

LEDBURY TOWN COUNCIL

**MINUTES OF A FINANCE, POLICY & GENERAL PURPOSES COMMITTEE HELD
ON
26 JANUARY 2023**

PRESENT: Councillors Bradford, Eakin, Howells and Sinclair

ALSO PRESENT: Angela Price – Town Clerk
Charlotte Barltrop – Minute Taker

F542 RESOLVED:

That in the absence of both the Chair and Vice-Chair of the Committee, Members elected Councillor Eakin to act as Chair for the purpose of this meeting.

F543 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Harvey and Hughes.

F544 DECLARATIONS OF INTEREST

No declarations of interest were received.

F545 NOLAN PRINCIPLES

RESOLVED:

That the Nolan Principles be received and noted.

F546 PUBLIC PARTICIPATION

No members of the public were present.

F547 TO APPROVE AND SIGN AS A CORRECT RECORD THE MINUTES OF A MEETING OF FINANCE, POLICY & GENERAL PURPOSES COMMITTEE HELD ON 24 NOVEMBER 2022

RESOLVED:

That the minutes of a meeting of the Finance, Policy and General-Purpose Committee held on 24 November 2022 be approved and signed as a correct record.

F548 TO REVIEW THE ACTION SHEET

That item F530(2) be marked as Completed.

RESOLVED:

That the Action Sheet be received and noted.

F549 TO APPROVE INVOICES FOR PAYMENT FOR OCTOBER, NOVEMBER, AND DECEMBER 2022

RESOLVED:

That the invoices for payment in the sum of £10,098.79 (incl. VAT) be approved.

F550 TO RECEIVE THE RECORD OF RECEIPTS AND PAYMENTS FOR OCTOBER, NOVEMBER, AND DECEMBER 2022

RESOLVED:

That the receipts and payments for October, November and December 2022 be received and noted.

F551 TO RECEIVE THE BALANCE SHEET AND TRIAL BALANCE FOR MONTHS 7, 8 AND 9

RESOLVED:

That the balance sheet and trial balance for months 7, 8 and 9 be received and noted.

F552 2022/23 BUDGET MONITORING

Councillor Sinclair asked about the overspend on the Cemetery budget lines 4170, Maintenance, and 4250, Tree Works and Property Maintenance. It was established that this was in respect of the refurbishment works to the Chapel and works to remove the ivy from the perimeter wall adjacent to the football club, noting that it had been agreed that these overspends on these two items would be taken from the Council's General Reserve.

RESOLVED:

That the 2022/23 Budget Monitoring report be received and noted.

F553 TO CONFIRM VERIFICATION OF BANK STATEMENTS AND RECONCILIATIONS FOR OCTOBER, NOVEMBER, AND DECEMBER 2022

That this item was deferred to the next meeting of the Committee to allow the Chair to confirm that this had been completed.

F554 2023/24 FEES & CHARGES

Councillor Sinclair proposed that there be no increase in fees and charges for council services in the 2023/24 financial year. Councillor Howells asked whether not increasing the fees and charges would affect the 2023/24 draft budget outcome; the Clerk advised that any proposed increase in fees had not been taken into account in the 2023/24 draft budget to date.

RESOLVED:

That the fees and charges are not increased in the 2023/24 financial year.

F555 2023/24 DRAFT BUDGET

a. Draft Budget 2023/24

Councillor Sinclair proposed that the budget as presented and with a precept increase of 4.25% be recommended for approval at Full Council. Councillor Eakin seconded this.

Councillor Sinclair questioned whether page 3042 line 22, Great Places to Visit, should be included. It was agreed that this line should be included, to show the income and expenditure in the projected outturn of the Council, it was agreed that CGF be added to indicate that it was 2Central Government Funding”.

The Clerk asked Members to consider whether they felt £7,500 would be sufficient for the Events Budget taking into account the King's Coronation. It was noted that the Coronation Task & Finish Group had recommended that local companies be approached to help fund this event and therefore it was agreed that there was no need to increase the budget for events.

Members were keen to reduce the percentage increase to between 3 & 4% and agreed that as the cost of the War Memorial repairs would be funded from the Earmarked Reserves, there did not appear to be any reason the £5,000 in line 8 on page 3044 “War Memorial Refurbishment” was needed. The Clerk advised that if the removed this £5,000 it would reduce the percentage increase to the precept to 3.44%.

Following discussion as outlined above, Councillor Sinclair withdrew his proposal, which Councillor Eakin was in agreement with, as the seconder to the motion, and proposed the following, seconded by Councillor Eakin.

“That the 2023/24 draft budget be recommended to Council for approval with an anticipated precept figure for the 2023/24 financial year of £640,671, which is an increase from £174.18 to £180.17. The increase equates to an annual increase of £5.99 which is an increase of 3.44% (£0.49 per month increase) per Band D equivalent properties.”

RESOLVED:

- 1. That line 8 on page 3044, War Memorial Refurbishment be removed from within the draft budget.**

2. That the 2023/24 draft budget be recommended to Council for approval with an anticipated precept figure for the 2023/24 financial year of £640,671, which is an increase from £174.18 to £180.17. The increase equates to an annual increase of £5.99 which is an increase of 3.44% (£0.49 per month increase) per Band D equivalent properties.”
3. That the Special Projects listed within the 2023/24 Draft Budget papers be funded from the Council's General and Earmarked Reserves accordingly.

b. 2022/23 Movements from General and Earmarked Reserves

RESOLVED:

That the draft proposals for movements from the Council Reserves be noted and that they revisit any underspends/overspends on the 2022/23 budget following the 2022/23-year end closedown.

F556 BANKING CHARGE COMPARISON

Councillor Sinclair presented a report which showed the difference between the current monthly charges on the Lloyds Bank account in comparison to two accounts which are offered by Unity Bank and one account which is offered by Starling Bank.

It was noted that the Starling account would offer a monthly saving of £38 compared to the current Lloyds account, which is lower than the other accounts being considered.

It was also noted that the Starling account would enable to Council to cash cheques up to the sum of £300 per transaction, as and when required for petty cash, locally from the post office

RESOLVED:

That the Clerk be instructed to switch Ledbury Town Council bank account to Starling Bank as soon as possible.

F557 RECOMMENDATIONS FROM OTHER COMMITTEES

RESOLVED:

1. That the recommendation to appoint Sports and Play Consulting as and when required on the terms as outlined by the Deputy Clerk for the purchase of new children's play equipment be approved.
2. That the additional sum of no more than £750 to enable Pear Mapping to complete the outstanding works be approved.

3. That officers be authorised to instruct the company who carried out the works to the ivy at the cemetery to date to return and complete the ivy removal at a cost of £1,400.00 plus VAT.
4. That the following requests from the Events Working Party and the Climate Change Working Party be approved:
 - 4.1 £2,000 for World Book Day, to be taken from the 2022/23 Events Budget.
 - 4.2 £2,000 for Climate Change Working Party, to include the Great Big Green Week Event in June 2023, to be included in the 2023/24 budget.

F558 DSE ASSESSMENTS FOR OFFICE STAFF

RESOLVED:

That the Clerk be authorised to engage Worknest to undertake DSE Assessments for all office staff at a cost of £885 plus VAT, noting that as an employer they are required to ensure that these assessments are undertaken in accordance with Health & Safety (Display Screen Equipment) Regulations 1992.

F559 LOCAL GOVERNMENT PENSION SCHEME - V2 AGREEMENT TO THE PROPOSED CONTRIBUTIONS OUTCOME OF THE 2022 ACTUARIAL VALUATION

RESOLVED:

That a recommendation be made to the meeting of Council scheduled for 2 February 2023, that the attached form be completed, signed and returned to WLGPS no later than close of business on 10 February 2023, noting that there are no figures included in the 2023/26 Deficit recover amount of the 2022 Actuarial Variation Contribution Projections as set out in the 31 March 2022 Actuarial Valuation Report Results.

F560 PUBLIC SECTOR DEPOSIT FUND FACT SHEET 30 NOVEMBER AND 31 DECEMBER 2022

RESOLVED:

That the Public Sector Deposit Fund Fact Sheets of 30 November and 31 December 2022 be received and noted.

F561 MARCHES ENERGY GRANT

RESOLVED:

That the Clerk be instructed to make application for an energy efficiency assessment of the Council Offices, following which the concluding report be provided to a future meeting of the Environment & Leisure Committee for review prior to signing up for any help that the scheme can offer to improve energy efficiency and costs at Ledbury Town Council.

