

**Update on Appointment of Internal Auditor and Consideration of Internal Audit Plan 2023/24**

At the Finance & Governance meeting held 26<sup>th</sup> July 2023 Minute 7, it was agreed:

That a contract for the provision of internal audit services for the forthcoming three financial years, with a potential two-year extension, be awarded to Darkin-Miller Chartered Accountants, subject to satisfactory agreement being reached around the format of the audit plan, potentially including increased phasing of low/medium risk activities and reduced on-site visits, in order to maximise cost effectiveness while maintaining a high level of assurance from the internal audit process.

The Town Clerk/RFO and Finance Manager subsequently met with Rosie Darkin-Miller on 6<sup>th</sup> September 2023 to discuss a revision to the proposed audit plan with a view to maintaining a high level of assurance while reducing costs. Having identified that this was possible, Darkin Miller Chartered Accountants have been appointed, and Council confirmed the audit provider's competence and independence at the Council Meeting held on 18<sup>th</sup> September 2023.

The Committee are now asked to determine the preferred level of internal audit for the forthcoming year. Three audit plan options have been developed for the Committee to review.

- **Option 1:** Core testing only (as per Practitioners' Guide): 7.5 days
- **Option 2:** Core testing plus detailed testing on high value income streams: 10 days.
- **Option 3:** Swanage specific audit plan: 13 audit days

Option 1 is equitable in terms of cost to the alternative tender that was submitted for consideration to Committee in July. This audit plan would give the required level of assurance based upon the Practitioners' Guide requirements. However, no separate annual audit report would be issued other than that included in the AGAR.

Option 2 is the mid-priced option and would give a level of assurance in relation to the Practitioners' Guide requirements, plus detailed testing of high-level income streams, always including car parks and beach huts. Low risk/value audits would be removed from the plan and not be tested unless specifically requested. Again, no separate annual audit report would be issued other than that included in the AGAR. This audit plan would strike a balance between cost and assurance. The cost in excess of option 1 is c. £650.

Option 3 provides the full level of assurance, with the addition of Swanage Town Council specific testing, which for 2023/24 would include detailed testing of car parks, allotments, boat park, beach gardens, cemeteries, TIC cash. A separate Annual Internal Audit Report would be issued at year end. The cost in excess of option 1 is c. £2,200, and c. £1,550 in excess of option 2.

For information, the additional Annual Internal Audit Report is approximately 1 hour of IA time should Members wish to add this to either option 1 or 2.

It has also been determined that some testing can be carried out remotely, thus potentially reducing the total travel costs. This will be determined on a visit-by-visit basis, but cost reduction would be maximised during the year.

In discussion with the IA, a change to the reporting format has also been discussed. Members would receive an informative but summarised report, noting medium to high level risk assessed actions, with a more detailed report being issued to managers. This ensures that Members can focus on significant issues raised in the audit process.

Officers have also discussed the possibility of adding to the audit plan during the year, should any areas of concern be raised at any point, with the decision to be delegated to the RFO and Finance Manager. The need to have additional in-house auditing of certain service areas has also been noted should options 1 or 2 be agreed.

### **Decision Required**

To determine the desired level of Internal Audit service required for the financial years 2023/24 to 2025/26.

Alison Spencer  
Finance Manager

October2023



## DRAFT DATA PROTECTION POLICY

### 1 Aims

The councillors and management team at Swanage Town Council are committed to ensuring that all personal data collected is processed in accordance with all relevant data protection laws including the General Data Protection Regulation (GDPR) and the Data Protection Act 2018 (DPA 2018).

Swanage Town Council is registered as a data controller with the Information Commissioner.

The details of Swanage Town Council's Data Protection Officer can be found in section 6.

### 2 Scope

This policy applies to anyone who has access to and/or is a user of Swanage Town Council's ICT systems, both in and out of the Town Council, including staff, councillors, volunteers, visitors, contractors, and other community users.

This policy applies to all personal data, regardless of whether it is in paper or electronic format.

### 3 Distribution

This policy is available on Swanage Town Council's website and in hard copy from the Town Hall, High Street, Swanage, Dorset BH19 2NX.

In order to comply with the fair processing requirements of the GDPR, Swanage Town Council informs its workforce and citizens of the data it collects processes and holds on the workforce and citizens, the purposes for which the data is held and any third parties to whom it may be passed. This information forms part of the Privacy Notices which are posted on the Town Council's website in the policies section: <https://www.swanage.gov.uk/Policies.aspx>

Paper copies of the Privacy Notices are available on request from the Town Hall, High Street, Swanage, Dorset BH19 2NX. Privacy Notices are reviewed at least annually, and residents and staff will be alerted to any significant changes via email.

### 4 Definitions

**Personal data** - Any combination of data items which could identify a living person and provide specific information about them, their families or circumstances. The term covers both facts and opinions about an individual. The Town Council may process a wide range of personal data of staff (including councillors and volunteers) and residents/citizens as part of its operation.



This personal data may include (but is not limited to):

- names and addresses (including email addresses)
- bank details
- references
- employment history
- taxation and national insurance records
- appraisal records
- bookings (cemeteries, halls etc)
- complaints

**Special category personal data** - Personal data which is more sensitive and so needs more protection, including information about a living individual's:

- racial or ethnic origin
- political opinions
- religious or philosophical beliefs
- trade union membership
- genetics
- biometrics (such as fingerprints, retina and iris patterns), where used for identification purposes
- health – physical or mental
- sex life or sexual orientation

Criminal records are treated in much the same way as other special category data

**Processing** - Anything done to personal data, such as collecting, recording, organising, structuring, storing, adapting, altering, retrieving, using, disseminating, erasing or destroying. Processing can be automated or manual.

**Data subject** - The identified or identifiable (living) individual whose personal data is held or processed.

**Data controller** - A person or organisation that determines the purposes and the means of processing of personal data.

**Data processor** - A person or other body, other than an employee of the data controller, who processes personal data on behalf of the data controller.

**Personal data breach** - A breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to personal data.

## 5 Roles and Responsibilities

This policy applies to all staff (including councillors and volunteers) who work for Swanage Town Council, and to external organisations or individuals working on its behalf.

**Councillors** - The Councillors have overall responsibility for ensuring that the Town Council complies with all relevant data protection obligations.



**Town Clerk** - The Town Clerk acts with the delegated authority of the Full Council on a day to day basis and will liaise with the DPO. In the Town Clerk's absence, in case of emergency, this role will be delegated to the Finance Manager.

**All staff** - All staff are responsible for:

- Familiarising themselves with and complying with this policy and acceptable use policies for staff. The learning culture within the organisation seeks the avoidance of a blame culture and is key to allowing individuals the confidence to report genuine mistakes. However, staff should be aware, that a deliberate or reckless disregard of this policy could result in disciplinary action being taken.
- Taking care to ensure the safe keeping of personal data, minimising the risk of its loss or misuse at all times. All staff should adopt the approach that they should treat the personal data of others with the same care with which they would treat their own.
- Using personal data only on secure password protected computers and other devices, ensuring that they are properly “logged-off” at the end of any session in which they are using personal data.
- Storing, transporting and transferring data using encryption and secure password protected devices.
- Not transferring personal data offsite or to personal devices.
- Deleting data in line with this policy and the retention schedule.
- Informing the Town Council of any changes to their personal data, such as a change of address.
- Reporting to the Town Clerk, or in their absence the Finance Manager or DPO, in the following circumstances:
  - Any questions about the operation of this policy, data protection law, retaining or sharing personal data or keeping personal data secure;
  - If they have any concerns that this policy is not being followed;
  - If they are unsure whether they have a lawful basis upon which to use personal data in a particular way;
  - If they need to rely on or capture consent, deal with data protection rights invoked by an individual, or transfer personal data outside the European Economic Area;
  - The discovery of a data breach or near miss (immediate action is required) – please refer to the Data Breach Policy and page 9 of this policy;
  - Whenever they are engaging in a new activity that may affect the privacy rights of individuals;
  - If they are to share personal data with a data processor, for example a contractor or someone offering a service, in which case a contract is likely to likely to be required - please see *Sharing Personal Data* (section 10).



## 6 Data Protection Officer (DPO)

The Data Protection Officer (DPO) is responsible for advising on the implementation of this policy, monitoring compliance with data protection law, providing support and developing related policies and guidelines where applicable, in amongst other data protection related functions. They will provide an annual report on compliance directly to the Council and, where relevant, provide the Town Council with advice and recommendations on data protection issues.

The Town Council has appointed i-West as its DPO, and they can be contacted by email at

Email: [i-west@bathnes.gov.uk](mailto:i-west@bathnes.gov.uk).

