

**MINUTES OF THE EXTRAORDINARY MEETING OF OXENHOPE PARISH
COUNCIL, HELD ON WEDNESDAY 23RD MAY 2018 AT OXENHOPE
METHODIST CHURCH, COMMENCING AT 7:30 PM**

Present: Cllr Ken Eastwood (Chair)
Cllr David Ashcroft
Cllr Karen Faulkner
Cllr Joyce Harrop
Cllr Derrick Hopkinson
Cllr Tony Maw
Cllr Peter McManus

In attendance: 1 member of the public

88/18 Apologies

Cllr Robert Goulding

89/18 General Data Protection Regulation (GDPR)

Cllr Eastwood started the meeting by giving a presentation on GDPR.

He explained that data protection is about avoiding harm to individuals by misusing or mismanaging their personal data. He explained the eight principles, which include:

- Only collect information for specific purposes and don't then use it for other purposes
- Only collect what we need for the specific purpose
- Keep data that permits identification of data subjects for no longer than is necessary
- Keep it accurate and up to date; and safe and secure
- Process information lawfully and allow subject access in line with the Act

He explained that personal data is defined as:

- Any information about a living individual, which is capable of identifying that individual (alone or when combined with other data).

Sensitive personal data is defined as:

- Any information relating to an individual's racial or ethnic origin, political opinions, religious beliefs, trade union membership, physical or mental health or condition, sexual life, alleged or actual criminal activity and criminal record.
(Under GDPR sensitive personal data is referred to as "special categories of personal data")

GDPR comes into force on 25th May 2018. From that date the following regulations apply:

- We must have a legitimate reason for processing data

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1899

Page Numbering checked..... 13th June 2018

- Consent must be freely and unambiguously given and can be just as easily withdrawn
- Data Processing activities must start with “privacy by design and default”
- Subject Access Requests – will include how we process and share data not just what we hold and we’ll have less time to respond (30 days)
- Subjects can request data deletion – “the right to be forgotten”
- There will be mandatory breach reporting
- Data processors will be held liable
- We must be able to demonstrate compliance with GDPR

The principles of GDPR were set out as:

- **Lawfulness, fairness and transparency** – as with Data Protection
- **Purpose limitation** – only collect for specific purposes and then don’t use it for other purposes
- **Data minimisation** – only collect the data we need for the purpose we are using it
- **Accuracy** – as now, keep it up to date.
- **Storage limitation** – do not keep it for longer than we need to fulfil the purpose
- **Integrity and confidentiality** – keep it safe and secure e.g. encrypted
- **Accountability** – we must be able to prove we have complied with the above.

Cllr Eastwood said that originally Parish Councils would be required to appoint a Data Protection Officer but there is currently an amendment to the bill, which would exempt Parish Councils from this requirement.

Cllr Eastwood then talked about when consent is needed for data processing. The Parish Council can process personal data without consent where it is necessary:

- For the performance of a contract (for example allotments)
- For compliance with a legal obligation (for example the register of Councillor’s interests)
- To protect the vital interests of the data subject or another person (for example to protect someone’s life in an emergency)
- In the exercise of official authority or in the public interest (for example processing the electoral register for the purposes of a Parish meeting)
- For the purposes of legitimate interests you are undertaking (not for public authorities)

He explained that the Parish Council only need to obtain consent if none of these apply. Consent must be:

“Freely given, specific, informed and unambiguous indication of the data subject’s wishes by which he or she, by a statement or a clear affirmative action, signifies agreement to the processing of personal data relating to him or her.”

This means that:

- Conditions for consent are very clear.
- No pre-ticked boxes, opt-outs etc.
- Consent is given for a specific, defined purpose (cannot then be used for something else).

Cllr Ashcroft asked about consent where the data subject is under the age of thirteen. Cllr Eastwood said consent would be needed from the person with parental responsibility. It was unlikely that the Parish Council would need to obtain consent from anyone under the age of thirteen, with the only possible area being the Youth Club. This would be checked to see if it was an issue.