F562 SOCIAL MEDIA POLICY

RESOLVED:

That the Draft Social Media Policy be approved.

Governance

F563 GENERAL DATA PROTECTION REGULATIONS (GDPR)

RESOLVED:

That the Clerk identify a date for a GDPR Task and Finish meeting noting that Councillors Howells, Hughes and Sinclair have agreed to participate in this.

F564 TO REVIEW RISK REGISTER PART 4 – COUNCIL PROPERTIES

That the Council's Disaster Recovery Plan be reviewed at the earliest convenience.

Line 3 should be amended to read *"HC gritting routes, LTC grit bins and adequate supplies of salt."*

RESOLVED:

That Properties Section (Part 4) of the Risk Register be approved subject to the following amendments:

- 1. That the Council's Disaster Recovery Plan be reviewed at the earliest convenience.**
- 2. Line 3 should be amended to read *"HC gritting routes, LTC grit bins and adequate supplies of salt."***

F565 TO RECEIVE AND NOTE THE MINUTES OF A MEETING OF THE GRANTS WORKING PARTY HELD ON 30 NOVEMBER AND 21 DECEMBER 2022 AND TO GIVE CONSIDERATION TO ANY RECOMMENDATIONS THEREIN

RESOLVED:

That the minutes of a meeting of a meeting of the Grants Working Party held on 30 November and 21 December 2022 be received and noted.

F566 DATE OF NEXT MEETING

THE NEXT MEETING OF THE FINANCE, POLICY & GENERAL PURPOSES COMMITTEE IS SCHEDULED TO TAKE PLACE ON THURSDAY, 23 MARCH 2023 AT 7.00 PM, AND WILL TAKE PLACE IN THE LEDBURY TOWN COUNCIL OFFICE, CHURCH LANE

RESOLVED:

To note that the date of the next meeting of the Finance, Policy & General Purposes Committee is scheduled for Thursday, 23 March 2023.

The meeting ended at 7.58pm.

Signed Dated
(Chair)

FINANCE, POLICY & GENERAL PURPOSES COMMITTEE

26.01.2023

Minute No.	Action	To be Actioned by	Date Actioned	Comments	Status
F553	That the confirmation of the verification of bank statements and reconciliations for Oct, Nov and Dec. 2022 be deferred to the next meeting of the committee, due to the Chair not being present at the meeting.	TC	23.03.2023	To be included on March agenda	To be confirmed by MH at meeting scheduled for 23.03.2023
F554	That the fees and charges not be increased in the 2023/24 financial year.	TC	25.02.2023	No action to be taken	Completed
F555(a)(1)	That line 8 on page 3044 "War Memorial Refurbishment" be removed from the 2023/24 budget.	TC	26.02.2023	Line 8 removed from budget to be submitted to FC on 02.02.23	Completed
F555(a)(2)	That the 2023/24 draft budget be recommended to council for approval with an anticipated precept figure for the 2023/24 financial year of £640,671, which is an increase from £174.18 to £180.17. The increase equates to an annual increase of £5.99 which is an increase of 3.44% (£0.49 per month increase) per Band D equivalent properties."	TC	02.02.2023	Included on FC agenda 02.02.2023 and approved	Completed
F555(a)(3)	That the Special Projects listed within the 2023/24 Draft Budget papers be funded from the Council's General and Earmarked Reserves accordingly	TC/FPGP Com	2023/24		To be considered following year end close down
F555(b)	That the draft proposals for movements from the Council Reserves be noted and that they revisit any underspends/overspends on the 2022/23 budget following the 2022/23-year end closedown.	TC	2023/24	Budget W/P meeting to be held to give consideration to under/overspends following year end closedown	To be considered following year end close down
F556	That the Clerk be instructed to switch LTC bank account to Starling Bank as soon as possible	TC			In progress
F557(1)	That the recommendation to appoint Sports and Play Consulting as and when required on the terms as outlined by the Deputy Clerk for the purchase of new children's play equipment be approved.	DTC	2023/24	For consideration when purchasing new play equipment	ongoing
F557(2)	That the additional sum of no more than £750 to enable Pear Mapping to complete the outstanding works be approved.	DTC		Pear Technology advised that this has been approved - further work undertaken and further documents provided to council staff for review	Completed

F557(3)	That officers be authorised to instruct the company who carried out the works to the ivy at the cemetery to date to return and complete the ivy removal at a cost of £1,400.00 plus VAT.	DTC	9/10 March	Ivy has now been removed	Completed
F557(3)(4.1)	£2,000 for World Book Day, to be taken from the 2022/23 Events Budget.	TC	04.03.2023	Further consideration to be given to this being spent via GPV fund at meeting of FP&GP on 23.03.2023	In progress
F557(3)(4.2)	£2,000 for Climate Change Working Party, to include the Great Big Green Week Event in June 2023, to be included in the 2023/24 budget.	TC	02.02.2023	Included in budget presented to FC on 02.02.2023	completed
F558	That the Clerk be authorised to engage Worknest to undertake DSE Assessments for all office staff at a cost of £885 plus VAT	TC	26.01.2023	Worknest advised, assessments booked for 08.06.2023	In progress
F559	That a recommendation be made to the meeting of Council scheduled for 2 February 2023, that the attached form be completed, signed and returned to WLGPS no later than close of business on 10 February 2023, noting that there are no figures included in the 2023/26 Deficit recover amount of the 2022 Actuarial Variation Contribution Projections as set out in the 31 March 2022 Actuarial Valuation Report Results.	TC	02.02.2023	Included on FC agenda 02.02.2023 and approved	Completed
F561	That the Clerk be instructed to make application for an energy efficiency assessment of the Council Offices, following which the concluding report be provided to a future meeting of the Environment & Leisure Committee for review prior to signing up for any help that the scheme can offer to improve energy efficiency and costs at Ledbury Town Council.	TC	26.01.2023	Application submitted and survey carried out on 09.03.2023 - findings awaited	In progress
F563	That the Clerk identify a date for a GDPR Task and Finish meeting noting that Councillors Howells, Hughes and Sinclair have agreed to participate in this.	DTC	01.03.2023	Task & Finish recommendations to be considered at FP & GP Meeting on 23.03.2023	Completed
F564 1	That the Council's Disaster Recovery Plan be reviewed at the earliest convenience	TC			In progress
F564 2	Line 3 of the Properties Section of the Risk Register be approved subject to the following Line 3 being amended to read "HC gritting routes, LTC grit bins and adequate supplies of salt." amendments	TC			Completed

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LEDBURY TOWN COUNCIL

**MINUTES OF A MEETING OF THE GRANTS FUNDING WORKING PARTY
HELD ON 15 MARCH 2022**

PRESENT: Councillors Howells, Hughes, and Morris

ALSO PRESENT: Angela Price – Town Clerk
Charlotte Barltrop – Minute Taker

29. APOLOGIES

None received.

30. DECLARATIONS OF INTEREST

Councillor Hughes declared an interest in the Grant Application from Ledbury Carnival due to Mrs Hughes being a member of the Carnival Committee.

31. TO APPROVE AND SIGN AS A CORRECT RECORD THE MINUTES OF A MEETING OF THE GRANTS FUNDING WORKING PARTY HELD ON 12 DECEMBER 2022

RESOLVED:

That the minutes of the meeting of the Grants Funding Working Party held on 12 December 2022 be approved and signed as a correct record.

32. UPDATE ON OUTSTANDING FUNDING AND PROPOSED GREAT PLACES TO VISIT (GPV) PROJECTS

The Clerk updated the members on the current status of the proposed projects. The Clerk advised that there were issues with the Town Council undertaking works on Riverside Walk due to the Council not having a Licence to Cultivate. Therefore, any remaining funds to be allocated to the public realm would be used to carry out work on the town trail. Members were advised that the Litter Bins, Dog Poo bins and replacement swings had been ordered, and would be paid for in advance of 31 March. They were advised that the Deputy Clerk was obtaining quotes for the supply and fit for the gate at Dog Hill Woods, and the Tow Bar and Trailer, and that the Clerk and Administrator needed to discuss the options for TIC signage and agree to get this ordered to ensure it could be purchased and invoices received and paid by 31 March, which is the deadline for the GPV funding. .

Members discussed projects which may be considered in order that the remaining £4,800 be spent before 31 March 2023. These ideas included planters for the town centre, Feather banners and additional bases for use around Ledbury for events. Branded items to be handed out by Ledbury Town

Council at events and a sound system which could be used at various events which are held in Ledbury Town Centre in order to attract visitors.

