WHITE COLNE PARISH COUNCIL

White Colne Village Hall, Bures Road, White Colne, CO6 2QA.

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Village of the Year 2025

Freedom of Information, Complaints & Feedback Policy

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1. Freedom of Information Policy

1.01 Introduction – The Freedom of Information Act gives you the right to obtain information held by public authorities unless there are good reasons to keep it confidential.

1.02 The Information Commissioner's Office

1.03 The ICO is the UK's independent public body set up to promote access to official information and protect personal information. It has responsibility for ensuring that information is disclosed promptly and that exemptions from disclosure, such as covered by Data Protection legislation, are applied lawfully. Some information could be exempt from disclosure.

1.04 How do I make a request?

1.05 Make the information as specific as possible. If your request is too broad the Council may ask you to clarify it. This could mean it takes longer to get the information.

1.06 Provide as full a description as possible of the information you require.

1.07 Be clear about the format you would prefer to receive the information in, for example, by e-mail or as a paper copy.

1.08 What happens once my request has been received?

1.09 Any request for information should be treated by the Council as a formal request for information and the Council suggests that e-mails or letters are clearly marked as freedom of information requests to avoid any confusion.

1.10 The Council must respond promptly to requests or, in any event, within 20 working days although the Council has longer to consider whether the disclosure of normally exempt

information would be in the public interest. When considering the public interest test, the Council must do so 'within a reasonable time.'

1.11 What if the information is refused?

1.12 Where the Council decides not to disclose the information requested it must give reasons for its decision, it must explain how the exemption or exception applies and it must explain the arguments under the public interest test. The Council must also inform you of your right to complain to the ICO.

1.13 How can the ICO help and what is the legal process?

1.14 You may apply to the ICO for a decision about whether the request has been dealt with according to the Act, for example, you believe there has been excessive delay or if you wish to dispute the application of an exemption or refusals made on public interest grounds.

1.15 The ICO may serve a decision notice on the Council either confirming the decision made by the Council or directing it to disclose information within a certain time. Non-compliance with a decision notice may constitute contempt of court.

1.16 If you or the Council disagrees with the ICO's decision you have 28 days to appeal to the independent **Information Tribunal**. The Information Tribunal may uphold the ICO's decision notice, amend it (for example change the time frame for release of information) or overturn it. Non-compliance with the Information Tribunal's notice may also constitute contempt of court.

1.17 Additional Information

1.18 Additional guidance on the Freedom of Information Act is available on the ICO website at www.ico.gov.uk or by telephone to the helpline 01625 545745.

2. Publication Scheme

2.01 Introduction

2.02 Under Freedom of Information it is the duty of every public authority to adopt and maintain a publication scheme.

2.03 The Information Commissioner's Office (ICO) changed the emphasis in the approval and operation of publication schemes to a generic model which should be adopted and operated by all public authorities.

2.04 The model commits a public authority to 'produce and publish the method by which the specific information will be available so that is can be easily identified and accessed by members of the public'.

2.05 This must be adopted in full, unedited and promoted alongside the guide to information. Local councils are not required to inform the Information Commissioner's Office that they have adopted the scheme; it will be assumed they have done so unless the ICO hears otherwise.

2.06 The publication scheme provides a list of all the information the Council will make routinely available, explain how it can be accessed (either via the Parish Council website or hard copy) and whether a charge will be made for it.

2.07 Classes of Information

2.08 The information held by White Colne Parish Council has been recorded under the following classes of information:

- Class 1 Who we are and what we do
- Class 2 What we spend and how we spend it
- Class 3 What our priorities are and how we are doing
- Class 4 How we make decisions
- Class 5 Our policies and procedures
- Class 6 Lists and registers
- Class 7 The services we offer

2.09 Website

2.10 Some information is routinely available from the Parish Council's website at no charge. The Parish Council's website can be found at: www.whitecolneparishcouncil.gov.uk. A copy of this publication scheme is also available on the Parish Council website.

2.11 Charges for Information Published under this Scheme

2.12 Information available through this Council's publication scheme should be readily available at minimum cost to the public. In most cases charges will be made on the basis of cost recovery.

2.13 Charges may be made for actual disbursements (e.g. photocopying and postage) and information that the council is legally authorised to charge for.

2.14 Anyone requesting information will be notified of any charge before the information is provided. Payment will be requested before the information is supplied.

