respond to your correspondence, provide information and/or access our services.

The Councils Right to Process Information

General Data Protection Regulations (2018) - Article 6(1) (a) (b) and (e) provides a legal basis for us holding your data if:

- Processing is with consent of the data subject or
- Processing is necessary for compliance with a legal obligation or
- Processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.

Information Security

Bowes Parish Council has a duty to ensure the security of personal data. We make sure that your information is protected from unauthorised disclosure. This is done through appropriate technical measures and appropriate policies. Copies of these policies can be requested. We will not process any data relating to a child (under 13) without the express parental/guardian consent of the child.

Access to information

You have the right to request access to the information we have on you. You can do this by contacting the Clerk: (clerk@bowesparishcouncil.gov.uk).

Information Correction and deletion

If you believe that the information we have about you is incorrect or held incorrectly, you may contact us so that we can update it or delete it. Please contact the Clerk to do this (contact details above).

Complaints

If you have a complaint regarding the way your personal data have been processed you may make a complaint to the Clerk as above or the Information Commissioner (Tel 0303 123 113). casework@ico.org.uk

Appendix 3

Consent to hold Contact Information

I agree that I have read and understood Bowes Parish Councils Privacy Notice. I agree by signing below that the Parish Council may process my personal information for providing information and corresponding with me.

I agree that Bowes Parish Council can keep my contact information data for an undisclosed time or until I request its removal.

I have the right to request modification on the information that you keep on record.

I have the right to withdraw my consent and request that my details are removed from your database.

Name	
Date of birth if under 18	
Parental/Guardian Consent if under 18	
Address	
Telephone & mobile numbers	
Email address	
Signature	
Date	
Details of the service that Bowes Parish Council need my data to provide	
Details of any personal data provided additional to the data above.	
Hard copy or electronic data	