It was also discussed whether the World Book Day could be funded retrospectively as this was an event which brought many visitors to town which did meet the criteria.

RESOLVED:

That the update on the outstanding funding and proposed projects be received and noted.

33. GRANT APPLICATIONS RECEIVED FOR CONSIDERATION PRIOR TO SUBMISSION TO FINANCE, POLICY & GENERAL PURPOSES COMMITTEE

Members gave consideration to the Grant applications to recommend to the Finance, Policy & General Purposes Committee meeting scheduled for Thursday, 23 March 2023 that they meet the Council's criteria.

£500 or less

1. John Masefield High School - £500 – RHS Sustainable Garden Project 2023 – Open Spaces Act 1906 ss. 9-10

There was discussion regarding this application as to whether it was permissible due to the possibility that JMHS is an academy. It was agreed that the Clerk would investigate this matter and provide an update in the report to the Finance Committee.

2. Ledbury Children's Centre - £350 – Continuation of existing Project "Helping Local Families Connect with Nature. Learning about food growing and how to look after the world around them." – Open Spaces Act 1960 ss. 9-10

It was agreed that this application met the criteria.

3. Ledbury Community Day - £300 – To enable local, mainly voluntary, groups in and serving Ledbury to showcase what they do for Ledbury residents by a special Community Day Event – Local Government (Miscellaneous Provisions) Act 1976 s 19

It was agreed that this application met the criteria.

4. Three Counties Home Educator's - £500 – Signs for the Wildlife garden – Open Spaces Act 1906 ss. 9-10

It was agreed that this application met the criteria.

Over £500

1. Bosbury Scouts – £1,008.00 – 1st Bosbury Scout Group Covid Recovery Project – to help the group fully recover from the impact of the Covid Pandemic - Local Government (Miscellaneous Provisions) Act 1976 s. 19.

It was agreed that the Clerk would enquire as to how many of the Scouts are Ledbury Residents, noting that the criteria could be met for these Scouts if the troupe do not meet in Ledbury.

2. Ledbury Places - £4,600 – To improve acoustics and visual experience of events – Power to encourage tourism - Local Government Act 1972s. 144

The Chair was concerned what type of equipment Ledbury Places planned to purchase, as he felt the cost quoted in the application appeared high. It was suggested that there may be a way that any equipment purchased by LTC may be available for use. The Clerk was asked to gain further information on the type of equipment LP were proposing to purchase.

Councillor Morris asked that it be recorded that he felt that whilst the application does meet the criteria he did was disappointed that they had not indicated in their application that they had applied for funding from any other source other than the town council, and that he would ask the Finance Committee to consider not supporting this application on these grounds. He also noted that Ledbury Places had received a number of grants from Ledbury Town Council over past years.

3. Ledbury Places - £750 – To replace dressing up costumes for Children's learning and play area - Local Government (Miscellaneous Provisions) Act 1976 s. 19

It was agreed that this application met the criteria, however members felt that £500.

Councillor Morris reiterated his comments as above.

4. Ledbury Carnival Association - £1,000 – "Countryside Fun" Carnival 2023 - Power to encourage Tourism -Local Government Act 1972s. 144

It was agreed that this application met the criteria.

5. Ledbury Maritime Cadets - £ 2,000 – Ongoing costs and part funding to renew tubes on 5.4 metre sea rider safety boat - Local Government (Miscellaneous Provisions) Act 1976 s. 19

It was agreed that this application met the criteria.

6. Ledbury Poetry - £5,000 – for marketing – Power to encourage Tourism - Local Government Act 1972s. 144

It was agreed that this application met the criteria, however it was discussed that the applicant has been in receipt of a large grant from Arts Council England.

Multi-year

1. Community Voluntary Action Ledbury & District (CAL) – To assist with the continued service to provide transport within Ledbury and the District via the Ring and Road scheme – Local Government and Rating Scheme Act 1997 s. 26

Year 1 - £12,000

Year 2 - £12,000

Year 3 - £12,000

It was agreed that this application met the criteria and that there was funding of £10,000 earmarked for this project in the 2023/24 budget.

2. LEAF (Locally Encouraging All to Flourish) – to benefit people of all ages who are residents of Ledbury and the surrounding district. The funding would enable one person to be employed one day per week to provide listening and guidance service to clients referred by GP's. LEAF would provide a volunteer Chaplain to also work one day per week –Local Government Act 1972 s. 137 Financial Assistance

Year 1 - £10,440

Year 2 - £10,440

Year 3 - £10,440

Chaplain £5,000

Counselling £5,040

Kintsugi £400

It was agreed that whilst this application met the criteria, LTC would not be able to pay £20,000 in the first year. Therefore, the Clerk was asked to find out what the priorities are for this project to assist the Finance Committee when considering the application.

3. Ledbury Carnival Association - To help support the future of the Carnival in Ledbury - Power to encourage Tourism -Local Government Act 1972s. 144

Year 1 - £3,500

Year 2 - £4,000

Year 3 - £4,500

It was agreed that this application met the criteria.

RESOLVED:

That the Finance, Policy & General Purposes Committee be advised of the comments above from the Grants Working Party when considering the grants at their meeting on 23 March 2023.

34. DATE OF NEXT MEETING

To note that the next meeting of the Grants Working Party is scheduled for Wednesday, 12 April 2023

The meeting ended at 3.45 pm.

Signed Date
(Chair)

FINANCE, POLICY & GENERAL PURPOSES COMMITTEE	26 MARCH 2023	AGENDA ITEM: 7
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Report prepared by Julia Lawrence – Deputy Town Clerk

GENERAL DATA PROTECTION REGULATIONS (GDPR)

Purpose of Report

The purpose of this report is to advise Members of the Finance, Policy & General Purposes Committee of the outcome of a recent Task & Finish Group meeting for GDPR, which was held on 1 March 2023.

Detailed Information

The purpose of the Task & Finish Group was for Members to review the existing Ledbury Town Council documentation already in place with a view to making appropriate changes, if required. The documentation included:

- 1) Paper presented by Cllr Sinclair, entitled "Data Protection" [Appendix 1]
- 2) LTC General Data Privacy Policy [Appendix 2]
- 3) LTC Staff Data Privacy Notice [Appendix 3]
- 4) LTC Subject to Access Request Policy/Form [Appendix 4]
- 5) LTC Lawful basis for holding information [Appendix 5]
- 6) LTC Consent Form [Appendix 6]
- 7) LTC Consent of a Child Form [Appendix 7]
- 8) LTC Audit Schedule [Appendix 8]

Copies of the above mentioned documents are attached and amendments made are shown in red text. However, further notes relating to these documents are recorded below using the same numbering referred to above:

- 1) Members agreed that the document should be referred to as an "Overview".
- 2) General Data Privacy Policy – Two main areas to note relate to the cost for information requested where the wording has been changed and the paragraph on "Transfer of Data Abroad" has been deleted. However, subsequent to this meeting, it should be noted that the Clerk considers that the paragraph for "Transfer of Data Abroad" should be retained since there have been occasions where emails have been received from members of the public living abroad and whereby information has been provided, therefore the Clerk considers that there is a need for these paragraphs to remain.
- 3) Staff Data Privacy Notice – As noted in the above mentioned document, General Data Privacy Policy, under the section on page 2 "Other data controllers the Council works with", the last sentence states : "*A description of what personal data the Council possesses and for what purposes is set out in this Privacy Notice*". It should be noted that the title makes no reference to

Staff Data and therefore Members are asked to consider renaming this document.

As noted in (2) above, reference is also made to cost for information requested and "Transfer of Data Abroad", the same comments apply here.

- 4) Subject to Access Request Policy/Form – No changes have been made to this document whereas there are a few amendments to the Form.
- 5) Lawful basis for holding information – No changes have been made to this document.
- 6) Consent Form – Minimal changes have been made to this form noting that it is specifically geared towards the Cemetery.
- 7) Consent of a Child Form – Members of the Task & Finish Group considered that the original form was not acceptable and that the Council should consider what is available from the NSPCC website for guidance on an appropriate Consent Form. Appendix 7 is a copy of the existing Council form as well as a NSPCC form, in order to consider the format shown on the NSPCC form.
- 8) Audit Schedule – The Clerk and Deputy Clerk have scheduled a meeting in early April to discuss this Audit Schedule in detail.

Recommendation

That Members of the Finance, Policy and General Purposes Committee are asked to consider the points put forward and agree with the changes proposed albeit appreciating that the Consent of a Child Form and the Audit Schedule will need to be brought back to the Finance, Policy, and General Purposes Committee for consideration.