Telephone: 01225 395959

One West  
Bath and North East Somerset Council  
Guildhall  
High Street  
Bath  
BA1 5AW

Under usual circumstances the Town Clerk or the Finance Manager will be the point of contact with the DPO.

## 7 Subject Access Requests and Other Rights of Individuals

In all aspects of its work, Swanage Town Council will ensure that the rights of the data subject are protected by all practicable measures associated with the conduct of the Town Council's work. Subject to exceptions, the rights of the data subject as defined in law are;

*a) The Right to be informed.*

The Town Council advises individuals how it will use their data through the use of transparent Privacy Notices and other documentation such as consent forms where appropriate.

*b) The Right of access*

An individual when making a subject access request (SAR) is entitled to the following;

- i. confirmation that their data is being processed;
- ii. access to their personal data;
- iii. other supplementary information – this largely corresponds to the information that should be provided in a Privacy Notice.



The Town Council must respond to such a request within 30 days unless the request is complex, in which case it may be extended by a further 60 days. Please refer to Appendix 1 for further details as to how to manage a subject access request.

*c) The Right to rectification*

Individuals have the right to ask to rectify information that they think is inaccurate or incomplete. The Town Council has a duty to investigate any such claims and rectify the information where appropriate within 30 days, unless an extension of up to a further 60 days can be justified.

*d) The Right to erasure*

The right for an individual to request that their data is erased is not absolute. It applies where:

- the information was given voluntarily, consent is now withdrawn and no other legal basis for retaining the information applies;
- the information is no longer required by the Town Council;
- a legal obligation to erase the data applies;
- the data was collected from a child for an online service;
- the Town Council has processed the data on the basis that it is in their legitimate business interests to do so, and having conducted a legitimate interests test, it concludes that the rights of the individual to have the data erased outweigh those of the Town Council to continue to process it.

*e) The Right to restrict processing*

An individual may ask the Town Council to temporarily limit the use of their data when it is considering:

- a challenge made to the accuracy of their data, or
- an objection to the use of their data.

In addition, the Town Council may be asked to limit the use of data rather than delete it, if the individual does not want the Town Council to delete the data but does not wish it to continue to use it, in the event that the data was processed without a lawful basis or to create, exercise or defend legal claims.

*f) The Right to data portability*

An individual can make a request in relation to data which is held electronically for it to be transferred to another organisation or to themselves where they have provided it either directly or through monitoring activities e.g. apps. The Town Council only has to provide the information where electronically feasible.



g) *The Right to object*

Individuals have a right to object in relation to the processing of data for

- a task carried out in the public interest or the Council's legitimate interests
- scientific or historical research, or statistical purposes, or
- direct marketing.

h) *The right to withdraw consent to processing*

i) *Rights related to automated decision making*

This does not apply as the Town Council does not employ automated decision-making processes.

## 8 Data Protection Principles

The GDPR is based on 7 key data protection principles that the Town Council complies with.

The principles say that personal data must be:

- **Processed lawfully, fairly and in a transparent manner** – the Town Council will explain to individuals why the Town Council needs their data and why it is processing it – for example on consent forms (where consent is used as the basis for processing), and in its Privacy Notice(s). The Town Council reviews its documentation and the basis for processing data on a regular basis.
- **Collected for specified, explicit and legitimate purposes** – the Town Council explains these reasons to the individuals concerned when it first collects their data. If the Town Council wishes to use personal data for reasons other than those given when the data was first obtained, it will inform the individuals concerned before doing so, and will seek consent where necessary and appropriate, unless the new purpose is compatible with that in respect of which consent was given, or there is another lawful basis for sharing the information (the Town Council will document the basis for processing). For special categories of personal data, it will also meet one of the special category conditions for processing which are set out in the GDPR and Data Protection Act 2018.
- **Adequate, relevant and limited to what is necessary to fulfil the purposes for which it is processed** - the Town Council must only process the minimum amount of personal data that is necessary in order to undertake its work.
- **Accurate and, where necessary, kept up to date** – the Town Council will check the details of those on its databases at appropriate intervals and maintain the databases. It will consider and respond to requests for inaccurate data to be rectified in accordance with the Data Protection Act 2018.



- **Kept for no longer than is necessary for the purposes for which it is processed** – when the Town Council no longer needs the personal data it holds, it will ensure that it is deleted or anonymised in accordance with the retention schedule.
- **Processed in a way that ensures it is appropriately secure** – the Town Council implements appropriate technical measures to ensure the security of data and systems for staff and all users. Please refer to the Information Security Policy, Social Media Policy, for further information which incorporates principles around Bringing Your own Device (BYOD), the Town Council’s remote access policy, and how data is securely transferred in and out of the Town Council’s system.
- **Accountability** – The Town Council complies with its obligations under data protection laws including the GDPR and can demonstrate this via the measures set out in this policy, including:
  - Completing Data Protection Impact Assessments (DPIAs) where the Town Council’s processing of personal data presents a high risk to rights and freedoms of individuals, and when introducing new technologies. This largely involves special category personal data and CCTV. However, the Town Council will liaise with the DPO who will advise on this process. Any activity involving the processing of personal data must be registered on the Register of Processing Activity and reviewed, at the very least, annually.
  - Integrating data protection into internal documents including this policy, any related policies and Privacy Notices.
  - Regularly training members of staff on data protection law, this policy, any related policies and any other data protection matters (the Town Council also maintains a record of attendance).
  - Regularly conducting reviews and audits to test its privacy measures and ensure compliance with relevant legislation and Town Council policies.
  - Maintaining records of its processing activities for all personal data that it holds.

## 9 Processing Personal Data

In order to ensure that the Town Council’s processing of personal data is lawful it will always identify one of the following six grounds for processing **before** starting the processing:

- The data needs to be processed so that the Town Council can fulfil a **contract** with the individual, or the individual has asked the Town Council to take specific steps before entering into a contract.
- The data needs to be processed so that the Town Council can comply with a **legal obligation**.
- The data needs to be processed to ensure the **vital interests** of the individual e.g. to protect someone’s life.
- The data needs to be processed so that the Town Council, as a public authority, can **perform a task in the public interest, and carry out its official functions**.
- The data needs to be processed for the **legitimate interests** of the Town Council or a third party where necessary, balancing the rights and freedoms of the individual.



However, where the Town Council can use the public task basis for processing, it will do so rather than rely on legitimate interests as the basis for processing.

- The individual (or their parent/carer when appropriate in the case of a child) has freely given clear consent. In the case of **special categories of personal data**, this must be **explicit consent**. The Town Council will seek consent to process data from the child depending on their age and capacity to understand what is being asked for.

For processing special categories of personal data an additional lawful basis is needed; these are detailed in the Special Categories of Personal Data Policy.

## 10 Sharing Personal Data

Please refer to the Town Council's Privacy Notices.

- The Town Council will only share personal data under limited circumstances, when there is a lawful basis to do so and where identified in the Privacy Notices. The following principles apply:
  - The Town Council will share data if there is an issue with a citizen that puts the safety of staff at risk.
  - The Town Council will share data where there is a need to liaise with other agencies. It will seek consent as necessary and appropriate before doing so. However, where child protection and safeguarding concerns apply, it will apply the "Seven golden rules of information sharing" which provide that in limited circumstances data may be shared with external agencies without the knowledge or consent of the parent or child.
  - The Town Council's suppliers and contractors need data to provide services – for example, IT companies. When sharing data, the Town Council will:
    - Only appoint suppliers or contractors which can provide sufficient guarantees that they comply with data protection law.
    - Establish a data processing contract with the supplier or contractor, either in the contract or as a standalone agreement, to ensure the fair and lawful processing of any personal data it shares where there is regular sharing.
    - Only share data that the supplier or contractor needs to carry out their service, and information necessary to keep them safe while working with the Town Council.
- The Town Council may also share personal data with law enforcement and government bodies where there is a lawful requirement / basis for it to do so, including:
  - For the prevention or detection of crime and/or fraud;
  - For the apprehension or prosecution of offenders;
  - For the assessment or collection of tax owed to HMRC;
  - In connection with legal proceedings;
  - For research and statistical purposes, as long as personal data is sufficiently anonymised, or consent has been provided.



- The Town Council may also share personal data with emergency services and local authorities to help them to respond to an emergency situation that affects councillors or staff.

## 11 Data Protection by Design and Default

The Town Council has a legal obligation to integrate appropriate technical and organisational measures into all of its processing activities, and to consider this aspect before embarking on any new type of processing activity.