2.15 FOI requests and the Publication Scheme

2.16 It is important to note that a publication scheme simply sets out the information that is routinely available. Information that is not listed in the guide can still be requested and should be made available unless it can be legitimately withheld.

2.17 Availability of Datasets

2.18 The Protection of Freedoms Act 2012 amended clause 11 of the Freedom of Information Act 2000 to make datasets available for re-use by members of the public. Once a dataset is disclosed following an FOI request, White Colne Parish Council will make that dataset more widely available and any updated version of that dataset by inclusion on our website. All datasets published in this way will be in a format capable of re use wherever possible, i.e. not in a PDF format.

2.19 For datasets which do not contain copyright material the usual FOI charging provisions will apply as set out in this Publication Scheme – i.e. the Council will only be able to charge photocopying, postage and any disbursements.

2.20 However, if datasets are published which contain copyright material then the Council may exercise any power it has under other enactments to charge a fee in connection with making the relevant copyright work available for re use. – This only covers re use and *not* access to the information.

2.21 The list of information published by the parish council, and how that information may be obtained can be found below. Most of our public documents are available to access in several ways:

Hard copy
Where a document is available in hard copy, please contact the Parish Clerk. There may be a small charge for providing copies of documents, and for postage.

Inspection at White Colne Village Hall
With appropriate notification, hard copy documents can be viewed at White Colne Village Hall on evenings when the parish council is in session. Contact clerk@whitecolneparishcouncil.gov.uk to make arrangements.

Website
Many documents are available online at: Documents and Policies.

Electronic copy (E-copy)
Electronic copies are available from the clerk to the council. Please email: clerk@whitecolneparishcouncil.gov.uk

Parish Council noticeboards
Agendas, notification of electors' rights to view the parish council's accounts, and other important information are disseminated on the parish council's noticeboards.

Newsletter
The Parish Council produces an occasional newsletter containing pertinent and useful information. The newsletter is delivered to every accessible household and business.

This list is not definitive. The parish council also uses local publications and events, where appropriate, to enable residents to access information.

3. Complaints Procedure

3.01 Introduction

3.02 White Colne Parish Council is committed to providing the best service it can for the benefit of the people who live or work in its area or are visitors to the locality. This Complaints Procedure sets out how any dissatisfaction regarding the standard of the service that has been received from this Council or any action, or lack of action, by this Council can be brought to their attention and how the Council will try to resolve any issues. White Colne Parish Council believes a complaints procedure demonstrates that the Council:

- Wishes to provide a good service
- Values feedback
- Undertakes its business in an open and honest manner
- Wishes to deal with complaints fairly

3.04 The Council believes that complaints and suggestions provide a valuable opportunity for improving its services and performance. This Complaints Procedure applies to complaints about council administration and procedures and may include complaints about how council employees have dealt with your concerns.

3.05 What is a complaint?

3.06 For the purposes of this procedure, a complaint is defined as: *An expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the Council or its staff affecting an individual, group or organisation*. This definition covers most complaints – such as:

- Dissatisfaction with the administration of policy and decisions
- Delays in responding to service requests
- Failure to achieve standards of service
- Failure to fulfil statutory responsibilities
- Employee's behaviour or attitude

3.07 How we deal with complaints

3.08 Most complaints will be reviewed by the Clerk whose responsibility it is to investigate, as necessary, and respond as quickly as possible. On receipt of a complaint, the Clerk, or Chairperson of the Council, whichever is applicable, shall (except where the complaint is against their own actions) try to settle the complaint directly with the complainant in a timely and efficient manner. If the complainant is not satisfied with the action taken, the complainant will be asked to put the complaint officially in writing to the Clerk. This may be by letter or by e-mail. The Clerk will usually acknowledge receipt of the complaint within five working days. In normal circumstances a response should be sent within ten working days. Where this is not possible an interim response should be sent giving an indication of when a full reply can be expected. If a complainant is dissatisfied with the full response, this fact should be drawn to the attention of the Chairperson of the Council. In consultation with other Members, as necessary, and after obtaining any further relevant information, the Chairperson will issue a further response.

3.09 Should the complainant indicate that he would prefer not to put the complaint to the Clerk he shall be advised to put it in writing to the Chairperson of the Council. The Clerk or the Council (as appropriate) will investigate each complaint, obtaining further information as necessary from the complainant and/ or staff or members of the Council. The Clerk or Chairperson shall bring any written complaint which cannot be settled to the next meeting of the council, and the Clerk shall notify the complainant of the date on which the complaint will be considered. The Council shall consider whether the circumstances surrounding any complaint should be discussed in the absence of press and public, but any decision on a complaint dealt with in this way shall be announced at the next Council meeting in public session.