LEDBURY TOWN COUNCIL

DATA PROTECTION - OVERVIEW

Ledbury Town Council (LTC) is required to process data in accordance with the General Data Protection Regulation (GDPR) and the Data Protection Act 2018.

GDPR regulates the processing of personal data about individuals in the United Kingdom (UK) including its collection, storage, transfer or use. Most importantly, under the GDPR, the concept of "personal data" covers any information relating to an identified or identifiable individual ("data subject").

LTC strives to meet 'P3P' standards (the 'Platform for Privacy Preferences Project') on data privacy. LTC is the sole owner of any information collected. LTC must never sell, share or rent this information.

In accordance with obligations under the above data protection legislation, any data provided by LTC is provided solely to deal with residents.

Some files may contain sensitive personal data. It is therefore important that data accessed is from devices that have good security in place, for example:

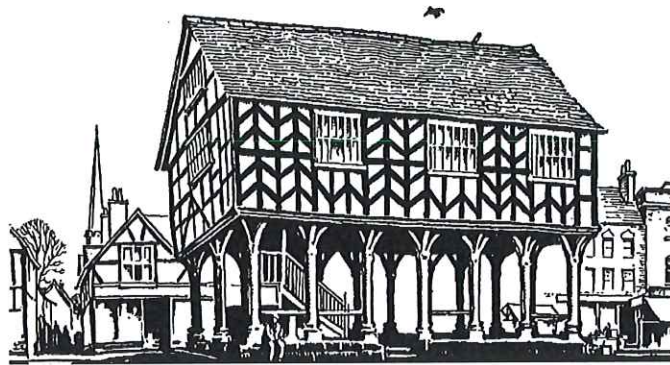
- Install a firewall and virus-checking on devices and ensure they are kept up-to-date;
- Ensure LTC's operating system is set up to receive automatic updates;
- Protect computers by downloading the latest patches or security updates, which should cover vulnerabilities.

Councillors and Officers should install an anti-spyware tool. Spyware is the generic name given to programs that are designed to secretly monitor activities on computers. Spyware can be unwittingly installed within other file and program downloads and their use is often malicious. They can capture passwords and view data you have access to and then relay information back to fraudsters. Anti-spyware helps to monitor and protect computers from spyware threats> It is often free to use and update.

Securely remove all information before disposing of old devices by using technology or destroying the hard disk.

Other tips can be found at <https://www.getsafeonline.org/>

Ledbury Town Council General Data Privacy Policy



Your Personal Data – What is it?

“Personal data” is any information about a living individual which allows them to be identified from that data (for example a name, photographs, videos, email address or address). Identification can be directly using the data itself or by combining it with other information which helps to identify a living individual (e.g. a list of staff may contain personnel ID numbers rather than names but if you use a separate list of the ID numbers which give the corresponding names to identify the staff in the first list then the first list will also be treated as personal data). The processing of personal data is governed by legislation relating to personal data which applies in the United Kingdom including the General Data Protection Regulation (the GDPR) and other legislation relating to personal data and rights such as the Human Rights Act.

Who are we?

This Privacy Notice is provided to you by Ledbury Town Council (LTC) which is the data controller for your data.

Other data controllers the Council works with:

- ❖ Herefordshire Council
- ❖ Funeral Directors
- ❖ Memorial Masons
- ❖ Local Businesses
- ❖ West Mercia Police
- ❖ Other Town & Community Councils
- ❖ Community Groups
- ❖ Charities
- ❖ Other not for profit organisations
- ❖ Contractors (including ICT Cloud based storage)
- ❖ Credit Reference Agencies

Ledbury Town Council may need to share your personal data held with other data controllers so that they can carry out their responsibilities to the Council. If **Ledbury Town Council** and the other data controllers listed above are processing your data jointly for the same purposes, then the Council and the other data controllers may be “joint data controllers” which means we are all collectively responsible to you for your data. Where each of the parties listed above are processing your data for their own independent purposes then each party will be independently responsible to you and if you have any questions, wish to exercise any of your rights (see below) or wish to raise a complaint, you should do so directly to the relevant data controller.

A description of what personal data the Council processes and for what purposes is set out in this Privacy Notice.

APPENDIX 2

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

- ❖ Names, titles, and aliases, photographs;
- ❖ Contact details such as telephone numbers, addresses, and email addresses;
- ❖ **Where they are relevant to the services provided by Ledbury Town Council, or where you provide them to Ledbury Town Council, Ledbury Town Council** may process information such as gender, age, marital status, nationality, education/work history, academic/professional qualifications, hobbies, family composition, and dependants;
- ❖ Where activities are paid such as use of a council hall, financial identifiers such as bank account numbers, payment card numbers, payment/transaction identifiers, policy numbers, and claim numbers;
- ❖ The personal data LTC processes may include sensitive or other special categories of personal data such as criminal convictions, racial or ethnic origin, mental and physical health, details of injuries, medication/treatment received, political beliefs, trade union affiliation, genetic data, biometric data, data concerning and sexual life or orientation.

How LTC use sensitive personal data

- ❖ LTC may process sensitive personal data including, as appropriate:
 - information about your physical or mental health or condition in order to monitor sick leave and take decisions on your fitness for work;
 - your racial or ethnic origin or religious or similar information in order to monitor compliance with equal opportunities legislation;
 - in order to comply with legal requirements and obligations to third parties.
- ❖ These types of data are described in the GDPR as "Special categories of data" and require higher levels of protection. We need to have further justification for collecting, storing and using this type of personal data.
- ❖ We may process special categories of personal data in the following circumstances:
 - In limited circumstances, with your explicit written consent.
 - Where we need to carry out our legal obligations.
 - Where it is needed in the public interest.
- ❖ Less commonly, we may process this type of personal data where it is needed in relation to legal claims or where it is needed to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.

Do we need your consent to process your sensitive personal data?

- ❖ In limited circumstances, LTC may approach you for your written consent to allow LTC to process certain sensitive personal data. If LTC does, then LTC will provide you with full details of the personal data that LTC would like and the reason why it is needed, so that you can carefully consider whether you wish to consent.

Ledbury Town Council may use your personal data to deliver public services including to understand your needs to provide the services that you request and to understand what we can do for you and inform you of other relevant services.

This may include some or all of the following purposes:

- ❖ To confirm your identity to provide some services;
- ❖ To contact you by post, email, telephone or using social media (e.g., Facebook, Twitter, WhatsApp);
- ❖ To help LTC build up a picture of how we are performing;
- ❖ To prevent and detect fraud and corruption in the use of public funds and where necessary for the law enforcement functions;
- ❖ To enable LTC to meet all legal and statutory obligations and powers including any delegated functions;
- ❖ To carry out comprehensive safeguarding procedures (including due diligence and complaints handling) in accordance with best safeguarding practice from time to time with the aim of ensuring that all children and adults-at-risk are provided with safe environments and generally as necessary to protect individuals from harm or injury;
- ~~❖ To promote the interests of the Council;~~
- ❖ To maintain LTC's own accounts and records;
- ❖ To seek your views, opinions or comments;
- ❖ To notify you of changes to our facilities, services, events and staff, councillors and other role holders;
- ❖ To send you communications which you have requested and that may be of interest to you. These may include information about campaigns, appeals or other projects or initiatives;
- ❖ To process relevant financial transactions including grants and payments for goods and services supplied to the Council;
- ❖ To allow the statistical analysis of data so LTC can plan the provision of services;
- ❖ LTC's processing may also include the use of CCTV systems for the prevention and prosecution of crimes.

What is the legal basis for processing your personal data?

❖ Legal Obligation

The Council is a public authority and has certain powers and obligations. Most of your personal data is processed for compliance with a legal obligation which includes the discharge of the Council's statutory functions and powers. Sometimes when exercising these powers or duties it is necessary to process personal data of residents or people using the Council's services. LTC will always take into account your interests and rights. This Privacy Notice sets out your rights and the Council's obligations to you.

❖ Performance of a contract

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

❖ Public task

The processing is necessary for you to perform a task in the public interest or for your official functions, and the task or function has a clear basis in law.

❖ Consent

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

Sharing your personal data

This section provides information about the third parties with whom the council may share your personal data. These third parties have an obligation to put in place appropriate security measures and will be responsible to you directly for the manner in which they process and protect your personal data. It is likely that we will need to share your data with some or all of the following (but only where necessary):

- ❖ The data controllers listed above under the heading "Other data controllers the council works with";
- ❖ Our agents, suppliers and contractors. For example, we may ask a commercial provider to publish or distribute newsletters on our behalf, or to maintain our database software;
- ❖ On occasion, other local authorities or not for profit bodies with which we are carrying out joint ventures e.g. in relation to facilities or events for the community.