It is a statutory requirement that any activity involving a high risk to the data protection rights of the individual when processing personal data be assessed by the Data Protection Impact Assessment. Prior to the assumption of any such activity i-west must be consulted and an initial screening be conducted to assess risk.

Please refer to the Information Security Policy for further detail as to how the Town Council implements this principle in practice.

## 12 Personal data breaches or near misses

A personal data breach is defined as “*a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored or otherwise processed in connection with the provision of a public electronic communications service.*” It may be deliberate or accidental.

Wherever it is believed that a security incident has occurred or a ‘near miss’ has occurred, the staff member must inform the Town Clerk **immediately** (who will in turn inform the DPO) in order that an assessment can be made as to whether the ICO should be informed within 72 hours as is legally required, and / or those data subjects affected by the breach. The learning culture within the organisation seeks the avoidance of a blame culture and is key to allowing individuals the confidence to report genuine mistakes.

Further details on security incidents and data breaches can be found in the Data Breach Policy.

## 13 Destruction of records

We apply our retention policy and will permanently destroy both paper and electronic records securely in accordance with these timeframes.

We will securely destroy hard copies and will ensure that any third party who is employed to perform this function will have the necessary accreditations and safeguards.

If we delete electronic records and our intention is to put them beyond use, although it may be technically possible to retrieve them, we follow the Information Commissioner’s Code of Practice on deleting data and this information will not be made available on receipt of a subject access request.



## **14 Training**

To meet our obligations under Data Protection legislation, we ensure that all staff, volunteers, and councillors receive an appropriate level of data protection training as part of their induction. Those who have a need for additional training will be provided with it, for example relating to use of systems or as appropriate.

Data protection also forms part of continuing professional development, and updates will be provided where changes to legislation, guidance or the Town Council's processes make it necessary.

## **15 Monitoring Arrangements**

Whilst the DPO is responsible for advising on the implementation of this policy and monitoring the Town Council's overall compliance with data protection law, the Town Council is responsible for the day to day implementation of the policy and for making the data protection officer aware of relevant issues which may affect the Town Council's ability to comply with this policy and the legislation.

This policy will be reviewed annually, unless an incident or change to regulations dictates a sooner review.

## **16 Complaints**

The Town Council is always seeking to implement best practice and strives for the highest standards. The Town Council operates an "open door" policy to discuss any concerns about the implementation of this policy or related issues. The Town Council's complaints procedure may be found on its website.

You have a right to make a complaint to the Information Commissioner's Office (ICO), but under most circumstances the ICO would encourage the complainant to raise the issues in the first instance with the Town Council or via the Town Council's DPO.

The ICO is contactable at:  
Wycliffe House,  
Water Lane,  
Wilmslow,  
Cheshire,  
SK9 5AF.

Telephone: 0303 123 1113.

## **17 Legislation and Guidance**

This policy takes into account the following:

- The General Data Protection Regulation (GDPR) 2016



- The Data Protection Act (DPA) 2018
- The Protection of Freedoms Act 2012
- Guidance published by the Information Commissioner's Office

## 18 Links with Other Policies

This Data Protection Policy is linked to the following:

- Information Security Policy
- Records Management Policy
- Special Categories of Personal Data Policy
- Data Breach Policy
- Privacy Notices
- Acceptable Usage Policies
- Consent / Permissions Form

## 19 Document change history

Date	Changes made
6 <sup>th</sup> October 2023	Template policy amended for Swanage Town Council.
13th October 2023	Policy presented to Finance & Governance Committee for recommendation to adopt.



## Appendix 1 – Subject Access Request Procedure (SAR)

The Town Council shall complete the following steps when processing a request for personal data (Subject Access Request or SAR) with advice from its Data Protection Officer (i-west), using the Town Council SAR Guidance provided to the Town Council by the DPO.

1. Ascertain whether the requester has a right to access the information and capacity.
2. Obtain proof of identity (once this step has been completed the clock can start).
3. Engage with the requester if the request is too broad or needs clarifying.
4. Make a judgement on whether the request is complex and therefore can be extended by an additional 2 months.
5. Acknowledge the requester providing them with
  - a. the response time – 1 month (as standard), an additional 2 months if complex; and
  - b. details of any costs – Free for standard requests, or you can charge, or refuse to process if the request is manifestly unfounded or excessive, or further copies of the same information is required, the fee must be in line with the administrative cost.
6. Use its Record of Processing Activities and/or data map to identify data sources and where they are held.
7. Collect the data (the organisation may use its IT support to pull together data sources – for access to emails the organisation can do so as long as it has told staff it will do so in its policies).
8. If (6) identifies third parties who process it, then engage with them to release the data to the Town Council.
9. Review the identified data for exemptions and redactions in line with the [ICO's Code of Practice on Subject Access](#) and in consultation with the organisation's Data Protection Officer (i-west), and their Town Council SAR Guidance.
10. Create the final bundle and check to ensure all redactions have been applied.
11. Submit the final bundle to the requester in a secure manner and in the format they have requested.



## DRAFT Privacy Notice

This privacy notice describes what types of information we collect from you, how it is used by us, how we share it with others, how you can manage the information we hold and how you can contact us. The contents may change so you may wish to check this page occasionally. More specific privacy notices may be provided to you when you give us data for a specific purpose.

This version of our Privacy Statement is effective from **xx 2023**.

### The Information we Collect

We collect information from you for the purposes of the provision of services, in the public interest, and where we have a legal requirement to do so. Such examples are:

1. The Town Council's executive work, for example, organising Council meetings, recording Council meetings for public viewing and transparency, publication of minutes and decisions and annual accounts, and Councillor's contact information.
2. Customer services such as responding to general enquiries, complaints and compliments, and making bookings of Council-run facilities, such as allotments, Beach Gardens, beach huts, boat park etc.
3. Engagement with local community organisations, including via the Swanage Town & Community Partnership, for the purposes of project work, volunteer work and grant applications.
4. Promoting the local economy by providing advice and support and promoting activities and events.
5. Neighbourhood planning and engaging with the community and stakeholders to play an active part of the development of the town.
6. Environmental services and the management of green spaces, working with local groups and partners to achieve this. Communicating information to interested parties.

### The Legal Basis for Processing Your Information

Depending on the reason that you provide information to us the legal basis may be one of the following:

1. When you enter into a contract with us, e.g. for employment purposes, use of an allotment or as a business provider we will rely upon article 6(1)(b) of the UK General Data Protection Regulations (UK GDPR).
2. Where processing is necessary for the purposes of the interests pursued by the Council, such as enquiries, civic events or planning consultations, article 6(1)(f), UK GDPR.
3. When you specifically consent to the use of your personal data, such as communication with you promoting local businesses, events and, opportunities or as part of a specific event, we will always ask your consent and will make it clear to you what we will do with your personal data. Article 6(1)(a), UK GDPR.
4. We may be required to process information when the law requires us to, such as in respect of health and safety requirements, audit functions or part of the employment process. Article 6(1)(c), UK GDPR.

Adopted:

Review due:



5. We may process your personal data when you provide it to us for the provision of a task that we are required to perform such as managing allotments. Article 6(1)(e), UK GDPR.
6. In the unlikely event of personal injury, we may need to provide personal data about you in your vital interests. Article 6(1)(d), UK GDPR.

When we handle special categories of personal data we will be required to do so under an additional legal basis. Special categories of personal data include more sensitive information such as health, ethnicity, religious or political information. Below is a list of examples where we may use such information:

1. In the administration of staff, such as during the recruitment process or as a requirement to demonstrate equality in the workplace. This may include information related to criminal convictions. Article 9(2)(b) and schedule 1, part 1, Data Protection Act 2018.
2. Providing adequate access to any of the Council's services or facilities and ensuring the inclusion of all individuals. Article 9(2)(h), UK GDPR.
3. Where you provide explicit consent for us to do so. Article 9(2)(a), UK GDPR.

### Sharing your Information

We will only share your information where we have a clear legal reason to do so, or you have provided consent and, in any case, you will be provided with more specific information in the form of a privacy notice at the time your data is collected. Examples of sharing include the following:

1. With third party companies that may require the data to fulfil a service request that you have made, such as part of a booking or event management.
2. With Dorset Council when the processing purpose requires their involvement or maybe required in order to recover unpaid tax.
3. With HMRC and the Department for Work and Pensions.
4. The Police for the prevention and detection of crime or, for the apprehension of offenders.

### The Length of Time we Keep your Data for.

This depends on the different types of data, as set out in the Town Council's Retention Schedule. In most cases general communication or enquiries are held for 2 years, financial and employment information up to 7 years after the last transaction, or longer where required. You will be informed, where necessary, in the specific privacy notice at the time of giving your information how long data will be kept for.