3.10 The Clerk or Chairperson of the Council will notify the complainant of the outcome of the complaint and of what action (If any) the Council proposes to take. The time frame for this is usually 20 working days but, in exceptional cases, this may be extended. The complainant will be notified.

3.11 Complaints about Members of White Colne Parish Council

3.12 All Councillors have signed an undertaking that they will observe the Council's Code of Conduct. The Code – which is the Model Code of Conduct for Members approved by Parliament – specifies a Councillor's obligations. Alleged breaches of the Code must be reported in writing to the Monitoring Officer at Braintree District Council.

3.13 Complaints about services provided by other public organisations

3.14 Given that some public services in White Colne are provided by either Braintree District Council or Essex County Council – and that the division of responsibilities between public bodies can often be confusing – White Colne Parish Council will advise and, if appropriate,

assist those wishing to pursue complaints against other public organisations providing services in the parish.

3.15 This Complaints Procedure does not apply to:

- Complaints from one Council employee against another Council employee, or between a Council employee and the Council as an employer. These matters are dealt with under the Council's disciplinary and grievance procedure.
- Complaints against Councillors are covered by the Code of Conduct for Members. If a complaint against a Councillor is received by the Council, it will be referred to the Monitoring Officer of Braintree District Council. Further information on the process of dealing with complaints against Councillors may be obtained from the Monitoring Officer.
- Complaints concerning financial irregularities should be directed to the Parish Council's external auditors. Contact details may be obtained from the Clerk.
- Complaints concerning criminal activity which should be reported to the Police.

4. Vexatious Complaints Policy

4.01 INTRODUCTION

4.02 Dealing with a complaint is normally a positive and helpful process, but in a small minority of cases, people pursue their complaints in a way which can impede the investigation of their complaint or can have a significant resource cost for the council. This can happen either whilst their complaint is being investigated, or once the council has dealt with the complaint.

4.03 White Colne Parish Council is committed to dealing with all complaints equitably, comprehensively, and in a timely manner, and we will not normally limit the contact which complainants have with council staff or councillors.

4.04 However, the council does not expect staff or councillors to tolerate unacceptable behaviour by any customer. The council will take action to protect staff and councillors from such behaviour. Unacceptable behaviour includes behaviour which is abusive, offensive or threatening.

4.05 If a complainant behaves in a way that is repetitive, habitual or vexatious, the council will follow this policy to manage the interaction.

4.06 Raising legitimate queries or criticisms of a complaints procedure, for example if agreed timescales are not met, would not in itself lead to someone being regarded as a habitual and/or vexatious complainant.

4.07 Similarly, the fact that a complainant is unhappy with the outcome of a complaint and seeks to challenge it once, or more than once, would not necessarily cause them to be regarded as a habitual and/or vexatious complainant.

4.08 AIM OF THE POLICY

4.09 To clarify how the council will decide which complainants will be treated as habitual and/or vexatious, and what the council will do in those circumstances.

4.10 DEFINITIONS

4.11 White Colne Parish Council defines habitual and vexatious complainants as those who, because of the frequency or nature of their contacts with the council, hinder the council's consideration of theirs or other people's complaints.

4.12 Examples include using repetitive methods or frequent contacts to raise their complaint with staff and councillors or responding inappropriately when informed of the council's decision about the complaint.

4.13 An habitual and/or vexatious complainant may:

- Have insufficient grounds for their complaint and be making the complaint mainly to annoy or embarrass or to waste time;
- Refuse to specify the grounds of a complaint despite offers of assistance;
- Refuse to co-operate with the complaint's investigation process;
- Refuse to accept that issues are not within the remit of the complaints policy and procedure despite having been given information about the policy and procedure;
- Refuse to accept that issues are not within the power of the council to investigate or influence e.g. a complaint about something that is the responsibility of another organisation;
- Refuse to accept the outcome of the complaint process after its conclusion;
- Refuse to accept that the response or information given is truthful or accurate;
- Insist on the complaint being dealt with in ways which are incompatible with the complaint's procedure or with good practice;
- Make an unreasonable number of contacts with the council, in relation to a specific complaint or complaints;
- Harass or verbally abuse or seek to intimidate staff dealing with their complaint;
- Repeatedly introduce new information whilst the complaint is being investigated, and expect this to be taken into account;
- Deny statements they made at an earlier stage in the complaint process;
- Make the same complaint repeatedly, after the complaint's procedure has been concluded;
- Persist in seeking an outcome which is unrealistic for legal, policy, or other valid reasons.