How long do we keep your personal data?

We will keep some records permanently if we are legally required to do so. We may keep some other records for an extended period of time. For example, it is currently

best practice to keep financial records for a minimum period of 8 years to support HMRC audits or provide tax information. We may have legal obligations to retain some data in connection with our statutory obligations as a public authority. The council is permitted to retain data in order to defend or pursue claims. In some cases, the law imposes a time limit for such claims (for example 3 years for personal injury claims or 6 years for contract claims). We will retain some personal data for this purpose as long as we believe it is necessary to be able to defend or pursue a claim. In general, we will endeavour to keep data only for as long as we need it. This means that we will delete it when it is no longer needed.

Your rights and your personal data

You have the following rights with respect to your personal data:

When exercising any of the rights listed below, in order to process your request, we may need to verify your identity for your security. In such cases we will need you to respond with proof of your identity before you can exercise these rights.

1) The right to access personal data we hold on you

- At any point you can contact us to request the personal data we hold on you as well as why we have that personal data, who has access to the personal data and where we obtained the personal data from. Once we have received your request we will respond within one month.
- ~~There are no fees or charges for the first request but additional requests for the same personal data or requests which are manifestly unfounded or excessive may be subject to an administrative fee.~~

~~Information will be provided free of charge, as per the GDPR rules. However, we may charge a "reasonable fee" when a request is manifestly unfounded or excessive, particularly if it is repetitive.~~

~~A charge may also be made of a reasonable fee to comply with requests for further copies of the same information. This does not mean that we can charge for all subsequent access requests.~~

~~Where applicable there will be a charge of £10.00.~~

2) The right to correct and update the personal data we hold on you

- If the data we hold on you is out of date, incomplete or incorrect, you can inform us and your data will be updated.

3) The right to have your personal data erased

- If you feel that we should no longer be using your personal data or that we are unlawfully using your personal data, you can request that we erase the personal data we hold.
- When we receive your request we will confirm whether the personal data has been deleted or the reason why it cannot be deleted (for example because we need it for to comply with a legal obligation).

4) The right to object to processing of your personal data or to restrict it to certain purposes only

- You have the right to request that we stop processing your personal data or ask us to restrict processing. Upon receiving the request, we will contact you and let you know if we are able to comply or if we have a legal obligation to continue to process your data.

5) The right to data portability

- You have the right to request that we transfer some of your data to another controller. We will comply with your request, where it is feasible to do so, within one month of receiving your request.

6) The right to withdraw your consent to the processing at any time for any processing of data to which consent was obtained

- You can withdraw your consent easily by telephone, email, or by post (see Contact Details below).

7) The right to lodge a complaint with the Information Commissioner's Office.

- You can contact the Information Commissioners Office on 0303 123 1113 or via email <https://ico.org.uk/global/contact-us/email/> or at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

Transfer of Data Abroad

~~Amy personal data transferred to countries or territories outside the European Economic Area (EEA) will only be placed on systems complying with measures giving equivalent protection of personal rights either through international agreements or contracts approved by the European Union. Our website is also accessible from overseas so on occasion some personal data (for example a newsletter) may be accessed from overseas.~~

Further Processing

If we wish to use your personal data for a new purpose, not covered by this Privacy Notice, then we will provide you with a new notice explaining this new use prior to commencing the processing and setting out the relevant purposes and processing conditions. Where and whenever necessary, we will seek your prior consent to the new processing.

Changes to this Notice

We keep this Privacy Notice under regular review and we will place any updates on this web page http://www.ledburytowncouncil.gov.uk/Policies_Procedures.aspx. This notice was last updated in August 2019.

Contact Details

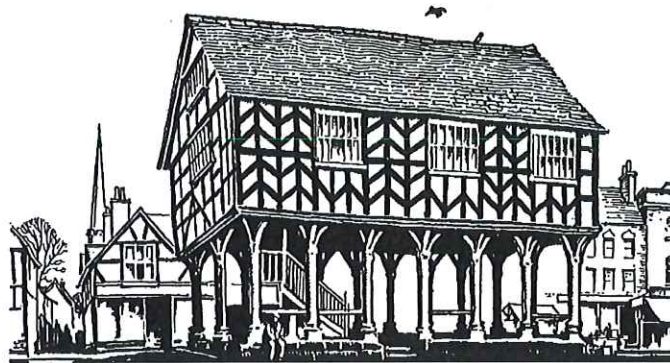
Please contact us if you have any questions about this Privacy Notice or the personal data we hold about you or to exercise all relevant rights, queries or complaints at:

The Data Controller: The Clerk, Ledbury Town Council, Council Offices, Church Street, Ledbury, Herefordshire, HR8 1DL

Tel: 01531 632306

Email: clerk@ledburytowncouncil.gov.uk

Ledbury Town Council Privacy Notice



PRIVACY NOTICE

For staff*, councillors and Role Holders**

*"Staff" means employees, workers, agency staff and those retained on a temporary or permanent basis.

**Includes, volunteers, contractors, agents, and other role holders within the council including former staff* and former councillors. This also includes applicants or candidates for any of these roles.

Your personal data – what is it?

"Personal data" is any information about a living individual which allows them to be identified from that data (for example a name, photograph, video, email address, or address). Identification can be directly using the data itself or by combining it with other information which helps to identify a living individual (e.g. a list of staff may contain personnel ID numbers rather than names but if you use a separate list of the ID numbers which give the corresponding names to identify the staff in the first list then the first list will also be treated as personal data). The processing of personal data is governed by legislation relating to personal data which applies in the United Kingdom including the General Data Protection Regulation (the "GDPR") and other legislation relating to personal data and rights such as the Human Rights Act.

Who are we?

This Privacy Notice is provided to you by Ledbury Town Council which is the data controller for your data.

The Council works together with:

- Other data controllers, such as local authorities, public authorities, central government and agencies such as HMRC and DVLA.
- Staff pension providers.
- Former and prospective employers.
- DBS services suppliers.
- Payroll services providers.
- Recruitment Agencies.
- Credit reference agencies.

We may need to share personal data we hold with them so that they can carry out their responsibilities to the council and our community. The organisations referred to above will sometimes be "joint data controllers". This means we are all responsible to you for how we process your data where for example two or more data controllers are working together for a joint purpose. If there is no joint purpose or collaboration then the data controllers will be independent and will be individually responsible to you.

The council will comply with data protection law. This says that the personal data we hold about you must be:

- Used lawfully, fairly and in a transparent way.

- Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.
- Relevant to the purposes we have told you about and limited only to those purposes.
- Accurate and kept up to date.
- Kept only as long as necessary for the purposes we have told you about.
- Kept and destroyed securely including ensuring that appropriate technical and security measures are in place to protect your personal data to protect personal data from loss, misuse, unauthorised access and disclosure.

What data do we process?

- Names, titles, and aliases, photographs.
- Start date / leaving date.
- Contact details such as telephone numbers, addresses, and email addresses.
- Where they are relevant to our legal obligations, or where you provide them to us, we may process information such as gender, age, date of birth, marital status, nationality, education/work history, academic/professional qualifications, employment details, hobbies, family composition, and dependants.
- Non-financial identifiers such as passport numbers, driving licence numbers, vehicle registration numbers, taxpayer identification numbers, staff identification numbers, tax reference codes, and national insurance numbers.
- Financial identifiers such as bank account numbers, payment card numbers, payment/transaction identifiers, policy numbers, and claim numbers.
- Financial information such as National Insurance number, pay and pay records, tax code, tax and benefits contributions, expenses claimed.
- Other operational personal data created, obtained, or otherwise processed in the course of carrying out our activities, including but not limited to, CCTV footage, recordings of telephone conversations, IP addresses and website visit histories, logs of visitors, and logs of accidents, injuries and insurance claims.
- Next of kin and emergency contact 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 and referral source (e.g. agency, staff referral))
- Location of employment or workplace.
- Other staff data (not covered above) including; level, performance management information, languages and proficiency; licences/certificates, immigration status; employment status; information for disciplinary and grievance proceedings; and personal biographies.
- CCTV footage and other information obtained through electronic means such as swipecard records.
- Information about your use of our information and communications systems.

We use your personal data for some or all of the following purposes:-

Please note: We need all the categories of personal data in the list above primarily to allow us to perform our contract with you and to enable us to comply with legal obligations.

