

HORLEY TOWN COUNCIL
ORDINARY MEETING OF THE COUNCIL

Minutes of an Ordinary Meeting of Horley Town Council held at the Albert Rooms,
Albert Road, Horley on Tuesday 26 June 2018 at 7.30 pm.

Present	Cllrs David Powell – Chairman & Town Mayor J Baird S Banwait R Biggs G Buttironi M George J Hudson A Kitajewski H Kitajewski Samantha Marshall R Olliver H Randall
In Attendance	J Walsh (Town Clerk) C Fenton (Head of Leisure & Deputy Clerk) A Jones (Consultant)

C 4442 Apologies and Reasons for Absence

RESOLVED: that the apologies of Cllrs Baker, Etheridge, Mabbett, Simon Marshall, V Marshall and Stimpson be accepted, for reasons as specified in the Attendance Register.

C 4443 Disclosable Pecuniary Interests and Non-Pecuniary Interests

Cllr George declared a pecuniary interest in one of the Edmonds Fund grant applications, in view of his Chairmanship of the Board of Governors of the school making the application. He left the Council Chamber whilst the grant application was being considered.

RESOLVED: noted.

C 4444 Public Forum

No members of the public were present.

RESOLVED: noted.

Annual Meeting of the Council, 15 May 2018

C 4445 *RESOLVED: that the approved Resolution regarding a possible café in Horley Recreation Ground (minute C 4426) be amended to read as follows: " that only a permanent structure belonging to*

C 4445) ***Horley Town Council be considered for a Café in Horley Recreation Ground”.***

C 4446 The minutes of the above meeting of the Council were presented for confirmation by members and signature by the Chairman of the Council.

RESOLVED: that the minutes of the Annual Meeting of the Council held on 15 May 2018, including all confidential items, subject to the amendment recorded under item C 4445 above, be approved.

C 4447 **Extraordinary Meeting of the Council, 22 May 2018**

The minutes of the above meeting of the Council were presented for confirmation by members and signature by the Chairman of the Council.

RESOLVED: that the minutes of the Extraordinary Meeting of the Council held on 22 May 2018, including all confidential items, be approved.

C 4448 **Leisure & Amenities Committee, 29 May 2018**

RESOLVED: that the unapproved minutes of the above meeting of the Leisure and Amenities Committee, including all confidential items, be received.

C 4449 **Finance & General Purposes Committee, 12 June 2018**

RESOLVED: that the unapproved minutes of the above meeting of the Finance and General Purposes Committee, including all confidential items, be received.

C 4450 **Planning & Development Committee, 24 April 2018**

RESOLVED: that the approved minutes of the above meeting of the Planning and Development Committee, including all confidential items, be received.

C 4451 **Planning & Development Committee, 22 May 2018**

RESOLVED: that the approved minutes of the above meeting of the Planning and Development Committee, including all confidential items, be received.

C 4452 Chairman's Report

Cllr Powell advised that he had attended the following:

RBBC Mayor's Civic Service (Cllr Samantha Marshall also attended)
Organ Recital & Concert at St Bart's Church
Horley Carnival – Judging of Floats
Horley Singers Summer Concert
Annual Mattins Service at Guildford Cathedral (plus Cllr Samantha Marshall)
Armed Forces Day & Big Brew Up at Reigate Town Hall

RESOLVED: noted.

Borough, County Councillor & Other Updates

C 4453 Members were reminded that the next Residents' Forum meeting was due to take place on Tuesday 24 July. It was noted that Borough & County Cllr Graham Knight would be unable to attend, however those present would be made aware of the opportunity for residents to comment on the Borough Council's review of its Corporate Plan, as part of the evidence gathering phase.

RESOLVED: noted.

C 4454 The Clerk updated members on her recent bi monthly meeting with Cllrs Kay Hammond and Graham Knight, where there had been discussion about the ongoing sinkhole problem in Victoria Road (hopefully now resolved!), as well as plans to start a Horley Rail Users' Forum, either as part of the Reigate & Redhill Users' Forum or as an independent body. The Chairman added that he would be willing to distribute flyers about the plans at Horley Railway Station. It was also noted that Cllr Knight had written to Network Rail regarding the poor condition of the footbridge and the underpass, however to date there had been no response.

