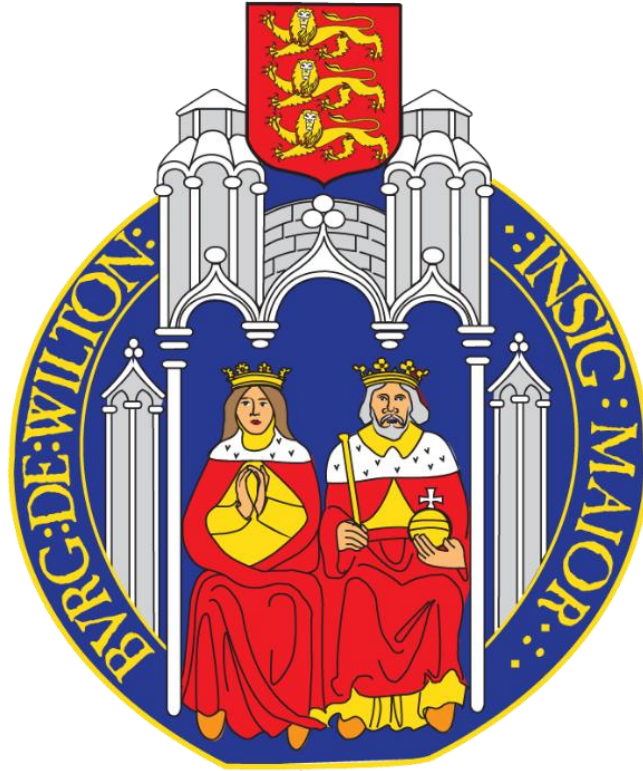




Wilton Town Council

Data Protection Policy

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1. Document Control Information

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Version Control:

Version No	Date	Minute Ref	Description
1.1	June 2018		Policy Published
1.2	4 th Oct 2022	185/22 (vi)	Reviewed and re-adopted
1.3	11 th May 2026	FC11	• Legal basis + legislation references modernised • Replaced outdated references to the Data Protection Act 1998 and “GDPR 2018” with UK GDPR + Data Protection Act 2018, and retained FOIA/EIR where relevant for a local council. • Expanded the “References” section so it no longer says “<i>There are no sources...</i>”, and now lists the core legislation and key ICO guidance areas • Updated the principles list to align with ICO’s current framing, including the missing “Accountability” principle (Article 5(2) concept • Replaced “Sensitive personal data” with “Special category data” language and added the note about additional safeguards for criminal conviction/offence data, consistent with current UK framing. • Updated the international transfer wording away from the old “outside the EEA” formulation and replaced it with UK GDPR restricted transfers language, referencing UK adequacy regulations / safeguards. • The old list was incomplete/misaligned. It has been replaced with the full Article 6 lawful bases set (consent, contract, legal obligation, vital interests, public task, legitimate interests where applicable) • Inserted new clauses to reflect ICO guidance: report notifiable breaches within 72 hours where feasible, notify individuals where high risk, and keep a record of breaches whether reportable or not.

Planned Review Date: May 2028

2. References

There are no sources in the current document.

3. Legal Context

3.1 The Council must comply with applicable information and data protection legislation, including: the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018; and access-to-information legislation including the Freedom of Information Act 2000 and the Environmental Information Regulations 2004. Other relevant transparency and openness requirements may also apply.

4. Purpose

4.1 Wilton Town Council is committed to managing 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.

5. Introduction

5.1. In order to conduct its business, services and duties, Wilton 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:

- a) 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.
- b) Confidential information and data not yet in the public arena such as ideas or policies that are being worked up.
- c) Confidential information about other organisations because of commercial sensitivity.
- d) Personal data concerning its current, past and potential employees, Councillors, and volunteers.
- e) Personal data concerning individuals who contact it for information, to access its services or facilities or to make a complaint.

5.2. The 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.

5.3. This Policy is linked to our Quality Policy and ICT Policy which will ensure information considerations are central to the ethos of the organisation.

5.4. 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.

5.6 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.

6. Protecting confidential or sensitive information

6.1. Wilton Town Council recognises it must at times, keep and process sensitive and personal information about both employees and the public, it has therefore adopted this policy not only to meet its legal obligations but to ensure high standards.