### What are your rights?

You have a number of rights in relation to your personal information under data protection law. In relation to most rights, we will ask you for information to confirm your identity and, where applicable, to help us search for your personal information. We will respond to you within 30 days of receiving any request (including any identification documents requested).

You have the right to:

1. Ask for a copy of the information that we hold about you.
2. Correct and update your information.
3. Withdraw your consent (where we rely on it).

Adopted:

Review due:



4. Object to our use of your information (where we rely on our legitimate interests to use your personal information) provided we do not have any continuing lawful reason to continue to use and process the information.
5. Erase your information (or restrict the use of it), provided we do not have any continuing lawful reason to continue to use and process that information.
6. Transfer your information in a structured data file (in a commonly used and machine-readable format), where we rely on your consent to use and process your personal information.

### Contact information

You can exercise the above rights, manage your information, or raise any questions or concerns that you may have by contacting us using the details below:

- Swanage Town Council, Town Hall, High Street, Swanage, Dorset BH19 2NZ, Tel: 01929 423636 Email: [admin@swanage.gov.uk](mailto:admin@swanage.gov.uk)

or our Data Protection Officer:

- [i-west@bathnes.gov.uk](mailto:i-west@bathnes.gov.uk) 01225 395959

### Complaints

If you think that our collection or use of personal information is unfair, misleading, or inappropriate, or have any other concern about our data processing, please consider raising this with us in the first instance.

- To make a complaint, please contact Swanage Town Council, Town Hall, High Street, Swanage, Dorset BH19 2NZ or our data protection officer via [i-west@bathnes.gov.uk](mailto:i-west@bathnes.gov.uk) or call 01225 395959

You can also complain to the Information Commissioner's Office if you are unhappy with how the Council has used your data, but they would generally expect you to have raised this with the Council first in the first instance.

- Report a concern online at <https://ico.org.uk/concerns/> or call 0303 123 1113
- Or write to: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF



## Draft Privacy Notice - Job Applicants

### Contents

<a href="#">Introduction</a> .....	5
<a href="#">Personal Data that We May Collect</a> .....	5
<a href="#">Why We Use this Data</a> .....	6
<a href="#">The Lawful Basis for Using this Data</a> .....	6
<a href="#">Collecting this Information</a> .....	7
<a href="#">How we store this data</a> .....	7
<a href="#">Data sharing</a> .....	7
<a href="#">How to Access the Personal Information We Hold About You</a> .....	8
<a href="#">Your Other Rights Regarding Your Data</a> .....	8
<a href="#">Complaints</a> .....	<b>Error! Bookmark not defined.</b>
<a href="#">Contact us</a> .....	<b>Error! Bookmark not defined.</b>



## Introduction

This privacy notice explains how we collect, store, and use your personal data when applying for jobs with the town council.

Under data protection law, you have the right to be informed about how the town council uses any personal data that we hold about you. We comply with this requirement by providing this privacy notice.

Swanage Town Council, is the 'data controller' for the purposes of data protection law.

## Personal Data that We May Collect

In most cases we collect personal information directly from you when you provide personal information to us by applying directly for a role at the council, or information that we learn about you through your interactions with us, information that you have made publicly available or, with third parties (e.g., recruitment agencies).

Personal data that we may collect, use, store, and share about you includes, but is not restricted to:

- Name, address, email address and date and place of birth
- Work history/job data; previous employers, positions, dates, etc.
- Basic salary, benefits, bonuses, etc.
- Education and work history including professional qualifications and skills
- Employer feedback / references, to include regulated references where necessary
- Nationality / visa / right to work permit information; (e.g., passport, driving licence, National Insurance numbers)
- Photographs and images from recorded assessments
- Results of pre-employment screening checks (e.g., credit history, criminal record checks where permitted under local law)
- Assessment results e.g., psychometric assessment results, results from video or telephone assessment

We may also be required to collect, store, and use more sensitive information as part of your application that falls into special categories of personal data:

- Racial or ethnic origin
- Political opinions
- Religious or philosophical beliefs
- Trade union membership
- Genetic data
- Biometric data for the purpose of uniquely identifying a natural person



- Data concerning health; or
- Data concerning a natural person's sex life or sexual orientation

We may need to capture some information regarding your physical or mental health in order to allow us to make reasonable adjustments to ensure fairness in the recruitment process such as adjusting tests or facilities to meet your needs.

We do not retain DBS certificates themselves.

### Why We Use this Data

We will gather the relevant data from you to aid the recruitment process by:

- Enabling us to establish relevant experience and qualifications.
- Enabling equalities monitoring
- Ensuring that appropriate access arrangements can be provided for candidates that require them
- Ensuring that certain requirements such as the right to work can be met.
- Providing aptitude tests using third parties.

### The Lawful Basis for Using this Data

We only collect and use personal information about you when the law allows us to. Most commonly, we use it where we need to:

- Take steps to enter into a contract (e.g., employment contract with you)
- Comply with a legal obligation
- Carry out a task in the public interest

Less commonly, we may also use personal information about you where:

- You have given us consent to use it in a certain way
- We need to protect your vital interests (or someone else's interests)

Where we process more sensitive data (known as special category personal data) on you we need an additional legal basis. The bases we mainly use are:

- Legal obligation
- Substantial public interest, such as for statutory purposes or for the equality of opportunity or treatment
- Explicit consent
- To maintain your vital interests where consent is physically or legally incapable of giving consent (e.g., where you are unconscious and in need of medical assistance), and where your health data is then shared.



Where you have provided us with consent to use your data, you may withdraw this consent at any time. We will make this clear when requesting your consent and explain how you go about withdrawing consent if you wish to do so.

Some of the reasons listed above for collecting and using personal information about you overlap, and there may be several grounds which justify the town council's use of your data.

### **Collecting this Information**

As part of the recruitment process, we are required to collect certain information from you to comply with our legal responsibilities, and mandatory fields on application forms must be fully completed.

However, you can choose whether or not to provide some information to us, for example, information required in connection with equal opportunities monitoring.

### **How we store this data**

Personal data we collect as part of the job application process is stored in line with our data retention policy, which is available upon request. For unsuccessful candidates the information is retained for up to 6 months after the date of selection.

For successful candidates this information will form part of your employment record and will be held for the duration of your employment, and for 6 years after your employment ends.

When it is no longer required, we will delete or securely dispose of your information.

### **Data sharing**

We do not share information about you with any third party unless the law or our policies allow or require us to do so without your consent.

Where it is legally required or necessary (and it complies with data protection law), we may share personal information about you with:

- Suppliers and service providers – to enable them to provide the service we have contracted them for, such as HR, vehicle hire, auditing or recruitment support
- Professional advisers and consultants
- Our occupational health advisors
- Employment and recruitment agencies
- Academic institutions or relevant professional bodies
- Statutory bodies such as HM Revenues and Customs, Department for Work and Pensions, Disclosure and Barring Services and Dorset Council.



## How to Access the Personal Information We Hold About You

Individuals have a right to make a 'subject access request' to gain access to personal information that the town council holds about them.

If you make a subject access request, and if we do hold information about you, we will:

- Give you a description of it
- Tell you why we are holding and processing it, and how long we will keep it for
- Explain where we got it from, if not from you
- Tell you who it has been, or will be, shared with
- Let you know whether any automated decision-making is being applied to the data, and any consequences of this
- Give you a copy of the information in an intelligible form

You may also have a right for your personal information to be transmitted electronically to another organisation in certain circumstances. If you would like to make a request, please contact Swanage Town Council, Town Hall, High Street, Swanage, Dorset BH19 2NZ.

## Your Other Rights Regarding Your Data

Under data protection law, individuals have certain rights regarding how their personal data is used and kept safe. You have the right to:

- Object to the use of your personal data if we are processing it on the basis of public interest; the exercise of official authority, or legitimate interests, in which case we will consider your objections particularly those around damage or distress, and balance them against the interests of the Town Council to continue to process the data
- Object to the use of your personal data for decisions being taken by automated means (by a computer or machine, rather than a person)
- Request that inaccurate data is rectified
- In certain circumstances, have personal data erased
- The restriction of processing where it is considered unfair or excessive

To exercise any of these rights, please contact the Town Council or our Data Protection Officer.



## Contact information

You can exercise the above rights, manage your information, or raise any questions or concerns that you may have by contacting us using the details below:

- Swanage Town Council, Town Hall, High Street, Swanage, Dorset BH19 2NZ, Tel: 01929 423636 Email: [admin@swanage.gov.uk](mailto:admin@swanage.gov.uk)

or our Data Protection Officer:

- [i-west@bathnes.gov.uk](mailto:i-west@bathnes.gov.uk) 01225 395959

## Complaints

If you think that our collection or use of personal information is unfair, misleading, or inappropriate, or have any other concern about our data processing, please consider raising this with us in the first instance.