RESOLVED: noted.

C 4455 The Head of Leisure updated members on the recent meeting with Gavin Handford of the Borough Council, also attended by the Salfords & Sidlow PC Clerk, where there had been updates on GDPR action taken by RBBC, Boundary Commission review of RBBC wards and changes to the Borough Leader and Executive. It was noted that the next meeting would be held in July.

RESOLVED: noted.

C 4456 It was noted that the Surrey County Council Vision Briefing at Reigate Town Hall had been postponed until September.

RESOLVED: noted.

C 4457 Appointment of Data Protection Officer

RESOLVED: that the recommendation of the Finance & General Purposes Committee be approved and Alan Jones be appointed Data Protection Officer for Horley Town Council until 30 June 2019 working approximately 5 hours per month in this role. (Full details are appended.)

General Data Protection Regulations (GDPR)

C 4458 RESOLVED: that the Privacy Notice, as displayed from 25 May 2018, be ratified. (A copy is appended.)

C 4459 RESOLVED: that the Information & Data Protection Policy be approved. (A copy is appended.)

C 4460 RESOLVED: that the Retention of Documents Policy be approved. (A copy is appended.)

C 4461 Proposals for Possible Café at Horley Recreation Ground

RESOLVED: that the fee proposal of £1,050 plus VAT from Copeland Yussuf Chartered Surveyors to produce budget build costs for the Café Project be approved.

C 4462 Local Government Boundary Commissions (LGBCE) – Draft Recommendations for Ward Boundaries in Reigate & Banstead

The Clerk updated members on a recent meeting of the Boundary Review Working Group, as well as a meeting with Borough Councillors Andy Lynch and Tony Schofield. (It was subsequently agreed to finalise the Town Council's formal response to the LGBCE Draft Recommendations at an Extraordinary Council Meeting on 31 July.)

RESOLVED: noted.

Horley Edmonds Community Fund

C 4463 Members were updated on the recent meeting with Kate Peters, the Community Foundation's Director of Grants and Impact and Katie Owen, the Grants Officer, where it had been explained how grant applications were received and processed. The importance of receipt of End of Grant Reports had been stressed to Kate and Katie. It was noted that the new quarterly schedule of deadlines for the consideration of grant applications, adopted by the Community Foundation, would not necessarily coincide with the Town Council's Schedule of Meetings. It had also been explained to the Town Council that there were occasions where it would be beneficial for the Town Council to fund salary costs, where they

C 4463) were part of the “start-up” costs of a project.

RESOLVED: noted.

C 4464 **RESOLVED: that a grant of £300 be awarded to the Future Prospects Employability Project for capital costs associated with their Horley charity shop.**

C 4465 **RESOLVED: that a further application for funding be declined, after further discussion with the Community Foundation confirmed that the application was for ongoing staff costs.**

C 4466 Horley Bowling Club Signage

RESOLVED: that the proposed signage for the wall of the Clubhouse be approved.

C 4467 Request from Horley Sure Start Children’s Centre

RESOLVED: that the request from the Horley Sure Start Children’s Centre to run free Summer Holiday activities at Court Lodge Fields be approved in principle. (Details to be agreed at the next meeting of the Leisure Committee in July.)

C 4468 Diary Dates

RESOLVED: that future events be noted, in particular the Horley Lions Skittles Tournament starting on Monday 16 July.

C 4469 Confidential Business

RESOLVED: that, “in view of the special or confidential nature of the business about to be transacted, it is advisable in the public interest that the press and public be excluded and that they be instructed to withdraw.”

C 4470 Staffing Matters

CONFIDENTIAL

Grievance Allegations – members were updated on recent actions taken.

Meeting closed at 8.46 pm

Date of next meetings: Extraordinary Meeting – 31 July 2018
Full Council – 28 August 2018

Full Council Meeting 26 June 2018

Data Protection Officer

For Decision

Introduction

Following lobbying by NALC, Clause 7 (3) of the GDPR has exempted local councils from the requirement to appoint a Data Protection Officer. Further guidance will be issued shortly by NALC including Legal Topic Note 38 once matters have settled down.