4.14 IMPOSING RESTRICTIONS WHEN BEHAVIOUR IS CONSIDERED VEXATIOUS

4.15 White Colne Parish Council will always first ensure that the complaint is being, or has been, investigated properly according to the Council's Complaints Procedure.

4.16 If the complainant's behaviour appears to be problematic, the clerk will consult with the Council to agree how to proceed.

4.17 The clerk will contact the complainant to explain why their behaviour is causing concern and ask them to moderate their behaviour. The clerk will explain the actions that the council may take if the behaviour does not change and supply a copy of this procedure.

4.18 If the problem behaviour continues, the Council will consider the situation and may decide that the behaviour is Vexatious. The Clerk will inform the complainant in writing of this, and of any limitations or procedures which have been put in place and for what period.

4.19 Any restrictions that are imposed on the complainant's contact with the council will be appropriate and proportionate. In most cases restrictions will apply for 3 or 6 months but in exceptional cases may be extended to 12 months. In such cases the restrictions would be reviewed annually.

4.20 Restrictions will be tailored to deal with the individual circumstances of the complainant and may include;

- Requiring the complainant to make telephone contact only through a third party, e.g. a solicitor, councillor, or friend acting on their behalf;
- Requiring the complainant to send emails only to a specific nominated individual;
- Requiring contact to take place with one named member of staff only;
- Restricting telephone calls to specified times or of limited duration;
- Requiring any personal contact to take place only in the presence of an appropriate witness;
- Advising the complainant that the council will not respond to any further contact from them on the specified topic of that complaint.

4.21 When the decision has been taken to apply this policy to a complainant, the clerk will contact the complainant in writing to explain:

- Why the council has taken the decision;
- What action the council is taking;
- The duration of that action;
- The review process of this policy.

The clerk will enclose a copy of this policy in the letter to the complainant. The fact that the complainant is judged to be a vexatious complainant and any restrictions imposed on the council's contact with them, will be recorded in Council Minutes.

4.22 NEW COMPLAINTS FROM COMPLAINANTS WHO ARE TREATED AS HABITUAL AND/OR VEXATIOUS

4.23 New complaints from people who have come under this policy will be treated on their merits.

4.24 The Clerk will decide and advise the council whether any restrictions which have been applied before are still necessary and appropriate in relation to the new complaint.

4.25 White Colne Parish Council does not support a 'blanket policy' of ignoring genuine service requests or complaints where they are raised. Any new issue raised will be given proper consideration.

4.26 REVIEW

4.27 The status of a complainant judged to be habitual and/or vexatious will be reviewed by the Clerk and the Council after three months, and at the end of every subsequent three months, during the period in which the policy applies.

4.28 If, for reasons of persistent vexatious behaviour, a complainant is restricted for a longer period of 12 months, that decision will be reviewed annually.

4.29 The complainant will be informed of the result of the review, and whether the decision to apply this policy to them has been changed or extended.

4.30 RECORD KEEPING

4.31 Adequate records will be retained by the Clerk of the details of the case and the action that has been taken.

5. Privacy Policy

5.01 INTRODUCTION

5.02 White Colne Parish Council may collect, hold, and process information, including personal information, in order to provide services effectively. White Colne Parish Council does this in its capacity as a data controller. Contact details for the data controller can be found in the 'Where can I get advice section?' below.

5.03 The Council recognises that this information is important to citizens and that it is responsible to citizens for the information it holds about them. As such, it takes seriously its responsibilities under Data Protection legislation to ensure that any personal information it collects and uses is done so proportionately, correctly, and safely. The privacy notice below explains how the council may use information about you, and the ways in which the council protects your privacy.

5.04 ‘Personal data’ means any information relating to an identifiable person who can be directly or indirectly identified, in particular by reference to an identifier. This definition provides for a wide range of personal identifiers to constitute personal data, including name, identification numbers, or location data or online identifiers, which reflect changes in technology and the way organisations collect information about people.

5.05 The Council may collect, hold and use personal data to allow it to provide services on behalf of the citizens of White Colne. These services include, amongst others, planning, Allotments, and Village Hall hire.