Cllr Eastwood then went through what the Parish Council has already done to meet GDPR requirements. This included:

- Reviewed data storage and improved security (encryption)
- Deleted some data (electronic files)
- Prepared the following draft policies:
 - Information & Data Protection.
 - Management of Transferrable Data.
 - Retention & Disposal.
 - Social Media.
 - General & Councillor Privacy Notices.

However he said there are still things that need to be addressed. These include:

- Change how we prepare agendas (redact all personal data).
- Ask members to review what they hold and to delete/dispose as required.
- Chair holds duplicate data e.g. former Clerk’s archive.
- Remove data stored in Polldaddy (no longer necessary to retain).
- Organise existing paper records and destroy or archive in line with new retention & disposal policy.

Cllr Eastwood then discussed the email addresses held by the Parish Council. These total 229 subscribers with the information obtained from people who had either asked to be informed about the Neighbourhood Development Plan, completed online surveys or asked to receive email updates when the website was updated.

Cllr Eastwood said the advice from the Society for Local Council Clerks (SLCC) was that consent was needed, but their proposal involved obtaining more personal data. He said the options were to use the SLCC approach, or to draw up an online form to obtain consent or do nothing.

There was a general view that the email addresses were very useful to the Parish Council as a means of communicating with residents on issues such as the future of the village and the NDP. Cllr Eastwood stressed the contact list would only be used by the Parish Council for news and updates about the village.

Resolved:

To ask Cllr Eastwood to draw up a form and ask for consent from the Parish Council contacts to continue to receive news from the Council.

Cllr Eastwood then moved onto the issue of whether all Councillors should be using email addresses set up by the Council (which end in .gov.uk). He talked about the right of anyone to be “be forgotten” and deleted from Parish Council records. This is not possible if Councillors are using personal email addresses.

Cllr Maw said in the past there had been problems using parish council email addresses. Cllr Ashcroft stressed that ease of access was important.

Resolved:

All Councillors will get and use a Parish Council email address.

There was a general discussion about queries raised by residents, which were then included on an agenda.

Resolved:

To ask for consent to include a resident’s name with the query included on the agenda.

It was also agreed that the full agenda with appendices is only made available to Parish Councillors. The public agenda will not include appendices.

Councillors then discussed the use of photos as a photo of an unnamed person is classed as personal data under GDPR. The need for care to be taken both on the issue of copyright and the use of photos in the NDP was stressed.

Cllr Ashcroft then asked about the policies and how they had been developed. Cllr Eastwood said that they were based on SLCC templates, which had been adapted for Oxenhope Parish Council.

Cllr Ashcroft was particularly concerned about whether the Social Media Policy was robust enough. He talked about the definition of “civil and tasteful”. He wondered whether this was easy to define and would it be open to any claim of discrimination. He said he wanted to ensure it was

sufficient for purposes. Cllr Eastwood said there were four Oxenhope Online administrators.

If they had any concerns about a post they would discuss it and remove if necessary. This approach had worked well to date. Cllr Ashcroft suggested the policy be aligned with the Equalities Act to strengthen it and offered to provide some suitable text.

The proposed changes to the Social Media Policy would be shared with Oxenhope Online administrators.

Resolved:

To approve all the draft policies, with an amendment to the Social Media Policy to align with the Equalities Act.

Cllr Ashcroft also stressed the need for all Councillors to take care with any comments made in a Parish Council email, as these could be the subject of a Freedom of Information (FOI) request.

90/18 Data Audit

Councillors reviewed and agreed the data audit.

92/18 Finance

Resolved:

To authorise the following expenditure:

Item	Reason	Cost	Comment
Locked filing cabinet	Secure storage	£55.00	Two drawer locking filing cabinet (Argos)
Shredder	To shred confidential documents	£40.00	10 sheet cross cut shredder (Argos).
Set up a PO address	Clerk's home address not published	£275.00	Annual cost for PO box with delivery service.
Parish Council email addresses	Manage information sent by email	£9.99 per mailbox (plus VAT).	Total cost for 9 Parish Council email addresses (8 Councillors plus Clerk) would be £89.91 plus VAT

93/18 To note the date and time of the next meeting

The next monthly meeting will be on Wednesday 13th June 2018 at 7.30 p.m.

Signed.....

1903

Page Numbering checked..... 13th June 2018