**Data Protection and the Parish Council.**

The Legal Topic Note (38) on the NALC website <http://www.nalc.gov.uk> is a good summary of the Data Protection Act, and its relevance to councils, and I would suggest is required reading for all of us.

Of particular relevance is the following:

**‘How does the Act affect local councils?**

**29. Whilst exemptions to the requirement to notify exist (as outlined above) NALC takes the view that local councils will be hard pressed to argue that all their data processing falls within the scope of those exemptions. In short this is because local councils (like all local authorities) hold such a wide range of information.**

**30. Accordingly, councils will ordinarily need to take steps to “notify” (if they have not already done so). To reiterate this will mean councils forwarding to the Information Commissioner:**

**• The council’s name as the data controller (with a named contact within the council and that person’s contact details);**

**• The reasons why it is holding or processing data;**

**• Whether the data will be disclosed, and to whom,**

**• The names of any countries outside the EEA to which data may be transferred;**

**• Details of how data will be kept secure.**

**31. The annual fee for notification is £35. Councils wishing to notify can either do so by contacting the Information Commissioner** **(see below for contact details) or on line at** [www.ico.gov.uk](http://www.ico.gov.uk) (The website of the Information Commissioner is worth looking at as well).

**32. It is clear that councils are affected by the provisions of the Data Protection Act in a multitude of ways. “Personal data” may be as simple as holding someone’s name and address but in addition includes amongst other things details of complaints, lists of contacts, employee/personnel records and information provided for the purpose of placing a contract to which the data subject is a party. Images taken by CCTV systems can now also fall within the data protection regime.’**

I think it is clear from paragraph 32 that we are affected by the provisions of the Data Protection Act particularly so as the PC ‘owns’ the website.

There have been comments that the Data Protection Act is at odds with the Transparency Code and I would point out the following from the Transparency Code Para 7 that I think makes it clearer:

**‘The Government believes that local transparency can be implemented in a way that complies with the Data Protection Act 1998. Where smaller authorities are disclosing information which potentially engages the Data Protection Act 1998, they must ensure that the publication of that information is compliant with the provisions of that Act. The Data Protection Act 1998 does not restrict or inhibit information being published naming councillors, members or senior local authority officers who have taken certain decisions, because of the public interest in the scrutiny of such senior individuals and decision makers. The Data Protection Act 1998 also does not automatically prohibit information being published naming the suppliers with whom the authority has contracts, including sole traders, because of the public interest in accountability and transparency in the spending of public money’.**

I would like to propose that North Luffenham Parish Council registers with the Information Commissioner for the purposes of complying with the Data Protection Act 1998.

Tim