5.06 White Colne Parish Council will use your personal data for a limited number of purposes, and at all times within the rules set out in Data Protection legislation. The council will process personal data for the following purposes:

- For the purpose for which you provided the information. e.g., processing information given for an Allotment Agreement, and to monitor the Council's performance in responding to your request.
- To allow the Council to be able to communicate and provide services appropriate to your needs.
- To ensure that the council meets its legal requirements, including obligations imposed under the Race Relations Act and Health and Safety Acts.
- Where the processing is necessary to comply with its legal obligations.
- To process financial transactions including grants.
- Where you have consented to the processing.
- Where necessary to protect individuals from harm or injury.
- To deliver services and support to you, to manage those services, to monitor the quality of services provided and to plan new and updated services.
- To train staff.
- Where the council needs to investigate any worries or complaints you have about services the council provides.

5.07 White Colne Parish Council may use your personal data, after it has been anonymised, to allow the statistical analysis of data, and to allow the Council to effective target and plan the provision of services.

5.08 How the law allows the council to use your personal information.

5.09 There are a number of legal reasons why the council may need to collect and use your personal information. Each privacy notice at the bottom of this page explains for each service which legal reason is being used. Generally, the council collects and uses personal information where:

- you, or your legal representative, have given consent
- you have entered into a contract with the council

- it is necessary to perform the council's statutory duties
- it is necessary to protect someone in an emergency
- it is required by law
- it is necessary for employment purposes
- you have made your information publicly available
- it is necessary for legal cases
- it is to the benefit of society as a whole
- it is necessary to protect public health
- it is necessary for archiving, research, or statistical purposes

5.10 If the council has consent to use your personal information, you have the right to remove it at any time. If you want to remove your consent, please contact the Clerk to the Council via clerk@whitecolneparishcouncil.gov.uk regarding which service you're using so the council can deal with your request.

5.11 White Colne Parish Council is continually working to improve how it provides services to the citizens of White Colne. The council may hold a customer record, comprising of your name and address, for example. For some services the council might also ask for email address and telephone number. The customer record will allow the council to respond to any queries you may have in respect of the provision of services more quickly and efficiently.

5.12 Telephone calls are not recorded.

5.13 The law gives you a number of rights to control *what* personal information is used by the council and *how* it is used.

5.14 You are also legally entitled to request access to any records held by White Colne Parish Council about yourself. When the council receives a request from you in writing, it must normally give you access to everything we have recorded about you. However, the council will not let you see any parts of your record which contain:

- confidential information about other people; or
- if the council considers that a crime may be prevented or found out by disclosing information to you.

This applies to paper and electronic records.

5.15 Whilst White Colne Parish Council tries to ensure that any personal data it holds about you is correct, there may be situations where the information it holds is no longer accurate. If this is the case, please contact the council so that any errors can be investigated and corrected.

5.16 You can ask for your personal information to be deleted (the right to be forgotten), for example:

- Where your personal information is no longer needed for the reason why it was collected in the first place
- Where you have removed your consent for us to use your information (where there is no other legal reason for us to use it)
- Where there is no legal reason for the use of your information
- Where deleting the information is a legal requirement

5.17 Please note that we cannot delete your information where:

- the council is required to have it by law
- it is used for freedom of expression
- it is necessary for legal claim

5.18 You have the right to complain about any matter relating to our service, including how the council uses your personal data. In the first instance please contact the Clerk to the Council.

5.19 The council will take appropriate steps to make sure it hold records about you (on paper and electronically) in a secure way, and it will only make them available to those who have a right to see them. The council's security includes:

- encryption
- access controls on systems
- security training for all staff

5.20 The council will only store your personal information for as long as is necessary. Records will be kept in accordance with the retention policy written by the National Association of Local Councils.

5.21 If you would like further information or if you have any concerns about how the Council is handling your personal data, please contact the Clerk in writing.

5.22 For independent advice about data protection, privacy and data sharing issues, you can contact the Information Commissioner's Office (ICO) at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. Tel: 0303 123 1113 (local rate) or 01625 545 745 if you prefer to use a national rate number. Alternatively, visit www.ico.org.uk or email casework@ico.org.uk.

5.23 The council may use Google Analytics to collect information about how people use the website. The council would do this to make sure it's meeting its users' needs and to understand how it could do it better.