- Making a decision about your recruitment or appointment.
- Determining the terms on which you work for us.
- Checking you are legally entitled to work in the UK.
- Paying you and, if you are an employee, deducting tax and National Insurance contributions.
- Providing any contractual benefits to you
- Liaising with your pension provider.
- Administering the contract we have entered into with you.
- Management and planning, including accounting and auditing.
- Conducting performance reviews, managing performance and determining performance requirements.
- Making decisions about salary reviews and compensation.
- Assessing qualifications for a particular job or task, including decisions about promotions. ∪ Conducting grievance or disciplinary proceedings.
- Making decisions about your continued employment or engagement.
- Making arrangements for the termination of our working relationship.
- Education, training and development requirements.
- Dealing with legal disputes involving you, including accidents at work.
- Ascertaining your fitness to work.
- Managing sickness absence.
- Complying with health and safety obligations. ∪ To prevent fraud.
- To monitor your use of our information and communication systems to ensure compliance with our IT policies.
- To ensure network and information security, including preventing unauthorised access to our computer and electronic communications systems and preventing malicious software distribution.
- To conduct data analytics studies to review and better understand employee retention and attrition rates.
- Equal opportunities monitoring.
- To undertake activity consistent with our statutory functions and powers including any delegated functions.
- To maintain our own accounts and records;
- To seek your views or comments;
- To process a job application; ∪ To administer councillors' interests
- To provide a reference.
- Our processing may also include the use of CCTV systems for monitoring purposes.

Some of the above grounds for processing will overlap and there may be several grounds which justify our use of your personal data.

We will only use your personal data when the law allows us to. Most commonly, we will use your personal data in the following circumstances:

- Where we need to perform the contract we have entered into with you.
- Where we need to comply with a legal obligation.

We may also use your personal data in the following situations, which are likely to be rare:

- Where we need to protect your interests (or someone else's interests).
- Where it is needed in the public interest (~~or for official purposes~~) i.e. sharing data with Herefordshire Council.

How we use sensitive personal data

- We may process sensitive personal data relating to staff, councillors and role holders including, as appropriate:
 - ✓ information about your physical or mental health or condition in order to monitor sick leave and take decisions on your fitness for work;
 - ✓ your racial or ethnic origin or religious or similar information in order to monitor compliance with equal opportunities legislation;
 - ✓ in order to comply with legal requirements and obligations to third parties.
- These types of data are described in the GDPR as "Special categories of data" and require higher levels of protection. We need to have further justification for collecting, storing and using this type of personal data.
- We may process special categories of personal data in the following circumstances:
 - ✓ In limited circumstances, with your explicit written consent.
 - ✓ Where we need to carry out our legal obligations.
 - ✓ Where it is needed in the public interest, such as for equal opportunities monitoring or in relation to our pension scheme.
 - ✓ Where it is needed to assess your working capacity on health grounds, subject to appropriate confidentiality safeguards.
- Less commonly, we may process this type of personal data where it is needed in relation to legal claims or where it is needed to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.

Do we need your consent to process your sensitive personal data?

- We do not need your consent if we use your sensitive personal data in accordance with our rights and obligations in the field of employment and social security law.
- In limited circumstances, we may approach you for your written consent to allow us to process certain sensitive personal data. If we do so, we will provide you with full details of the personal data that we would like and the reason we need it, so that you can carefully consider whether you wish to consent.
- You should be aware that it is not a condition of your contract with us that you agree to any request for consent from us.

Information about criminal convictions

- We may only use personal data relating to criminal convictions where the law allows us to do so. This will usually be where such processing is necessary to

carry out our obligations and provided we do so in line with our data protection policy.

- Less commonly, we may use personal data relating to criminal convictions where it is necessary in relation to legal claims, where it is necessary to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public. [We will only collect personal data about criminal convictions if it is appropriate given the nature of the role and where we are legally able to do so.] [Where appropriate, we will collect personal data about criminal convictions as part of the recruitment process or we may be notified of such personal data directly by you in the course of you working for us.]

What is the legal basis for processing your personal data?

Some of our processing is necessary for compliance with a legal obligation.

We may also process data if it is necessary for the performance of a contract with you, or to take steps to enter into a contract.

We will also process your data in order to assist you in fulfilling your role in the council including administrative support or if processing is necessary for compliance with a legal obligation.

Sharing your personal data

Your personal data will only be shared with third parties including other data controllers where it is necessary for the performance of the data controllers' tasks or where you first give us your prior consent. It is likely that we will need to share your data with:

- Our agents, suppliers and contractors. For example, we may ask a commercial provider to manage our HR/ payroll functions , or to maintain our database software;
- Other persons or organisations operating within local community.
- Other data controllers, such as local authorities, public authorities, central government and agencies such as HMRC and DVLA
- Staff pension providers
- Former and prospective employers
- DBS services suppliers
- Payroll services providers
- Recruitment Agencies
- Credit reference agencies
- Professional advisors
- Trade unions or employee representatives

How long do we keep your personal data?

We will keep some records permanently if we are legally required to do so. We may keep some other records for an extended period of time. For example, it is currently best practice to keep financial records for a minimum period of 8 years to support HMRC audits or provide tax information. We may have legal obligations to retain some

data in connection with our statutory obligations as a public authority. The council is permitted to retain data in order to defend or pursue claims. In some cases the law imposes a time limit for such claims (for example 3 years for personal injury claims or 6 years for contract claims). We will retain some personal data for this purpose as long as we believe it is necessary to be able to defend or pursue a claim. In general, we will endeavour to keep data only for as long as we need it. This means that we will delete it when it is no longer needed.

Your responsibilities

It is important that the personal data we hold about you is accurate and current. Please keep us informed if your personal data changes during your working relationship with us.

Your rights in connection with personal data

You have the following rights with respect to your personal data: -

When exercising any of the rights listed below, in order to process your request, we may need to verify your identity for your security. In such cases we will need you to respond with proof of your identity before you can exercise these rights.

1. The right to access personal data we hold on you:

- ✓ At any point you can contact us to request the personal data we hold on you as well as why we have that personal data, who has access to the personal data and where we obtained the personal data from. Once we have received your request we will respond within one month.
- ~~✓ There are no fees or charges for the first request but additional requests for the same personal data or requests which are manifestly unfounded or excessive may be subject to an administrative fee.~~
- ✓ Information will be provided free of charge, as per the GDPR rules. However, we may charge a "reasonable fee" when a request is manifestly unfounded or excessive, particularly if it is repetitive.

A charge may also be made of a reasonable fee to comply with requests for further copies of the same information. This does not mean that we can charge for all subsequent access requests.

Where applicable there will be a charge of £10.00.

2. The right to correct and update the personal data we hold on you ∪ If the data we hold on you is out of date, incomplete or incorrect, you can inform us and your data will be updated.

3. The right to have your personal data erased

- ✓ If you feel that we should no longer be using your personal data or that we are unlawfully using your personal data, you can request that we erase the personal data we hold.

- ✓ When we receive your request we will confirm whether the personal data has been deleted or the reason why it cannot be deleted (for example because we need it for to comply with a legal obligation).
4. The right to object to processing of your personal data or to restrict it to certain purposes only
- ✓ You have the right to request that we stop processing your personal data or ask us to restrict processing. Upon receiving the request we will contact you and let you know if we are able to comply or if we have a legal obligation to continue to process your data.
5. The right to data portability
- ✓ You have the right to request that we transfer some of your data to another controller. We will comply with your request, where it is feasible to do so, within one month of receiving your request.
6. The right to withdraw your consent to the processing at any time for any processing of data to which consent was obtained
- ✓ You can withdraw your consent easily by telephone, email, or by post (see Contact Details below).
7. The right to lodge a complaint with the Information Commissioner's Office.
- ✓ You can contact the Information Commissioners Office on 0303 123 1113 or via email <https://ico.org.uk/global/contact-us/email/> or at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

Transfer of Data Abroad

~~Any personal data transferred to countries or territories outside the European Economic Area ("EEA") will only be placed on systems complying with measures giving equivalent protection of personal rights either through international agreements or contracts approved by the European Union. [Our website is also accessible from overseas so on occasion some personal data (for example in a newsletter) may be accessed from overseas].~~

Further processing

If we wish to use your personal data for a new purpose, not covered by this Privacy Notice, then we will provide you with a new notice explaining this new use prior to commencing the processing and setting out the relevant purposes and processing conditions. Where and whenever necessary, we will seek your prior consent to the new processing, if we start to use your personal data for a purpose not mentioned in this notice.