However, following a progress review at the Finance & General Purposes Committee on 12 June, it was agreed to review the need for a DPO and, although no longer a statutory requirement, the Committee requested a briefing paper stating an outline of the duties and financial implications, for decision at Full Council. SSALC and NALC have also advised that despite the exemption, their advice remains unchanged, and they state that it is more than 'good practice' for a Council to appoint a DPO.

What does a Data Protection Officer do?

- (a) The GDPR sets out in detail the minimum responsibilities of the Data Protection Officer ("DPO") role. GDPR specifies that DPOs "should assist the controller or the processor to monitor internal compliance with this Regulation".
- (b) A DPO's duties include:
 - (i) informing and advising the council and its staff of their obligations in the GDPR and other data protection laws;
 - (ii) monitoring compliance of the council, both its practices and policies, with the GDPR and other data protection laws;
 - (iii) raising awareness of data protection law; providing relevant training to staff and councillors;
 - (iv) carrying out data protection-related audits;
 - (v) providing advice to the council, where requested, in relation to the carrying out of data protection impact assessments ('DPIAs') and the council's wider obligations with regard to DPIAs; and
 - (vi) acting as a contact point for the Information Commissioner's Office.

Should the council be minded to appoint a Data Protection Officer be, the Council has several options:

1. The Clerk or member of staff can be appointed as the DPO provided they have no conflict of interest and meet the criteria above.
2. The Council may share a free-standing DPO with other Councils.
3. The Council might arrange a mutual support system sharing the DPO with a neighbouring council – and they provide the DPO for your Council.
4. The Council may appoint an external DPO.
5. The Council might buy in the services of an external organisation (e.g. Satswana).

Much of the work required to be GDPR compliant has been implemented. There are several lower priority projects to be conducted in the next few months. The main duties of the DPO will be regular reviews with staff and Councillors, data audits, breach investigations and ongoing advice. A standing item for GDPR already appears on the Finance & General Purposes Committee. One off tasks such as Subject Access Requests cannot be predicted but these will usually be conducted by our own staff (as directed by the data controller). Based on the work conducted and considering the specification outlined above it is estimated that approx. 5 hrs per month will be required. An annual budget of £3,000 should be allocated (an existing budget for professional fees of £20,000k had previously been allocated which can be re-allocated).

Recommendation

It is recommended that option 4 is followed for a period of 12 months and that Alan Jones be appointed as Data Protection Officer until 30 June 2019.



Horley Town Council

Privacy Notice

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 Horley Town Council which is the Data Controller for your data.

Other Data Controllers the Council works with:

- Local authorities
- Community groups
- Charities
- Other not for profit entities
- Contractors

We may need to share your personal data we hold with them so that they can carry out their responsibilities to the council. If we 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 mean 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 of us 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.

The council will process some or all 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 a council, or where you provide them to us, we may process information such as gender, age, marital status, nationality,

- education/work history, academic/professional qualifications, hobbies, family composition, and dependants;
- Where you pay for activities 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 we process 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 we use sensitive personal data :

- We 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, 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.

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.

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

- 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;
- 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 us to 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 us 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 our 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, other new 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 we can plan the provision of services.

Our processing may also include the use of CCTV systems for the prevention and prosecution of crime.

What is the legal basis for processing your personal data?

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. We will always take into account your interests and rights. This Privacy Notice sets out your rights and the council's obligations to you.

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

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.

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 the 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.

Changes to this notice

We keep this Privacy Notice under regular review and we will place any updates on this web page www.horleysurrey-tc.gov.uk. This Notice was last updated in May 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 Data Controller, Horley Town Council, Council Offices, 92 Albert Road, Horley RH6 HZ

Email: info@horleysurrey-tc.gov.uk



Horley Town Council

Information & Data Protection Policy

Introduction

In order to conduct its business, services and duties, Horley Town Council processes a wide range of data, relating to its own operations and some which it handles on behalf of partners. In broad terms, this data can be classified as:

- Data shared in the public arena about the services it offers, its mode of operations and other information it is required to make available to the public.
- Confidential information and data not yet in the public arena such as ideas or policies that are being worked up.
- Confidential information about other organisations because of commercial sensitivity.
- Personal data concerning its current, past and potential employees, Councillors, and volunteers.
- Personal data concerning individuals who contact it for information, to access its services or facilities or to make a complaint.