6.2. Data protection law in the UK is governed by the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018. These laws set out the rights of individuals and the responsibilities of organisations (including local councils) that process personal data. The Council keeps its approach under review in line with guidance from the Information Commissioner's Office (ICO).

6.3. The policy is based on the premise that Personal Data must be:

- a) Processed lawfully, fairly and in a transparent manner in relation to the data subject.
- b) Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes.
- c) Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.
- d) Accurate and, where necessary, kept up to date.
- e) Kept in a form that permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed.
- f) Processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.
- g) Accountability: the Council is responsible for, and must be able to demonstrate, compliance with these principles.

7. Data Protection Terminology

7.1. Data subject - means the person whose personal data is being processed. That may be an employee, prospective employee, associate or prospective associate of WTC 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.

7.2. 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.

7.3. Special category data - includes information about racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, genetic data, biometric data (where used for identification), health data, or data concerning a person's sex life or sexual orientation. Personal data relating to criminal convictions and offences is subject to additional safeguards under data protection law.

7.4. 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.

7.5. 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.

7.6. 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:

- a) organising, adapting or altering it
- b) retrieving, consulting or using the information or data
- c) disclosing the information or data by transmission, dissemination or otherwise making it available
- d) aligning, combining, blocking, erasing or destroying the information or data. regardless of the technology used.

8. Wilton Town Council & Personal Data

8.1. The Council processes personal data in order to:

- a) fulfil its duties as an employer by complying with the terms of contracts of employment, safeguarding the employee and maintaining information required by law.
- b) pursue the legitimate interests of its business and its duties as a public body, by fulfilling contractual terms with other organisations, and maintaining information required by law.
- c) monitor its activities including the equality and diversity of its activities

- d) fulfil its duties in operating the business premises including security
- e) assist regulatory and law enforcement agencies
- f) process information including the recording and updating details about its Councillors, employees, partners and volunteers.
- g) process information including the recording and updating details about individuals who contact it for information, or to access a service, or make a complaint.
- h) undertake surveys, censuses and questionnaires to fulfil the objectives and purposes of the Council.
- i) undertake research, audit and quality improvement work to fulfil its objects and purposes.
- j) carry out Council administration.

8.2. Where appropriate and governed by necessary safeguards we will carry out the above processing jointly with other appropriate bodies from time to time.

8.3. The Council will ensure that at least one of the following conditions is met for personal information to be considered fairly processed:

- a) The individual has consented to the processing
- b) Processing is necessary for the performance of a contract or agreement with the individual
- c) Processing is required under a legal obligation
- d) Processing is necessary to protect the vital interests of the individual
- e) Processing is necessary to carry out public functions
- f) Processing is necessary in order to pursue the legitimate interests of the data controller or third parties.

8.4. Particular attention is paid to the processing of any sensitive personal information and the Town Council will ensure that at least one of the following conditions is met:

- a) Explicit consent of the individual
- b) Required by law to process the data for employment purposes
- c) A requirement in order to protect the vital interests of the individual or another person

9. Who is responsible for protecting a person's data?

9.1. The Town Council as a corporate body has ultimate responsibility for ensuring compliance with the Data Protection legislation. The Council has delegated this responsibility day to day to the Town Clerk. Email: clerk@wiltontowncouncil.gov.uk, Phone: 01722 742093, Correspondence: The Town Clerk, Wilton Town Council, Council Offices, Kingsbury Square, Wilton, Salisbury, Wilts SP2 0BA

10. Diversity Monitoring

10.1 Wilton Town Council monitors the diversity of its employees, and Councillors, in order to ensure that there is no inappropriate or unlawful discrimination in the way it conducts its activities. It undertakes similar data handling in respect of prospective employees. This data will always be treated as confidential. It will only be accessed by authorised individuals within the Council and will not be disclosed to any other bodies or individuals. Diversity information will never be used as selection criteria and will not be made available to others involved in the recruitment process. Anonymised data derived from diversity monitoring will be used for monitoring purposes and may be published and passed to other bodies.