Changes to this Notice

We keep this Privacy Notice under regular review and we will place any updates on this web page [add URL]. This Notice was last updated in February 2018.

Contact Details

Please contact us if you have any questions about this Privacy Notice or the personal data we hold about you or to exercise all relevant rights, queries or complaints at:

The Clerk, Ledbury Town Council Offices, Church Street, Ledbury, Herefordshire HR8 1DL. Email: clerk@ledburytowncouncil.gov.uk.

You can contact the Information Commissioners Office on 0303 123 1113 or via email <https://ico.org.uk/global/contact-us/email/> or at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF

Ledbury Town Council

Subject to Access Request Policy



Introduction

This document sets out Ledbury Town Council's Policy for responding to subject access requests under the General Data Protection Regulations 2018 (GDPR). This document explains the rights of the data subject in relation to a data subject access request and Ledbury Town Council's responsibilities when dealing with the request.

Individual Rights

An individual has the right to know what information is held about them. GDPR in the UK provides a framework to ensure that personal information is handled properly. This information must be:

- Processed fairly, lawfully and in a transparent manner
- Processed for specific, legitimate and lawful purposes
- Adequate, relevant and not excessive
- Accurate and up to date
- Not kept for longer than necessary
- Processed in line with an individual's rights
- Secure
- Not transferred other than in accordance with agreed terms and conditions

How do you make a Subject Access Request (SAR)?

A SAR can be made in writing, electronically or verbally in respect of personal information held about you by Ledbury Town Council. You have the right to see what personal information we hold about you. You are entitled to be given confirmation as to whether we hold or process your personal information and if so you are entitled to access all your personal information as well as details of: -

- The purpose for which we process your personal data;
- The categories of your personal data we process;
- The recipients, or categories or recipient to whom personal data has been or will be disclosed, in particular recipients in third countries or who are international organisations;
- How long we expect to store your data;
- Where you did not give us the personal data, the source from which we collected the personal data; and
- Whether we use any automated decision making in relation to the processing of your personal data.

You are entitled to have any mistakes in your personal data rectified and to have the data deleted in you would no longer like us to store or process your personal data, or to request restriction of our processing of your personal data.

You must supply valid evidence to prove your identity – for example we may ask you for a piece of information held in your records that you might reasonably be expected to know. We cannot disclose personal information to anyone other than the individual in question.

Responsibility

The Town Clerk is responsible for the handling of SAR's and their duties will include but are not limited to:-

- Log the receipt and fulfilment of all requests received from a data subject/the person making the request/requestor to see their personal information
- Acknowledge the subject access request
- Verify the identity of any person making the request
- Maintain a database on the volume of requests and compliance against the statutory timescale
- Verify whether we are the controller of the data subject's personal data
- Check if we are not a controller, but rather a processor. If so, inform the data subject and refer them to the controller. This needs to be recorded in writing
- Where applicable, decide if a request is excessive, unfounded or repetitive and communicate this to the requestor
- Decide if an exemption applies
- If a SAR is submitted in electronic form, any information should preferably be provided by electronic means as well

Processing the Request

It is the aim of the Clerk to determine what information the requestor is asking for. If the request is not clear, or where if we process a large quantity of information about an individual, the GDPR permits us to ask the individual to specify the information the request relates to. Where this applies, we will proceed with a request for additional information.

We must verify whether we process the data requested and if we do not we must inform the data subject accordingly.

We must respond to the data subject within 30 days of receiving the request as valid; this is a requirement under the GDPR.

Any employee, who receives a request from the Clerk to locate and supply information relating to a SAR, must make a full exhaustive search of the records which they are responsible for. This may include, but is not limited to, emails (including archived emails and those that have been deleted but still retrievable), word documents, spreadsheets, databases, removable media (i.e. memory stick), recordings and paper records in relevant filing systems.

The Clerk should check whether the data requested also involves data on other data subjects and make sure that this data is removed/redacted prior to the requested data being supplied to the requestor. If data cannot be removed/redacted consent MUST be sought from other data subjects to allow the release of the data.

All the information that has been requested must be provided unless an exemption can be applied. Information must be supplied in an intelligible form with all acronyms, codes or complex terms.

Is there a charge?

Information will be provided free of charge, as per the GDPR rules. However, we may charge a “reasonable fee” when a request is manifestly unfounded or excessive, particularly if it is repetitive.

A charge may also be made of a reasonable fee to comply with requests for further copies of the same information. This does not mean that we can charge for all subsequent access requests.

Where applicable there will be a charge of £10.00.

Timescales

We have one month (30 Calendar days) commencing on the day we receive the information necessary to identify the requestor, to identify the information requested and provide it to the requestor (or provide an explanation as to why we are unable to provide the information). Wherever possible we will aim to complete the request in advance of the deadline.

LEDBURY TOWN COUNCIL
Subject Access Request Form (SAR)

[For information sought and held by Ledbury Town Council]

Process to Action	
Name of requester
Method of communication	Writing / Electronically / Verbal
Email Address
Phone number (Mobile / Landline)
Postal Address
Name of LTC Officer responsible for monitoring progress and updating the SAR Form.	
Date Subject Access Request made	
Is the request made under the Data Protection Legislation	Yes <input type="checkbox"/> No <input type="checkbox"/>
Date Subject Access Request action to be completed by (One month 30 days after receipt time limit)	
Extension to the date of reply requested (An extension of another two months is permissible provided it is communicated to the subject within the one month 30 day period)	Yes <input type="checkbox"/> No <input type="checkbox"/>
Extension date advised to the Subject Requester and method of contact	
Identification must be proven from the below list: <ul style="list-style-type: none"> ▪ Current UK/EEA Passport ▪ UK Photo card Driving Licence (Full or Provisional) ▪ EEA National Identity Card ▪ Full UK Paper Driving Licence ▪ State Benefits Entitlement Document ▪ State Pension Entitlement Document ▪ HMRC Tax Credit Document ▪ Local Authority Benefit Document ▪ State/Local Authority Educational Grant Document ▪ HMRC Tax Notification Document ▪ Disabled Driver's Pass ▪ Financial Statement issued by bank, building society or credit card company 	

APPENDIX 4

<ul style="list-style-type: none"> ▪ Utility bill for supply of gas, electric, water or telephone landline ▪ A recent Mortgage Statement ▪ A recent council Tax Bill/Demand or Statement ▪ Tenancy Agreement ▪ Building Society Passbook which shows a transaction in the last 3 months and their address 		
Verification sought that the Subject Access Request Form is substantiated	Yes	No
Verification received	Yes	No
Verification if the Council cannot provide the information requested	Yes	No
Is the request excessive or unfounded?	Yes	No
Request to be actioned	Yes	No
Fee to be charged (Subject Access Requests must be undertaken free of charge to a requester unless the legislation permits a reasonable charge)	Yes	No
If the request is to be refused, action to be taken, the date refused and by whom.		
Changes requested to data/ or removal		
Complaint Process (Where a requestor is not satisfied with a response to a SAR, the council must manage this as a complaint)		
Completion date of SAR		
Date complaint received by requested and details of the complaint		
Date complaint completed and outcome		
SAR Form filed by LTC Officer in designated Folder		

Categories of Data to Check

Data	Filing Cabinet	Laptop	Checked	Corrected/Deleted	Actioned by
HR					
Democracy					
Statutory Function					
Legal					
Business					
Legal requirement					
General Data					
Consultation Data					

Ledbury Town Council

Lawful basis for holding information



This document details the lawful basis for holding each category of data we hold?

Type of Data	Lawful Basis
Charter Market	
Names and addresses and telephone numbers of stall holders	Contract
Cemetery	
Details of the location, Names and dates of birth of those interred	Legal obligation
Contact information for relatives of those buried	Legal Obligation
Staff	
Names, bank details, national insurance details, etc	Legal obligation, (contract)
Sensitive staff information such as ethnicity	Legal obligation
Weddings	
Names addresses telephone nos and email	Contract
Contact lists for functions	
individuals in their own right, addresses, emails and also as representatives of local organisations for purposes of inviting to Community Celebration/ Civic Service and other Civic Occasions	Public Task
Councillor's details	
Names and addresses, council email	Legal obligation
Telephone numbers and personal emails	Consent
Contractors	
The council keeps contact details for many firms and sole traders that it may enter into a business relationship with	Contract
Information about the public	
Correspondence received	Legal obligation, public task
Members of working parties	Public task
Electronic newsletter	Consent
Emergency contact	
Individuals volunteer to be the emergency contact for the offices	Consent



Ledbury Town Council Consent Form

Cemetery

Your privacy is important to Ledbury Town Council and we want to communicate in a way which has your consent, in line with UK law on data protection (GDPR). As a result of a change in UK law, we now need your consent to how we contact you. Please fill in the contact details you want us to use to communicate with you:

Name	
Address	
Email Address	
Phone Number	

By signing this form, you are confirming that you are consenting to Ledbury Town Council holding and processing your personal data for the following purposes (please tick the boxes where you grant consent): -

(Please tick all that apply)

I consent to Ledbury Town Council preferably contacting me by ☐ post ☐ phone or ☐ email.