Horley Town Council will adopt procedures and manage responsibly, all data which it handles and will respect the confidentiality of both its own data and that belonging to partner organisations it works with and members of the public. In some cases, it will have contractual obligations towards confidential data but, in addition, will have specific legal responsibilities for personal and sensitive information under data protection legislation.

The Town Council will periodically review and revise this policy in the light of experiences, comments from data subjects and guidance from the Information Commissioners Office.

The Council will be as transparent as possible about its operations and will work closely with public, community and voluntary organisations. Therefore, in the case of all information which is not personal or confidential, it will be prepared to make it available to partners and members of the Town's communities. Details of information which is routinely available is contained in the Council's Publication Scheme which is based on the statutory model publication scheme for local Councils.

Protecting Confidential or Sensitive Information

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

The General Data Protection Regulation (GDPR) which became law on 25th May 2018 and will, like the the Data Protection Act 1998, seek to strike a balance between the rights of individuals and, sometimes, the competing interests of those such as the Town Council with legitimate reasons for using personal information.

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

- Processed fairly, lawfully and in a transparent manner in relation to the data subject.
- Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes.
- Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.
- Accurate and, where necessary, kept up-to-date.
- Kept in a form that permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed.
- Processed in a manner that ensures appropriate security of the personal data including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

Data Protection Terminology

Data Subject - means the person whose personal data is being processed. That may be an employee, prospective employee, associate or prospective associate of Horley Town Council or someone transacting with it in some way. It may be members or volunteers with one of our associates, or persons transacting or contracting with one of our associates when we process data for them.

Personal Data - means any information relating to a natural person or data subject that can be used directly or indirectly to identify the person. It can be anything from a name, a photo, an address, date of birth, an email address, bank details, posts on social networking sites or a computer IP address.

Sensitive Personal Data - includes information about racial or ethnic origin, political opinions, religious or other beliefs, trade union membership, medical information, sexual orientation, genetic and biometric data or information related to offences or alleged offences where it is used to uniquely identify an individual.

Data Controller - means a person who (either alone, or jointly, or in common with other persons), acting on the behalf of Horley Town Council, determines the purposes for which and the manner in which any personal data is to be processed.

Data Processor - in relation to personal data, means any person (other than an employee of the Data Controller) who processes the data on behalf of the Data Controller.

Processing Information or Data - means obtaining, recording, holding the information or data, carrying out any operation or set of operations on the information or data, including:

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

Horley Town Council processes **personal data** in order to:

- fulfil its duties as an employer by complying with the terms of contracts of employment, safeguarding the employee and maintaining information required by law;
- pursue the legitimate interests of its business and its duties as a public body, by fulfilling contractual terms with other organisations, and maintaining information required by law;
- monitor its activities including the equality and diversity of its activities;
- fulfil its duties in operating the business premises including security;
- assist regulatory and law enforcement agencies;
- process information including the recording and updating of details about its Councillors, employees, partners and volunteers;
- process information including the recording and updating details about individuals who contact it for information, or to access a service, or make a complaint;
- undertake surveys, censuses and questionnaires to fulfil the objectives and purposes of the Council;
- undertake research, audit and quality improvement work to fulfil its objects and purposes;
- carry out Council administration.

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

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

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

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

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

Who is responsible for protecting a person's personal data?

Horley Town Council as a corporate body has ultimate responsibility for ensuring compliance with the Data Protection legislation. The Council has delegated this responsibility day-to-day to the Town Clerk.

- Email: town.clerk@horleytown.com
- Phone: 01293 784765
- Correspondence: Town Clerk, Horley Town Council, 92 Albert Road, Horley RH6 7HZ

Diversity Monitoring

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

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

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

Personal data shall not be transferred to a country or territory outside the European Economic Areas 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.

Information provided to us

The information provided (personal information such as name, address, email address, phone number) will be processed and stored so that it is possible for us to contact, respond to or conduct the transaction requested by the individual. By transacting with Horley Town Council, individuals are deemed to be giving consent for their personal data provided to be used and transferred in accordance with this policy, however where ever possible specific written consent will be sought. It is the responsibility of those individuals to ensure that the Town Council is able to keep their personal data accurate and up-to-date. The personal information will not be shared or provided to any other third party or be used for any purpose other than that for which it was provided.