- To make a complaint, please contact Swanage Town Council, Town Hall, High Street, Swanage, Dorset BH19 2NZ or our data protection officer via [i-west@bathnes.gov.uk](mailto:i-west@bathnes.gov.uk) or call 01225 395959

You can also complain to the Information Commissioner's Office if you are unhappy with how the Council has used your data, but they would generally expect you to have raised this with the Council first in the first instance.

- Report a concern online at <https://ico.org.uk/concerns/> or call 0303 123 1113
- Or write to: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF



## DRAFT Privacy Notice - Town Council Workforce

### Contents

<a href="#">About this Privacy Notice</a> .....	11
<a href="#">The personal data we hold (categories of personal data)</a> .....	11
<a href="#">Special category (sensitive) personal information</a> .....	13
<a href="#">Criminal convictions</a> .....	14
<a href="#">Collecting workforce information: Why do we collect and use your information?</a> .....	14
<a href="#">Whom we share workforce information with</a> .....	14
<a href="#">Storing our workforce data</a> .....	15
<a href="#">Transferring data internationally</a> .....	15
<a href="#">Requesting access to your personal data</a> .....	15
<a href="#">Other rights</a> .....	16
<a href="#">Contact and Complaints</a> .....	<b>Error! Bookmark not defined.</b>
<a href="#">Appendix 1 - Non exhaustive list of examples of the types of personal data which we collect about our workforce</a> .....	18
<a href="#">Appendix 2 – Examples of the purposes for which we process your data</a> .....	19
<a href="#">Appendix 3 - Examples of whom we may share your data with where the law permits (non – exhaustive list)</a> .....	19



## About this Privacy Notice

As an employee of Swanage Town Council your personal data is managed in accordance with the Swanage Town Council's Data Protection Policy.

Individuals have a legal right to be informed about how we use their personal information data, which can identify them either directly or indirectly. This Privacy Notice explains how we collect, store and use personal information about the people we employ, or otherwise engage.

This Privacy Notice is intended for the Town Council workforce (including councillors, volunteers and contract staff) and we encourage all to read it. We have produced a separate privacy notice for residents about whom the Town Council holds information.

Our aim is always to provide clear information about the personal information we are using and why we are using it. If anything is unclear, or if you have any concerns then please contact the Town Council via the contact details at the end of this Notice.

This is an 'overarching' privacy notice and it applies generally to most of the personal information that we collect and use about our workforce. Unless there is a lawful reason not to do so, we will also provide more specific privacy information at the point at which we collect or use personal information that is not captured by this notice.

Whilst much of the personal information that we collect is mandatory (i.e. it must be provided so that we can manage the employment relationship with you and the Town Council), some of it may be requested on a voluntary basis. Where this is the case, we will request consent at the point we collect the information. We will explain to you whether there is a requirement to provide certain information to us, or whether you have a choice in doing so.

For the purposes of data protection law, Swanage Town Council is the 'data controller'.

## The personal data we hold (categories of personal data)

We process personal data (information which may identify you as an individual) relating to those we employ, or otherwise engage to work at our Town Council in order to manage the working relationship and to run the Town Council, for example we hold your contact details, date of birth etc.

Examples of the types of personal data that we may collect, use, store and share (when appropriate) are listed at **Appendix 1**.



Data Protection law requires us to have a **lawful reason ('lawful basis')** for processing the personal data we use. These reasons are listed under Article 6 of the 'General Data Protection Regulation' (GDPR). Our lawful basis for processing will be explained at the point at which we collect personal information unless there is a lawful reason not to do so (for example where it is for the prevention or detection of crime).

Swanage Town Council processes a wide range of personal data for a variety of purposes, as described above. The lawful bases we rely on will therefore vary. However, generally, the lawful bases we use in relation to our workforce are:

- To fulfil a contract we have entered into with you: For example we need to collect and use your personal information to fulfil the terms of the employment contract we have with you including to be able to pay you and to administer benefits and pensions.
- To comply with the law (we have a legal obligation): For example, we collect and use workforce information to fulfil legal and statutory obligations, e.g. the Council is required to check entitlement to work in the UK.
- To carry out a task in the public interest: For example, where the collection and use of workforce information is necessary for us to perform our role as a Town Council and to deliver our public task of providing services to the community.
- You have given us consent to use it in a certain way (for example a photo of you for promotional purposes or on our website).
- To protect your vital interests (or someone else's interests). This relates to life and death situations, for example you physically or legally incapable of giving consent (e.g. where you are unconscious and in need of medical assistance and where your health data is then shared).
- It is in ours, or a third party's, legitimate business interests to process the data. Where this is the case, we will ensure that we have considered whether our legitimate interests are overridden by your rights and freedoms as the worker or employee.

Where you have provided us with consent to use your data, you may withdraw this consent at any time. We will make this clear when requesting your consent and explain how you go about withdrawing consent if you wish to do so. We will then cease this aspect of processing.

Some of the reasons that we use for collecting and using information may overlap and there may be several grounds allowing us to use personal data. There are also other lawful bases that may apply, and this will be made clear wherever possible.



Our lawful basis for processing will be explained at the point at which we collect personal information, unless there is a lawful reason not to do so (for example where it is for the prevention or detection of crime).

### **Special category (sensitive) personal information**

We may also collect, store, and use information about you that falls into "special categories" of more sensitive personal data which has extra protection in law and requires us to identify a condition for processing under Article 9 of the GDPR.

Special category data is personal data revealing:

- racial or ethnic origin
- political opinions
- religious or philosophical beliefs
- trade union membership
- genetic data
- biometric data for the purpose of uniquely identifying a natural person
- data concerning health; or
- data concerning a natural person's sex life or sexual orientation

The Article 9 grounds which we may rely on to process special category data include:

- Legal obligation
- Substantial public interest including:
  - Statutory and government purposes
  - Equality of opportunity or treatment
  - Preventing and detecting unlawful acts
  - Preventing fraud
  - Public Health
- Support for individuals with a particular disability or medical condition
- Employment, social security and social protection
- Occupational pensions
- Explicit consent
- To maintain your vital interests

Please refer to our Special Categories of Personal Data Policy within our Data Protection Policy for further information as to how we process this information.



## Criminal convictions

We may process data about criminal convictions or offences. This will usually be where such processing is necessary to carry out our obligations, to exercise our rights, to look after our students and staff or to support the police and other relevant agencies.

We will only use information about criminal convictions or offences where the law allows us to. Usually this will either be either on the basis of our legal obligations in relation to safeguarding, preventing fraud, health and safety or with your consent. We also need to identify the relevant condition for the processing, this will usually be substantial public interest. We do not retain DBS certificates themselves.

## Collecting workforce information: Why do we collect and use your information?

The reasons that we collect and use personal information enable us to manage our workforce and help us to run the Town Council, please refer to **Appendix 2** for examples.

We collect and use information about you in a variety of ways including through the recruitment process, information obtained through identity documents, from forms required for membership of the pension scheme, from correspondence with you or through interviews, meetings or other assessments while you are working with us.

In many cases we will collect information about you from third parties such as references provided by former employers and information from employment checks or criminal records checks permitted by law.

Whilst you will be required to provide us with some information, there is other information that you can choose whether to provide to us. Whenever we seek to collect information from you, we make it clear whether you must provide this information (and if so, what the possible consequences are of not complying), or whether you have a choice.

## Whom we share workforce information with

Information about our workforce will not be shared with any third party without your consent unless the law permits this. We do not use it for marketing or profiling. Where it is legally required or is otherwise necessary (and it complies with data protection law) personal information may be shared.

Further examples of with whom we share data are listed at **Appendix 3**.



## Storing our workforce data

Personal data is stored in line with our Data Protection Policy in a range of different places including in your personnel file and in IT systems including the Town Council's email system.

We create and maintain an employment file for each staff member. The information contained in this file is kept secure and is only used for purposes relevant to your employment. Once your employment with us has ended, we will retain this file and delete the information in line with our retention policies unless exceptionally, there is a business need to retain it beyond this time (for example on the basis of safeguarding). The majority of information will be destroyed within 7 years of our last interaction with you as an employee. Some information, such as that required for administration of the pension scheme will be retained for longer. Core data, including your name, job title, salary and dates of employment will be retained as a permanent record of the Town Council's employees.

A copy of the Retention Schedule is available online at [www.swanage.gov.uk](http://www.swanage.gov.uk)

## Transferring data internationally

Where we transfer personal data to a country or territory outside the UK and European Economic Area, we will do so in accordance with data protection law and ensure that we have sufficient safeguards in place.