5.24 Google Analytics stores information about what pages you visit, how long you are on the site, how you got here and what you click on. We do not collect or store your personal information (e.g., your name or address), so this information cannot be used to identify who you are.

5.25 The council may also collect information on the number of times particular search terms are used and the number of failed searches. The council would use this information to improve access to the site and to identify gaps in the information content, so it can plan appropriate expansion of the system. Unless the law allows it to, the council does not:

- share any of the information it collects about you with others
- use this information to identify individuals.

5.26 White Colne Parish Council will review and update this privacy notice, as needed, to reflect changes in its services as well as to comply with changes in the law. When such changes occur, the council will revise the "last updated" date at the bottom of this notice. The council encourages you to periodically visit the Council's web site to both review this notice, and to be informed of how White Colne Parish Council is protecting your information.

5.27 CUSTOMER SERVICE, ALLOTMENTS, VILLAGE HALL

5.28 White Colne Parish Council may collect, hold, and process personal data in order to assess and improve its customer service. This may include:

- Customer name
- Contact details (address, telephone number, email address)
- Details of your enquiry
- Bank details

5.29 The Council has a requirement to process the above information for the investigation of Complaints, Compliments and/or Comments. The council operates under the Data

Protection Act 2018 and other regulations such as GDPR. The council requests the minimum amount of information, and it is stored securely in a protected server.

5.30 The council may keep your personal information up to 6 years after the record has been closed.

6. Data Protection Policy

6.01 Introduction

6.02 One of the Council's roles is to encourage community involvement and participation; publication of some personal information is integral to this aim. At the same time, such publication must minimise any potential negative impact on individuals, e.g. intrusive marketing or identity theft.

6.03 The Council is bound by law to abide by the provisions of the Data Protection Act 1998. The eight principles of the act are given at the end of this Policy along with a link to the full online definition of the Act. It should be noted that any individual has the right to make a complaint to the Information Commissioner and that any upheld complaint against the Council could result in a fine.

6.04 The simplest way of ensuring compliance is to adopt a simple set of over-arching principles, since individuals acting for the Council may not be familiar with the full Act. The following principles apply:

Principle 1: Permission
The Council will not gather or publish any personal data unless the purpose of the data is made clear to, and permission has been obtained from, the data owner.

Principle 2: Single Use
Any personal data gathered as above will not be used for any purpose other than that stated when it was obtained. For example, if the Council gathers personal data for a paper publication it may not subsequently publish that data on the internet, and vice versa.

Principle 3: Protection of Electronic Data
The Council will ensure the safe keeping of any electronic files containing personal data and will not release those files to any external party except for the purpose of printing or publication. The Council will require that any files thus released are deleted after use.

6.05 As further protection, avoid presenting long lists of personal data. In general, contact information should be "dotted around" and presented in the context of other information. This is because there are always people who will use data from the internet for purposes other than that intended. An example would be gathering contact lists for onward sale; in this case, understanding the demographic or locality of contacts makes them more valuable. The way data is presented online may deter such misuse.

6.06 The Data Protection Act 1998

6.07 For full information see: http://www.ico.gov.uk/for_organisations/data_protection.aspx

6.08 The following are the eight principles of the Act reproduced from the Information Commissioner’s website:

i. Personal data shall be processed fairly and lawfully and, in particular, shall not be processed unless: (a) at least one of the conditions in Schedule 2 is met, and (b) in the case of sensitive personal data, at least one of the conditions in Schedule 3 is also met.

ii. Personal data shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes.

iii. Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed.

iv. Personal data shall be accurate and, where necessary, kept up to date.

v. Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes.

vi. Personal data shall be processed in accordance with the rights of data subjects under the Act.

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

viii. Personal data shall not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

6.09 Responsibilities

6.10 White Colne Parish Council is the Data Controller and must ensure that any processing of personal data for which it is responsible complies with the Act.

6.11 The Data Protection Officer (DPO) is Braintree District Council.

6.12 The Proper Officer of the Council is responsible for:

- Fully observing conditions regarding the fair collection and use of information
- Meeting the council's legal obligations to specify the purposes for which information is used
- Collecting and processing relevant information, only to the extent that is required to fulfil operational needs/to comply with legal requirements
- Ensuring the quality of information used
- Applying strict checks to determine the length of time that information is held
- Ensuring that the rights of the people whom information is held are able to be fully exercised under the Act
- Taking appropriate technical and organisational security measures to safeguard personal information
- Ensuring that personal information is not transferred abroad without suitable safeguards
- Ensuring that everyone managing and handling personal information:
    - Fully understands that they are contractually responsible for following good practice in terms of protection
    - Is adequately trained to do so
    - Are appropriately supervised

6.13 Storage & retention

6.14 Personal data is kept in paper-based systems and/or on a password-protected computer system.

6.15 The Council will keep different types of information for differing lengths of time, depending on legal and operational requirements.