The Council's Right to Process Information

General Data Protection Regulations (and Data Protection Act) Article 6 (1) (a) (b) and (e) means that:

- processing is with the consent of the data subject;
- processing is necessary for compliance with a legal obligation;

- processing is necessary in the legitimate interests of the Council.

Information Security

Horley Town Council aims to ensure the security of personal data. We make sure that your information is protected from unauthorised access, loss, manipulation, falsification, destruction or unauthorised disclosure. This is done through appropriate technical measures and appropriate policies. We will only keep your data for the purpose it was collected for and only for as long as is necessary, after which it will be deleted.

Children

We will not process any data relating to a child (under 13) without the express parental/guardian consent of the child concerned.

Rights of a Data Subject

Access to Information: any individual has the right to request access to the information we have on them. They can do this by contacting our Town Clerk or Data Protection Officer.

Information Correction: if an individual believes that the information we have about them is incorrect, they may contact us so that we can update it and keep their data accurate. Please contact the Town Clerk.

Information Deletion: if an individual wishes Horley Town Council to delete the information about them, they can do so by contacting the Town Clerk.

Right to Object: if an individual believes their data is not being processed for the purpose it has been collected for, they may object by contacting the Town Clerk.

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

Complaints: if an individual has a complaint regarding the way their personal data has been processed, they may make a complaint to the Town Clerk, Data Protection Officer or the Information Commissioners Office: casework@ico.org.uk Tel: 0303 123 1113.

Horley Town Council will always give guidance on personnel data to employees through the Employee handbook.

Horley Town Council will ensure that individuals whose personal information is kept are aware of their rights and have easy access to that information on request.

Making Information Available

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

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

All formal meetings of Horley Town Council and its Committees are subject to statutory notice being given on notice boards, the Website and sent to the local media. The Council

publishes an annual programme in May each year. All formal meetings are open to the public and press. Reports of those meetings and relevant background papers are available for the public to see. The Council welcomes public participation and has an open session at each Council and Committee Meeting. Details can be seen in the Council's Standing Orders, which are available on its website or at the Council Offices.

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

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

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

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

Disclosure Information

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

Data Transparency

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

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

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

The principles of the Code are:

Demand led: new technologies and publication of data should support transparency and accountability

Open: the provision of public data will be integral to the Council’s engagement with residents so that it drives accountability to them.

Timely: data will be published as soon as possible following production.

The Government has also issued a further Code of Recommended Practice on Transparency, compliance of which is compulsory for parish councils with turnover (gross income or gross expenditure) not exceeding £25,000 per annum. These Councils will be exempt from the requirement to have an external audit from April 2017. Horley Town Council exceeds this turnover but will nevertheless ensure the following information is published on its website for ease of access:

- All transactions above £500.
- End of year accounts.
- Annual Governance Statements.
- Internal Audit Reports.
- List of Councillor or Member responsibilities.
- Details of public land and building assets.
- Draft minutes of Council and committees within one month.
- Agendas and associated papers no later than three clear days before the meeting.

**Adopted by Horley Town Council
26 June 2018**

Next Review Date: June 2019



Horley Town Council

Retention of Documents Policy

1. Introduction

- 1.1 Horley Town Council recognises the need to retain documentation for audit purposes, staff management, tax liabilities and the eventuality of legal disputes and proceedings.
- 1.2 In agreeing a Document Retention Scheme, the Council has addressed these needs, and taken into account its obligations under the Local Government Act 1972, the Audit Commission Act 1998, the Public Records Act 1958, the Data Protection Act 1998, the Employers' Liability (Compulsory Insurance) Regulations 1998, the Limitation Act 1980, the Employment Rights Act 1996, the Local Authorities Cemeteries Order 1977, the Local Government (Records) Act 1962, the Freedom of Information Act 2000 and the Lord Chancellor's Code of Practice on the Management of Records Code 2002.

2. Retention of Documents for Legal Purposes

- 2.1 Most legal proceedings are governed by the Limitation Act 1980. The 1980 Act provides that legal claims may not be commenced after a specified period. The specified period varies, depending on the type of claim in question. The table below sets out the limitation periods for the different categories of claim.