## Requesting access to your personal data

Individuals have the right to request access to information about them that we hold. This is known as making a 'Subject Access Request' (SAR). If you make a subject access request, and if we hold information about you, we will:

- Give you a description of it
- Tell you why we are holding and processing it, and how long we will keep it for
- Explain where we got it from, if not from you
- Tell you who it has been, or will be, shared with
- Let you know whether any automated decision-making is being applied to the data, and any consequences of this
- Give you a copy of the information in an intelligible form within a month, unless an extension is necessary on the ground of the complexity of the request



You may also have the right for your personal information to be transmitted electronically to another organisation in certain circumstances. If you would like to make a request, please contact the Town Clerk, Town Hall, High Street, Swanage, Dorset BH19 2NZ.

### Other rights

Under data protection law, individuals have certain rights regarding how their personal data is used and kept safe. You have the right:

- To request to have personal data rectified, if you feel that it is inaccurate or incomplete.
- To request the deletion or removal of personal data where there is no compelling reason for its continued processing.
- To restrict our processing of personal data (i.e. permitting its storage but no further processing).
- To object to processing if we are processing your information as part of our public tasks, or it is in our legitimate interests in which case we will consider your objection, and balance this against our need to process the information.
- To object to direct marketing (including profiling) and processing for the purposes of scientific/historical research and statistics.
- To have personal information, which you have provided, transmitted electronically to another organisation in certain circumstances.
- Not to be subject to decisions based purely on automated processing where it produces a legal or similarly significant effect - unless you have agreed or in other limited circumstances
- To seek redress either through the courts or via the Information Commissioner's Office

### Contact information

You can exercise the above rights, manage your information, or raise any questions or concerns that you may have by contacting us using the details below:

- Swanage Town Council, Town Hall, High Street, Swanage, Dorset BH19 2NZ, Tel: 01929 423636 Email: [admin@swanage.gov.uk](mailto:admin@swanage.gov.uk)

or our Data Protection Officer:

- [i-west@bathnes.gov.uk](mailto:i-west@bathnes.gov.uk) 01225 395959



## Complaints

If you think that our collection or use of personal information is unfair, misleading, or inappropriate, or have any other concern about our data processing, please consider raising this with us in the first instance.

- To make a complaint, please contact Swanage Town Council, Town Hall, High Street, Swanage, Dorset BH19 2NZ or our data protection officer via [i-west@bathnes.gov.uk](mailto:i-west@bathnes.gov.uk) or call 01225 395959

You can also complain to the Information Commissioner's Office if you are unhappy with how the Council has used your data, but they would generally expect you to have raised this with the Council first in the first instance.

- Report a concern online at <https://ico.org.uk/concerns/> or call 0303 123 1113
- Or write to: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF



## Appendix 1 - Non exhaustive list of examples of the types of personal data which we collect about our workforce

- Contact details
- Date of birth, marital status and gender
- Next of kin and emergency contact numbers
- Salary, annual leave, pension and benefits information
- Bank account details, payroll records, National Insurance number and tax status information
- Recruitment information, including copies of right to work documentation, references and other information included in a CV or cover letter or as part of the application process
- Qualifications and employment records, including work history, job titles, working hours, training records and professional memberships
- Performance information
- Information relating to disciplinary and/or grievance procedures
- Absence data
- Copy of driving licence
- Photographs
- CCTV footage
- Data about your use of the Town Council's information and communications system.
- We may stream meetings over an online platform, you will be aware of this and we will advise you if we are going to record the meeting.



## **Appendix 2 – Non exhaustive list of examples of the purposes for which we process your data**

- Enable you to be paid and administer pension and other benefits
- Maintain accurate workforce records including emergency contact details and records of contractual and statutory rights
- Facilitate safe recruitment, as part of our safeguarding obligations towards children and vulnerable adults
- Operate and keep a record of absence management and other types of leave including maternity and paternity and parental leave
- Obtain occupational health advice and ensure we are meeting obligations under health and safety law
- Support effective performance management including training records
- Disciplinary and grievance processes
- Inform our recruitment and retention policies
- Allow better financial modelling and planning
- Promote equality in the workplace
- Improve the management of workforce data across the sector
- Provide references
- Respond to and defend legal claims
- Undertake the official functions of the Town Council

## **Appendix 3 - Non exhaustive list of examples of whom we may share your data with where the law permits**

- Central and local government
- Suppliers and service providers – to enable them to provide the service we have contracted them for such as payroll
- Financial organisations
- Our auditors
- Survey and research organisations
- Trade unions and associations
- Security organisations
- Health and social welfare organisations
- Professional advisers and consultants, including HR consultants
- Police forces, courts, tribunals
- Professional bodies
- Employment and recruitment agencies
- Occasionally with our Data Protection Officer, for example in the event of a subject access request



## DRAFT RECORDS MANAGEMENT POLICY

### Contents

1. Introduction .....	2
2. Objectives .....	2
3. Definitions .....	2
4. Scope .....	2
5. Responsibilities .....	3
6. Creation & Storage .....	3
7. Retention and Disposal .....	3
7.1. Retention Schedule .....	4
7.1.1. Definition of Retention Periods .....	5
7.1.2. Reviewing Retention Periods .....	5
7.1.3. Course of Action at the End of the Retention Period .....	5
7.2. Disposal .....	5
7.3. Archiving .....	6
8. Protective Marking .....	6
9. Monitoring and Compliance .....	6
10. Relationship with Existing Policies .....	7
11. Approval .....	7
Appendix 1 - What is Confidential Waste? .....	8
Appendix 2 - Retention Schedule .....	9



## 1. Introduction

Swanage Town Council recognises that by efficiently managing its records, it will be able to comply with its legal and regulatory obligations and contribute to the effective overall management of the organisation. Records provide evidence for protecting the legal rights and interests of the Council and provide evidence for demonstrating performance and accountability. The aim of this policy is to provide a framework for managing the Council's information to enable the Council to:

- Make informed decisions;
- Be open and transparent;
- Respond appropriately to information requests;
- Protect records;
- Comply with legislative requirements;
- Effectively work with its partners, and share information as required;
- Demonstrate accountability.

## 2. Objectives

The objective of this policy is to define a framework for Swanage Town Council to manage data, information, and records.

## 3. Definitions

**Data** - Raw facts and figures that supply the basis for information.

**Information** - Data which has been collected, organised, ordered and given both meaning and context.

**Record** - Information created, received, and maintained as evidence and as an asset by an organisation or person, in pursuit of legal obligations, or in the transaction of business.

**Confidential Waste** - See [Appendix 1](#).

## 4. Scope

This policy applies to all employees of Swanage Town Council including contract, agency and temporary staff, volunteers and employees of partner organisations working on behalf of Swanage Town Council.

All records created, held, and maintained by Swanage Town Council in the course of its duties are covered by this policy. This is irrespective of the format of the information, including, but not limited to:

Adopted:

Review due:



- Paper records
- Electronic records (Word Documents, emails, PowerPoints, database, etc.)
- Photographs, videos, etc.
- Discs, memory sticks etc.

## 5. Responsibilities

The Council has a corporate responsibility to maintain its records and record keeping systems in accordance with the regulatory environment. The person with overall responsibility for this policy is the Town Clerk.

The person responsible for records management in the Council will give guidance for good records management practice and will promote compliance with this policy so that information will be retrieved easily, appropriately and in a timely way.

All members of staff and employees are individually responsible for the records they create or hold. Individuals must ensure that records are accurate, maintained securely, and disposed of in accordance with this policy.

## 6. Creation & Storage

All Council staff are responsible for creating and maintaining data, information and records in relation to their work, and storing them in a way which ensures that they can be identified and retrieved when required.

Records must be appropriately stored with due regard for efficiency, cost-effectiveness, security, durability, and access. Appropriate procedures and processes are in place to ensure the physical and intellectual security of Council records. For example, all personnel files are kept in locked storage and can only be accessed by authorised staff; all electronic employee data is password protected.

Storage conditions and handling processes should be designed to protect records from unauthorised access, loss, destruction, theft, and disaster. This in line with the UK General Data Protection Regulation (UKGDPR) principles of data protection by design, and integrity and confidentiality.

The retention of records for longer than necessary is in breach of the UKGDPR, and the duplication of records should be limited to optimise the use of space for storage purposes and to aid data accuracy.

## 7. Retention and Disposal

Information held for longer than is necessary carries additional risk and cost, therefore records and information shall only be retained when there is a business or legislative need to do so, or where the records are recognised as being of historic value. Under the UKGDPR

Adopted:  
Review due:



and the Data Protection Act 2018 (DPA 2018), personal data processed by an organisation must not be retained for longer than is necessary for its lawful purpose.