6.16 Access to information

6.17 Any employees, councillors, residents, customers, and other data subjects have a right to:

- Ask what personal information the council holds
- Ask what this information is used for
- Be provided with a copy of the information
- Be given details of the purposes for which the council uses the information and any other persons or organisations to whom it is disclosed
- Ask that any incorrect data is corrected

6.18 If it is felt by the data subject that any personal information held is incorrect the individual may request that it be amended. The council must advise the individual within 21 days whether or not the amendment has been made.

6.19 Breach of Policy

6.20 Compliance with the Act is the responsibility of all councillors, residents, customers, and members of staff. Any deliberate or reckless breach of the Policy may lead to disciplinary action and, where appropriate, legal protection

6.21 Any individual who believes that the council has breached any of the requirements of the Data Protection Act 1998 should raise the matter with the Clerk to the council in the first instance.

6.22 White Colne Parish Council's Data Protection Policy meets the council's responsibilities under Standing Orders 11, 19, 20, & 21.

7. Data Breach Policy

7.01 The General Data Protection Regulations 2018 define a personal data breach as "a breach of security leading to accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored or otherwise processed".

7.02 Examples include:

- Access by an unauthorised third party.
- Deliberate or accidental action (or inaction) by a controller or processor.
- Sending personal data to an incorrect recipient.
- Computing devices containing personal data being lost or stolen.
- Alteration of personal data without permission.
- Loss of availability of personal data.

7.03 A breach of personal data may result in a loss of control of personal data, discrimination, identity theft or fraud, financial loss, damage to reputation, loss of confidentiality of personal data, damage to property or social disadvantage. Therefore, a breach, depending on the circumstances of the breach, can have a range of effects on individuals.

7.04 Data breaches do not have to be routinely notified to the Information Commissioner's Office (ICO) or others. GDPR makes informing the ICO and the individuals affected compulsory in certain circumstances.

7.05 If the data breach is likely to result in a high risk to the rights and freedoms of the individual (e.g., identity theft), the breach must be reported to the individual and to the ICO without undue delay and, where feasible, not later than 72 hours after having become aware of the breach.

7.06 The Proper Officer must be informed immediately. The Proper Officer must report the breach to the ICO. If the ICO is not informed within 72 hours, Proper Officer must give reasons for the delay when they report the breach.

7.07 WHEN NOTIFYING THE ICO OF A BREACH, THE COUNCIL MUST:

- Describe the nature of the breach including the cause and scope (type of data, approximate number of data subjects and data records concerned);
- Communicate the name and contact details of the Proper Officer.
- Describe the likely consequences of the breach.
- Describe the measures taken or proposed to be taken to address the personal data breach including mitigation measures and future preventative actions.

7.08 WHEN NOTIFYING AN INDIVIDUAL OF A BREACH, THE COUNCIL MUST:

- Communicate the name and contact details of the Proper Officer.
- Describe the likely consequences of the breach.
- Describe the measures taken or proposed to be taken to address the personal data breach including mitigation measures and future preventative actions.

7.09 The Council will not need to notify an individual if the following applies:

- It has previously implemented appropriate technical and organisational measures such that the personal data is unintelligible to any person not authorised to access it (e.g., encryption);
- It has taken subsequent measures to ensure that the high risk to rights and freedoms of individuals is no longer likely to materialise, or;
- It would involve a disproportionate effort.

7.10 If a data processor (e.g., payroll provider) becomes aware of a personal data breach, it must notify the Council without undue delay, so that the Council can fulfil its responsibilities under this policy.

7.11 All data breaches must be recorded. This record should be used to identify system failures and to improve the security of personal data.

- Date of breach
- Type of breach
- No. individuals affected
- No. records affected
- Reporting date to ICO/individual
- Cause of breach
- Likely consequences Preventative actions taken

7.12 Data breaches should be reported to the ICO via: https://ico.org.uk/for-organisations/report-a-breach/

Date of policy: 20th January 2026
Date for next review: January 2027