Category	Limitation Period
Negligence (and other torts)	6 years
Defamation	1 year
Contract	6 years
Leases	12 years
Sums recoverable by statute	6 years
Personal Injury	3 years
To recover land	12 years
Rent	6 years
Breach of trust	None

- 2.2 Some types of legal proceedings may fall into two or more categories. In these circumstances, the documentation should be kept for the longest of the differing limitation periods.

2.3 As there is no limitation period in respect of trusts, the Council will never destroy trust deeds and schemes and other similar documentation.

2.4 Some limitation periods can be extended. Examples include:

- where individuals first become aware of damage caused at a later date (e.g. in the case of personal injury);
- where damage is latent (e.g. to a building);
- where a person suffers from a mental incapacity;
- where there has been a mistake or where one party has defrauded another or concealed relevant facts.

2.5 In such circumstances, the council will weigh up (i) the costs of storing relevant documents and (ii) the risks of:

- claims being made;
- the value of the claims; and
- the inability to defend any claims made should relevant documents be destroyed.

3. Document Retention Schedule

3.1 The Council has agreed a minimum Document Retention Schedule (Appendix A), based on the obligations under the previously named acts, codes, orders and regulations.

3.2 The need to retain any documents not included in the above Schedule should be considered on an individual basis. As a guide, and in the absence of any prevailing act, code, order or regulation to the contrary, documents may be destroyed if they are no longer of use or relevant. If in any doubt, advice should be sought from the Clerk.



Horley Town Council

Appendix A

List of Documents for Retention or Disposal

Document	Minimum Retention Period	Reason	Disposal
Minutes	Indefinite	Archive	Original signed paper copies of Council minutes of meetings must be kept indefinitely in safe storage. At regular intervals of not more than 5 years they will be archived and deposited with the Surrey Archive Centre, Woking.
Agenda	5 years	Management	Dispose (shred confidential waste).
Accident/incident reports	20 years	Potential claims	Confidential waste A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations.
Scales of fees and charges	6 years	Management	Dispose.
Receipt and payment accounts	Indefinite	Archive	N/A
Receipt books of all kinds	6 years	VAT	Dispose.
Bank statements including deposit/savings accounts	Last completed audit year	Audit	Confidential waste.
Bank paying-in books	Last completed audit year	Audit	Confidential waste.
Cheque book stubs	Last completed audit year	Audit	Confidential waste.
Quotations and tenders	6 years	Limitation Act 1980 (as amended)	Confidential waste A list will be kept of those documents disposed of to

Document	Minimum Retention Period	Reason	Disposal
			meet the requirements of the GDPR regulations.
Paid invoices	6 years	VAT	Confidential waste
Paid cheques	6 years	Limitation Act 1980 (as amended)	Confidential waste
VAT records	6 years generally but 20 years for VAT on rents	VAT	Confidential waste
Petty cash, postage and telephone books	6 years	Tax, VAT, Limitation Act 1980 (as amended)	Confidential waste
Timesheets	Last completed audit year 3 years	Audit (requirement) Personal injury (best practice)	Dispose
Wages books/payroll	12 years	Superannuation	Confidential waste
Insurance policies	While valid (but see next two items below)	Management	Dispose
Insurance company names and policy numbers	Indefinite	Management	N/A
Certificates for insurance against liability for employees	40 years from date on which insurance commenced or was renewed	The Employers' Liability (Compulsory Insurance) Regulations 1998 (SI 2753) Management	Dispose
Playground and equipment inspection reports	21 years		
Investments	Indefinite	Audit, Management	N/A
Title deeds, leases, agreements, contracts	Indefinite	Audit, Management	N/A
Members' allowances register	6 years	Tax, Limitation Act 1980 (as amended)	Confidential waste. A list will be kept of those documents disposed of to

Document	Minimum Retention Period	Reason	Disposal
			meet the requirements of the GDPR regulations.
Information from other bodies e.g. circulars from county associations, NALC, principal authorities	Retained for as long as it is useful and relevant		Dispose
Local/historical information	Indefinite – to be securely kept for benefit of the Parish	Councils may acquire records of local interest and accept gifts or records of general and local interest in order to promote the use for such records (defined as materials in written or other form setting out facts or events or otherwise recording information).	N/A
Magazines and journals	Council may wish to keep its own publications For others retain for as long as they are useful and relevant.	The Legal Deposit Libraries Act 2003 (the 2003 Act) requires a local council which after 1 st February 2004 has published works in print (this includes a pamphlet, magazine or newspaper, a map, plan, chart or table) to deliver, at its own expense, a copy of them to the British Library Board (which manages and controls the British Library). Printed works as defined by the 2003 Act	Dispose if applicable.