☐ To keep me informed with regards to Ledbury Cemetery and hold contact information for relatives of those buried.

☐ To share my details with third parties including Herefordshire Council, Funeral Directors and Stone Masons as requested.

☐ To share my contact details with Ledbury Town Council to keep me informed about news, events, invites, activities and services that will be occurring.

(Please note you can unsubscribe from Ledbury Town Council at any time)

Signed:	Dated:
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You can grant consent to all the purposes; one of the purposes or none of the purposes. Where you do not grant consent we will not be able to use your personal data; (so for example we may not be able to let you know about forthcoming services and events); except in certain limited situations, such as where required to do so by law or to protect members of the public from serious harm. You can find out more about how we use your data from our "Privacy Notice" which is available from our website or from Ledbury Town Council, Church Lane, ~~Street~~, Ledbury, Herefordshire HR8 1DL

APPENDIX 6

You can withdraw or change your consent at any time by contacting clerk@ledburytowncouncil.gov.uk
Please note that all processing of your personal data will cease once you have withdrawn consent, other than where this is required by law, but this will not affect any personal data that has already been processed prior to this point.

LEDBURY TOWN COUNCIL

In accordance with our child protection legislation we will not permit photographs, video or other images of young people to be taken without the consent of the child or the parent if the child is under 16.

Ledbury Town Council will take all steps to ensure these images are used solely for the purposes they are intended. If you become aware that these images are being used inappropriately you should inform Ledbury Town Council immediately.

Consent information:	
<i>To be completed by child:</i>	
<input type="checkbox"/> I give permission for my photograph to be used within printed publications prepared by Ledbury Town Council, namely the Newsletter and Annual Report <input type="checkbox"/> I give permission for my photograph to be used on Ledbury Town Council's website <input type="checkbox"/> I give permission for my photograph to be used on Ledbury Town Council's social media pages <input type="checkbox"/> I can confirm that I have read or been made aware of how these images will be stored by Ledbury Town Council	
Signature of child:	Print name child:
Date:	Age:

If the child is under 16, consent must be obtained from parents.

If over 16, it's still good practice to inform parents that photographs of their child may be used if the child has given consent.

<i>To be completed by parent:</i>	
<input type="checkbox"/> I give permission for my child's photograph to be used within printed publications prepared by Ledbury Town Council, namely the Newsletter and Annual Report <input type="checkbox"/> I give permission for my child's photograph to be used on Ledbury Town Council's website <input type="checkbox"/> I give permission for my child's photograph to be used on Ledbury Town Council's social media pages <input type="checkbox"/> I can confirm that I have read or been made aware of how these images will be stored by Ledbury Town Council.	
Signature of parent:	Print name of parent:
Date:	

Example of a consent form

January 2022

This is an example of one of the documents organisations need to ensure safeguarding and child protection is at the heart of their activities.

Use this example to write a document that reflects the safeguarding and child protection needs of the children/young people your organisation works with. The document should also align with your other safeguarding and child protection policies, as well as key organisational policies, procedures and standards.

Example form

Day/date(s) of activity [if it is a regular activity you could list the day of the week and time it takes place]:

Location:

Type of activity/what the child or young person will be doing:

1. Child or young person's details

Name:	
Home address:	
Postcode:	
Telephone number:	Email:
Date of birth:	

2. Parent or carer's details

Name:	
Home address:	
Postcode:	
Telephone number:	Email:
Date of birth:	

3. If there's an emergency, please contact (only fill in if different from the person named above):

Name:	
Home address:	
Postcode:	
Telephone number:	Email:
Date of birth:	

4. Child's medical details

GP:

Address:	
Postcode:	
Telephone number:	Email:

5. Do we need to provide any extra help, for example because of a disability, or are there any activities that your child cannot participate in?

--

6. Do we need to know about any medical conditions or allergies? (If yes, please provide details of the condition(s) and any medication needed).

--

7. Is there anything else you think we should know?

--

Information for parents and carers

[Name of group/organisation] aims to provide a safe and enjoyable experience for every child or young person.

To help us do this, please note the following important information.

- All questions on the consent form must be completed and signed by the parent or carer before any child takes part.
- *[You should always gain parental consent for children aged under 16. For young people aged 16 and 17, you should decide whether parental consent is necessary depending on the activity and the young person's circumstances. If you decide parental consent isn't necessary, you should still consider whether parents or carers need to be informed that their child is taking part. In most circumstances, parents have a legal parental responsibility for their children up to the age of 18.]*
- Parents and carers must ensure they notify us of any changes to the information given on the form.
- Parents and carers must make arrangements for children to be brought to and from the activity safely and on time. If a parent or carer is not able to collect their child, they need to let us know in advance who will be doing so.
- We cannot take responsibility for any damaged clothing and/or personal items during the activity.
- Parents and carers should ensure children have sufficient water, food, clothing, sun lotion and medication (where appropriate) for the duration of the activity.

I agree to (please tick):

- ☐ my child taking part in the stated activity
- ☐ *[name of group/organisation]* keeping a record of this form for health and safety reasons
- ☐ any medical treatment that my child may need to be given in an emergency
- ☐ my child being filmed or photographed during the activity, with the possibility that these photographs/media recordings may be used for publications or marketing publicity. (*[Name of group/organisation]* will take all steps to ensure these images are used solely for the purposes for which they are intended.)

Note: if consent is not given, [name of group/organisation] will not use any images taken during the activity that contain the child/young person.

I understand that my child needs to follow the behaviour code and any safety rules so that *[name of group/organisation]* can keep them and other children safe.

Print name

Signature

Date

Child or young person

I agree to (please tick):

- ☐ taking part in the activity
- ☐ talk to *[name of relevant person]* if I am not comfortable at any time during the activity so they can help me or arrange for me to do something else
- ☐ *[name of group/organisation]* keeping a record of this form so they have the information they need to keep me safe during the activity
- ☐ receiving any emergency medical treatment that I may need
- ☐ being filmed or photographed during the activity. I understand that the photographs or film might be used to tell other people about what *[name of group/organisation]* does.

Note: If I don't agree to this, [name of group/organisation] will not use any images of me.

I understand that enjoying the activity and being safe means I need to follow the behaviour code and safety rules.

Print name

Signature

Date

Gaining a child or young person's consent

It's good practice to ask children and young people who have the maturity and mental capacity to make their own decisions whether they want to be involved in an activity. Most young people over 12 are likely to come into this category, although an assessment must be made based on their individual needs.

Consent from young people is not a replacement for parental consent. It's a way for the child or young person to be involved in the decision making process.

You should always gain parental consent for children aged under 16 and consider carefully whether parental consent is necessary for young people aged 16-17. In most circumstances, parents have a legal parental responsibility for their children up to the age of 18.

When a parent or carer is not willing to give consent for an activity

If a child/young person is keen to take part in an activity but their parent or carer is not willing to give consent:

- Talk to the parent or carer so you can understand the reason for their objection.
 - Discuss whether there is anything your organisation can do to make the activity more suitable for the child (for example by providing extra supervision/support).
 - Suggest other activities that the child could participate in, which their parents may be more comfortable with.
 - Support the parents in explaining to the child why they are not comfortable with them taking part in the activity.

- If a young person aged 16-18 has sufficient maturity to make their own decisions, lives separately from their parents and/or has little contact with them, consider allowing them to participate without their parent's consent.
 - This decision will depend on the capacity of the young person concerned, your organisation's understanding of the reasons why parents or carers should not be consulted, and an assessment of any risks involved.
 - Contact the NSPCC Helpline on 0808 800 5000 or by emailing help@nspcc.org.uk for help making this decision. Our trained professionals will talk through the situation with you and give you expert advice.

+ More ways to help you protect children



Take our introductory child protection courses
nspcc.org.uk/training



Sign up to our weekly safeguarding current awareness newsletter
nspcc.org.uk/caspar



Visit nspcc.org.uk/vcs for more information and resources for voluntary and community organisations