The retention of specific documents may be necessary to:

- Fulfil statutory or other regulatory requirements.
- Evidence events/agreements in the case of disputes.
- Meet operational needs.
- Ensure the preservation of documents of historic or other value.
- Evidence child protection matters.<sup>1</sup>

The untimely destruction of documents could cause the Council:

- Difficulty in defending litigious claims
- Operational problems
- Embarrassment
- Failure to comply with the Freedom of Information or Data Protection laws.

Conversely, the permanent retention of all documents where there is no business need or other legal basis to retain them, poses regulatory and security risks, as well as being a breach of personal data.

Appropriate secure disposal is accordingly implemented at the Council in accordance with the Council's retention schedule for the following reasons:

- To comply with Article 5 of the UKGDPR which states that personal data must not be kept in an identifiable form for longer than is necessary
- To free-up storage space (there is evidence that the de-cluttering of office accommodation can be psychologically beneficial for employees.);
- To reduce the risk of fire (in the case of paper records);
- To lessen the risk of a data breach through data loss or unauthorised access.
- To increase the efficiency of the exercising of data subject rights.

### **7.1. Retention Schedule**

In line with all relevant legislative requirements, including the UKGDPR and DPA 2018, Swanage Town Council will keep some forms of information for longer than others. Information will not be kept indefinitely unless there are specific requirements, such as for archiving purposes, as set out in paragraph 7.3 below.

The Council maintains records in line with its Retention Schedule (Appendix 2).

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<sup>1</sup> The Independent Inquiry into Child Sexual Abuse (IICSA) has issued a stop on the destruction of records relating to child sexual abuse/child protection/allegations against staff to assist with their enquires should this be necessary in the future. This also relates to the retention of information where allegations against staff, involving a child, have not been judged to be well founded at the time of the investigation. For more information about the Inquiry visit [www.iicsa.org.uk](http://www.iicsa.org.uk)

Adopted:

Review due:



### 7.1.1. Definition of Retention Periods

Defining a retention period will be determined on one of the following three factors:

- Statutory requirements.
- Codes of Practice and guidance published by professional bodies.
- In the absence of the above, the retention period will be determined by the needs of the Council.

Defining the retention period based on Council needs must be approved by the Town Clerk or relevant senior manager and where necessary in consultation with the DPO.

### 7.1.2. Reviewing Retention Periods

Most retention periods will remain static and will relate to legal requirements to retain data. However, retention periods based on codes of practice and guidance published by professional bodies may vary. Any changes to known retention periods should be raised with the Town Clerk and where necessary the DPO.

This Policy and retention schedule should be reviewed annually or where any other cause requires its immediate correction.

### 7.1.3. Course of Action at the End of the Retention Period

When a record reaches the end of its retention period in most cases it will be deleted or destroyed. However, these are not the only courses of action that can be taken, and consideration must be made to the relevance of the data for other uses.

In most cases the requirement for further use of data will be identified prior to processing, however there may be occasion where a dataset is identified as having particular relevance to the needs of the Council.

The following may occur to data after the period of use has expired:

- Anonymisation for statistical needs.
- Transfer to an appropriate archive where it is in the public interest.
- Scientific or historical research purposes.

Appropriate safeguards must be put in place to ensure that wherever personal data is used beyond its original period of retention it is done so legally and in compliance with DPA 2018 and guidance from the Information Commissioner's Office (ICO).

## 7.2. Disposal

The Council will use an accredited confidential waste disposal provider. Information on what should be deemed as confidential waste is detailed in [Appendix 1](#).

Adopted:  
Review due:



Wherever practicable and appropriately secure, disposal methods should encourage recycling.

Electronic files are securely overwritten, in accordance with government guidance, and other media is shredded, incinerated, or otherwise disintegrated for data.

The disposal of Council data, in either paper or electronic form, is conducted in a way that makes reconstruction highly unlikely. Once data has been deleted, it is deemed to be a permanent deletion, irrespective of whether it could technically be reconstructed from a back-up.

**Under no circumstances should paper documents containing personal data or confidential information be simply binned or deposited in refuse tips.** To do so could result in the unauthorised disclosure of such information to third parties and render the Council liable to enforcement action by the Information Commissioner's Office.

If records are accidentally destroyed or discovered, this should be reported as a data breach to the Town Clerk, in line with the Data Breach Policy.

A destruction log is kept of all data that is disposed of. The log includes the document type (e.g. Personal data), date of destruction, method and who authorised the destruction.

### 7.3. Archiving

A small percentage of the Council's records will be selected for permanent preservation as part of the Council's archives. It is maintained as a resource to help inspire local residents to understand and appreciate issues of identity, belonging and shared heritage; to prompt memories of local life among many generations of residents; and to serve as a research resource for all interested in the history of Swanage Town Council and the community it serves.

## 8. Protective Marking

Protective markings may be written upon documentation where it is used in physical forms. In general, the classification of documentation will relate more specifically to the handling and access that is permitted to that data. Confidential data related to employment purposes for example should only be accessible by HR staff or direct line managers for specific reasons.

Information deemed to be financially sensitive, or business sensitive may for the purposes of requests made under the Freedom of Information Act be exempt and, in any case, should be handled with more caution than general data.

## 9. Monitoring and Compliance

This policy is reviewed annually.

Adopted:  
Review due:



Compliance with this policy shall be monitored through a review process undertaken by the person with overall responsibility for records management within the Council. This will be achieved by an annual survey to check if records are stored securely and can be accessed appropriately.

Should it be found that this policy has not been complied with, or if an intentional breach of the policy has taken place, Swanage Town Council, in consultation with senior management and our Data Protection Officer, shall have full authority to take the immediate steps considered necessary, including disciplinary action.

## 10. Relationship with Existing Policies

This policy has been drawn up within the context of:

- Data Protection Policy
- Data Breach Policy
- Information Security Policy
- Special Categories of Personal Data Policy
- Privacy Notices
- Acceptable Usage Policies
- Consent / Permission Form

## 11. Approval

This policy was adopted by the Town Council on [DATE]

Signed: [NAME & ROLE]

Adopted:  
Review due:



## Appendix 1 - What is Confidential Waste?

### (1) Any record\* which details personal information

*What is personal information?*

- Relates to and identifies a living person
- Could help someone identify a person when used with other information
- Is an expression of opinion about an individual
- Indicates our intentions towards an individual

*Such as: Name, Address, Date of Birth, Email, Phone numbers, Location data, IP addresses*

### (2) Any record\* which details special categories of personal data

*What are special categories of personal data?*

- Racial and/or Ethnic Origin
- Political Opinions
- Religious Beliefs (or other beliefs of a similar nature)
- Trade Union membership
- Biometric Information e.g. Photos
- Mental or Physical Health condition
- Sexual life and Orientation
  
- Criminal Records are afforded similar protections to special category data and are similarly sensitive

*Such as: Safeguarding, Accident/First Aid, Equalities information, Legal records*

### (3) Any record\* which details business/commercially sensitive information and/or was considered at a Council meeting as an exempt item of business

*What is business/commercially sensitive information?*

- Information which Swanage Town Council would be affected by any loss of, or unauthorised access to.

*Such as: Contracts, opinions on service delivery, tender information.*

**If you have any doubt, then please treat the information as Confidential**

*\* A Record can be in many formats – e.g. Paper, Post-it notes, Disks, CDs, Tapes, Posters, Emails, etc.*



## Appendix 2 - Retention Schedule (example pages only)

Reference	Description	Legal Basis	Retention Period	Action upon Expiry	Potentially contains SC data	Protectively Marked	Notes
1 Council							
1.1 Member Administration							
1.1.1	Allowance Information	Income Tax (PAYE) Regulations 2003, reg 97	Not less than 3 years after the end of the tax year to which they relate	Secure disposal	No	Confidential	
1.1.3	Record of meeting attendance	Local Government Act 1972, sch.12(40)	Date of next election +2 years	Secure Disposal	No	Not Protectively Marked	
1.2 Register of Interests							
1.2.1	Register of Member's interests, gifts, hospitality, and third-party transactions	Localism Act 2011 s.29	Date of next election + 6 years	Secure Disposal	Yes	Not Protectively Marked	