10.2. The Council will always give guidance on personnel data to employees, councillors, partners and volunteers through a Privacy Notice and ensure that individuals on whom personal information is kept are aware of their rights and have easy access to that information on request.

10.3. Appropriate technical and organisational measures will be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.

10.4. Where the Council makes a restricted transfer of personal data outside the UK, it will do so only where permitted by the UK GDPR. This includes transfers covered by UK adequacy regulations or, where required, the use of appropriate safeguards and risk assessments.

11. Information provided to us

11.1. The information provided (such as name, address, email address and phone number) will be processed and stored so that we can contact you, respond to your enquiry, or administer the service or transaction requested by the individual. We will process your personal data using an appropriate lawful basis under the UK GDPR (for example, where processing is necessary for the performance of a contract, compliance with a legal obligation, or the performance of a task carried out in the public interest). Where we rely on consent, we will seek it clearly and you can withdraw it at any time. It

is your responsibility to ensure that the Town Council is able to keep your personal data accurate and up-to-date. Personal information will not be shared with third parties or used for unrelated purposes unless we have a lawful basis and are permitted or required to do so.

12. The Council's right to use personal data

12.1. The UK GDPR (Article 6) provides lawful bases for processing personal data. Depending on the circumstances, the Council may process personal data where: a)

Consent has been given for a specific purpose; or b) Processing is necessary for the performance of a contract with the individual; or c) Processing is necessary for compliance with a legal obligation; or d) Processing is necessary to protect the vital interests of the individual; or e) Processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority; and f) In some circumstances, processing is necessary for legitimate interests (where applicable).

a) Processing is with consent of the data subject, or

b) Processing is necessary for compliance with a legal obligation.

c) Processing is necessary for the legitimate interests of the Council.

13. Information Security

13.1. The Town Council cares to ensure the security of personal data. We make sure that your information is protected from unauthorised access, loss, manipulation, falsification, destruction or unauthorised disclosure. This is done through appropriate technical measures and appropriate policies.

13.2. We will keep personal data only for the purpose it was collected for and only for as long as is necessary, in line with any statutory requirements and the Council's retention arrangements. When no longer required, it will be securely disposed of.

13.3. The Council will maintain procedures for detecting, reporting and investigating personal data breaches. Where required by law, the Council will notify the Information Commissioner's Office (ICO) within 72 hours of becoming aware of a notifiable breach, and will inform affected individuals without undue delay where there is a high risk to their rights and freedoms.

13.4. The Council will keep a record of personal data breaches, including the facts relating to the breach, its effects and the remedial action taken, whether or not the breach is notifiable.

14. Children

14.1. The Council recognises that children's personal data requires particular protection. Where the Council offers online services that rely on consent, a child aged 13 or over may be able to provide their own consent; for children under 13, consent must be provided by someone with parental responsibility. In all cases, the Council will use clear language and apply appropriate safeguards when processing children's data.

15. Rights of a data subject

15.1. Right of access (Subject Access Request): an individual has the right to request confirmation that we process their personal data and to request a copy of the personal data we hold about them. Requests can be made in writing or verbally. We will respond without undue delay and normally within one calendar month of receipt (or from receipt of any information reasonably required to verify identity or clarify the request). Please contact the Town Clerk (see section 9.1).

15.2. Right to rectification: If an individual believes that the information we hold about them is inaccurate or incomplete, they may contact us so that we can update it and keep their data accurate. Please contact: Town Clerk.

15.3. Right to erasure: In some circumstances an individual may request that the Town Council delete personal data it holds about them. This right is not absolute and may not apply where we need to retain information to meet a legal obligation or to perform a task in the public interest. Please contact: Town Clerk.

15.4. Right to object and right to restrict processing: Individuals may object to certain types of processing, and may request that we restrict processing in certain circumstances. Please contact: Town Clerk.

15.5. The Town Council does not use automated decision making or profiling of individual personal data.

15.6. Complaints: If an individual has a complaint regarding the way their personal data has been processed, they may make a complaint to the Town Clerk or (if appointed) the Data Protection Officer. They also have the right to complain to the Information Commissioner's Office (ICO) at www.ico.org.uk, email casework@ico.org.uk Tel: 0303 123 1113.

15.7. The Council will always give guidance on personnel data to employees through the Employee handbook.

15.8. The Council will ensure that individuals on whom personal information is kept are aware of their rights and have easy access to that information on request.

16. Making information available

16.1. The Publication Scheme is a means by which the Council can make a significant amount of information available routinely, without waiting for someone to specifically request it. The scheme is intended to encourage local people to take an interest in the work of the Council and its role within the community.

16.2. In accordance with the provisions of the Freedom of Information Act 2000, this Scheme specifies the classes of information which the Council publishes or intends to publish. It is supplemented with an Information Guide which will give greater detail of what the Council will make available and hopefully make it easier for people to access it.

16.3. All formal meetings of Council and its committees are subject to statutory notice being given on notice boards, the Website and sent to the local media. The Council publishes an annual programme in May each year. All formal meetings are open to the public and press and reports to those meetings and relevant background papers are available for the public to see. The Council welcomes public participation and has a public participation session at each Council and committee meeting. Details can be seen in the Council's Standing Orders, which are available on its Website or at its Offices.

16.4. Occasionally, Council or committees may need to consider matters in private. Examples of this are matters involving personal details of staff, or a particular member of the public, or where details of commercial/contractual/legal sensitivity are to be discussed. This will only happen after a formal resolution has been passed to exclude the press and public and reasons for the decision are stated. Minutes from all formal meetings, including the confidential parts are public documents.

16.5. The Openness of Local Government Bodies Regulations 2014 requires written records to be made of certain decisions taken by officers under delegated powers. These are not routine operational and exclude administrative decisions such as giving instructions to the workforce or paying an invoice approved by Council, but would include urgent action taken after consultation with the Chairman, such as responding to a planning application in advance of Council. In other words, decisions which would have been made by Council or committee had the delegation not been in place.

16.6. The 2014 Regulations also amend the Public Bodies (Admission to Meetings) Act 1960 to allow the public or press to film, photograph or make an audio recording of council and committee meetings normally open to the public. The Council will where possible facilitate such recording unless it is being disruptive. It will also take steps to ensure that children, the vulnerable and members of the public who object to being filmed are protected without undermining the broader purpose of the meeting.

16.7. The Council will be pleased to make special arrangements on request for persons who do not have English as their first language or those with hearing or sight difficulties.

17. Disclosure Information

17.1. The Council will as necessary undertake checks on both staff and Members with the Disclosure and Barring Service and will comply with their Code of Conduct relating to the secure storage, handling, use, retention and disposal of Disclosures and Disclosure Information. It will include an appropriate operating procedure in its integrated quality management system.

18. Data transparency

18.1. The Council has resolved to act in accordance with the Code of Recommended Practice for Local Authorities on Data Transparency (September 2011). This sets out the key principles for local authorities in creating greater transparency through the publication of public data and is intended to help them meet obligations of the legislative framework concerning information.

18.2. “Public data” means the objective, factual data on which policy decisions are based and on which public services are assessed, or which is collected or generated in the course of public service delivery.

18.3. The Code will therefore underpin the Council’s decisions on the release of public data and ensure it is proactive in pursuing higher standards and responding to best practice as it develops.

18.4. The principles of the Code are:

- a) Demand led: new technologies and publication of data should support transparency and accountability
- b) Open: the provision of public data will be integral to the Council’s engagement with residents so that it drives accountability to them.
- c) Timely: data will be published as soon as possible following production.

18.5. Government has also issued a further Code of Recommended Practice on Transparency, compliance of which is compulsory for parish councils with turnover (gross income or gross expenditure) exceeding £200,000 per annum. Wilton Town Council exceeds this turnover and will ensure the following minimum amount information is published on its Website for ease of access:

- a) All transactions above £100.
- b) End of year accounts

- c) Annual Governance Statements
- d) Internal Audit Reports
- e) List of Councillor or Member responsibilities
- f) Details of public land and building assets
- g) Draft minutes of Council and committees within one month
- h) Agendas and associated papers no later than three clear days before the meeting.

18.6. Note the Town Council is still required to submit its accounts for external audit.