1.3 Corporate Gifts							
1.3.1	Receipt of gifts	Legitimate interests	Financial year of receipt + 8 years	Secure Disposal	Yes	Not Protectively Marked	
1.4 Code of Conduct							
1.4.1	Member's Code of Conduct	Localism Act 2011 s.28	Date of Code of Conduct + 6 years	Permanent preservation	Yes	Not Protectively Marked	
1.4.2	Records relating to complaints regarding breaches of the Member's Code of Conduct	Localism Act 2011 s.28	Date of investigation + 1 year	Secure disposal	Yes	Confidential	
1.5 Member Training							
1.5.1	Records relating to Member training	Legitimate interests	Current Year + 6 Years	Secure disposal	Yes	Not Protectively Marked	
1.6 Constitution							
1.6.1	Council Constitution (Policies and Procedures)	Legitimate interests	Until superseded	Permanent preservation	No	Not Protectively Marked	



1.7 Meetings							
1.7.1	Meeting Schedule	Legitimate interests	4 years	Disposal	No	Not Protectively Marked	
1.7.2	Agendas and reports for full Council	Legitimate interests	Date of meeting + 8 years	Permanent preservation	No	Not Protectively Marked	
1.7.3	Agendas and reports for committee meetings	Legitimate interests	Date of meeting + 8 years	Permanent preservation	No	Not Protectively Marked	
1.7.4	Agendas and reports for working groups	Legitimate interests	Date of meeting + 8 years	Disposal unless of historic interest	No	Not Protectively Marked	
1.7.5	Draft minutes	Legitimate interests	Until adoption	Disposal	No	Not Protectively Marked	
1.7.6	Signed minutes	Local Government Act 1972 sch.12(19)	Date of meeting + 8 years	Permanent preservation	No	Not Protectively Marked	
1.7.7	Audio recordings of meetings	Legitimate interests	Until minutes of meeting adopted	Secure disposal	No	Not Protectively Marked	



1.7.8	Minute taker notes	Legitimate interests	Until minutes of meeting adopted	Secure disposal	No	Not Protectively Marked	
2 Accounting							
2.1 Budget							
2.1.1	Budget setting and calculations	HMRC- Compliance Handbook Manual CH15400	Financial year + 6 years	Secure disposal	No	Not Protectively Marked	Financial sensitive
2.1.2	Approved budgets	HMRC- Compliance Handbook Manual CH15400	Financial year + 6 years	Permanent preservation	No	Not Protectively Marked	Financial sensitive
2.1.3	Budget monitoring	HMRC- Compliance Handbook Manual CH15400	Financial year + 6 years	Secure disposal	No	Not Protectively Marked	Financial sensitive
2.1.4	Cashbook & account book reconciliations	HMRC- Compliance Handbook Manual CH15400	Financial year + 6 years	Secure disposal	No	Not Protectively Marked	Financial sensitive

**To consider draft agreement between the Town Council and the King George V Playing Field Trust**

At the Finance and Governance Committee meeting held on 9th November 2022, initial consideration was given to legal advice regarding the Town Council's management of the three charitable trusts of which it is the corporate trustee.

- King George V Playing Field Trust
- Gift of Public Pleasure Grounds (Prospect Green, Weather Station Field etc)
- De Moulham Trust (Mowlem Land Trust)

Further advice was considered at the Finance & Governance Committee meeting held on 23<sup>rd</sup> July 2023. Whilst it was agreed to take forward changes to the governance arrangements of the De Moulham Trust and the Public Pleasure Grounds charity, it was noted that the King George V Playing Field Trust would remain unaffected by these changes.

The Council has been advised that it should adopt a management agreement between the Trust and the Council so that the current arrangements for managing the field are set out in a formal legal document. To that end Wellers Hedleys solicitors, acknowledged specialists in the field of local government management of charities, have drafted the attached document for consideration by the Town Council. It has been reviewed by the Town Clerk and a number of minor amendments made in consultation with the solicitors.

If the Committee are satisfied with the document, as set out in Appendix A, it will then need to be considered by the Council in its capacity as corporate trustee. It is proposed that a brief meeting of the King George V Playing Field Trust should be held prior to the next Council meeting, where the document can be considered together with the Trust's governing document. If the Trust is happy with the document it should then formally request the Council, in its capacity as a local government body, to put the management agreement in place.

**Decision required**

To consider the draft Management Agreement in respect of the King George V Playing Field and make a recommendation that it should be adopted by the Town Council, subject to approval by the King George V Playing Field Trust.

Martin Ayres  
Town Clerk

October 2023

**DRAFT MANAGEMENT AGREEMENT**

**BETWEEN**

- (1) **Swanage Town Council** as Trustee of King George's Field, Swanage (Registered Charity Number 1085459) ("**the Trustee**") and
- (2) **Swanage Town Council** of Town Hall, High Street, Swanage BH19 2NZ ("**the Council**").

**RECITALS**

- A. The Trustee is the sole Managing Trustee of the charity known as King George's Field, Swanage the governing instrument of which is a Declaration of Trust dated the 24<sup>th</sup> September 2007 ("**the Charity**") in respect of the King George V Playing Field Swanage ("**the Playing Field**").
- B. The Trustee has requested that the Council undertake the day to day management of the Playing Field for the purposes of public recreation and the maintenance of the same on behalf of and for the benefit of the Charity as the Charity has limited funds and resources and would otherwise rely upon grants given by the Council and third parties.
- C. The Council has resolved that, as the facilities offered by the Playing Field are for the benefit of the town of Swanage, it will undertake the day to day management and the maintenance and other works required on the basis set out in this Agreement.
- D. The Trustee enters into this Agreement pursuant to section 297 of the Charities Act 2011.

## **OPERATIVE PROVISIONS**

### **1. Definitions and interpretation**

In this Agreement the following terms shall, except so far as the context otherwise requires, have the following meanings:

**“the Period”** means from the date of this Agreement for a period of 2 years and thereafter until determined in accordance with Clause 3.

### **2. Agreement**

- 2.1. It is agreed by the Trustee that the Council shall manage and be responsible for the Playing Field for the Period.
- 2.2. The Council will maintain the Playing Field as a public recreation ground for the benefit of the inhabitants of Swanage and the neighbourhood without distinction of sex or of political religious or other opinions.
  - 2.3.1 The Council will maintain the Playing Field in a condition that is no worse than as exists at the date of this Agreement and will maintain all structures in a good and substantial state of repair and condition replacing any structure or part of a structure which is beyond economic repair unless requested not to do so by a duly constituted meeting of the Trustee.
  - 2.3.2 With the exception of replacement children’s play equipment and skate park equipment, the Council will not erect or permit to be erected any new structure on the Playing Field other than those in respect of which it has consent at the date of this Agreement without the previous written consent of the Trustee.
- 2.4. The Council will take all reasonable steps (including the erection and maintenance of a CCTV camera and pole) to prevent nuisance and disorder and in particular to prevent any use which may be or become a nuisance or annoyance to the immediate neighbourhood of the Playing Field.
- 2.5. The Council will impose on any person or organization which uses the facilities on the Playing Field terms of hire rules and conditions (if any).

- 2.6. All expenses incurred by the Council in the care and management of the Recreation Ground will be paid by the Council who shall be entitled to be paid the income received from the Playing Field as from the date of this Agreement. In so far as any income received by the Council shall exceed the expenses the same shall belong to and be paid to the Charity unless the same is reasonably required for future expenses.
- 2.7. The Council will effect such insurance as it shall deem appropriate and carry out risk assessments in accordance with the requirements of their insurers and comply with the requirements of such insurers from time to time.
- 2.8. The Council will indemnify the Trustee against any expense liability loss claim or proceedings arising under any statute or at common law in respect of any injury or damage to any person or property arising out of the use and enjoyment of the Recreation Ground.
- 2.9. Any works undertaken by the Council shall be carried out in a workmanlike manner and the Council shall at all times ensure that all current legislation relating to Health and Safety and other provisions designed for the safety of the public is complied with.

### 3. **Termination**

The rights granted in clause 2 shall determine as follows:

- 3.1 immediately on the service of notice by the Trustee on the Council at any time following any breach by the Council of its undertakings contained in Clause 2;
- 3.2 on 3 months notice served by the Trustee on the Council;
- 3.3 by 6 months notice served by the Council on the Trustee.
- 3.4 All notices served by either party pursuant to the provisions of this Agreement shall be in writing and shall be sufficiently served if delivered by hand or sent by recorded delivery to the address of the Clerk to the Town Council and to the Clerk of the Trustee as notified to the Council from time to time.

Executed as a Deed by **SWANAGE  
TOWN COUNCIL** as Local Authority  
by two Councillors in the presence of the  
Clerk:

Councillor

Councillor

Executed as a Deed by **SWANAGE TOWN  
COUNCIL** as Trustee by two Councillors  
in the presence of the Clerk:

Councillor

Councillor