Document	Minimum Retention Period	Reason	Disposal
		published by a local council therefore constitute materials which the British Library holds.	
<p>To ensure records are easily accessible it is necessary to comply with the following:</p> <ul style="list-style-type: none"> • A list of files stored in cabinets will be kept • Electronic files will be saved using relevant file names 	<p>The electronic files will be backed up periodically on a portable hard drive and also in the cloud-based programme supplied by the Council's IT company.</p>	<p>Management</p>	<p>Documentation no longer required will be disposed of, ensuring any confidential documents are destroyed as confidential waste.</p> <p>A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations.</p>
<p>General correspondence</p>	<p>Unless it relates to specific categories outlined in the policy, correspondence, both paper and electronic, should be kept.</p> <p>Records should be kept for as long as they are needed for reference or accountability purposes, to comply with regulatory requirements or to protect legal and other rights and interests.</p>	<p>Management</p>	<p>Dispose (shred confidential waste).</p> <p>A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations.</p>

Document	Minimum Retention Period	Reason	Disposal
Correspondence relating to staff	If related to Audit, see relevant sections above. Should be kept securely and personal data in relation to staff should not be kept for longer than is necessary for the purpose it was held. Likely time limits for tribunal claims between 3–6 months Recommend this period be for 3 years	After an employment relationship has ended, a council may need to retain and access staff records for former staff for the purpose of giving references, payment of tax, national insurance contributions and pensions, and in respect of any related legal claims made against the Council.	Confidential waste A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations.
Negligence	6 years		Confidential waste. A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations.
Defamation	1 year		Confidential waste. A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations.
Contract	6 years		Confidential waste. A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations.
Leases	12 years		Confidential waste.
Sums recoverable by statute	6 years		Confidential waste.
Personal injury	3 years		Confidential waste.
To recover land	12 years		Confidential waste.
Rent	6 years		Confidential waste.
Breach of trust	None		Confidential waste.
Trust deeds	Indefinite		N/A

Document	Minimum Retention Period	Reason	Disposal
For Halls, Centres, Recreation Grounds			
<ul style="list-style-type: none"> • Application to hire • Invoices • Record of tickets issued 	6 years	VAT	Confidential waste. A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations.
Lettings diaries	Electronic files linked to accounts	VAT	N/A
Terms and Conditions	6 years	Management	Dispose
Event Monitoring Forms	6 years unless required for claims, insurance or legal purposes	Management	Dispose. A list will be kept of those documents disposed of to meet the requirements of the GDPR regulations.
Register and plans	Indefinite	Audit, Management	N/A
Minutes	Indefinite	Audit, Management	N/A
Legal papers	Indefinite	Audit, Management	N/A
<ul style="list-style-type: none"> • Register of fees collected • Register of burials • Register of purchased graves • Register/plan of grave spaces • Register of memorials • Applications for interment • Applications for right to erect memorials • Disposal certificates • Copy certificates of grant of exclusive right of burial 	Indefinite	Archives, Local Authorities Cemeteries Order 1977 (SI 204)	N/A
Applications	1 year	Management	Dispose
Appeals	1 year unless significant development	Management	Dispose
Trees	1 year	Management	Dispose

Document	Minimum Retention Period	Reason	Disposal
Local Development Plans	Retained as long as in force	Reference	Dispose
Local Plans	Retained as long as in force	Reference	Dispose
Town/Neighbourhood Plans	Indefinite – final adopted plans	Historical purposes	N/A
Daily notes	Daily	Data protection	Confidential waste
Radio rotas	1 week	Management	Confidential waste
Work rotas	1 month	Management	Confidential waste
Observation sheets	3 years	Data protection	Confidential waste
Stats	3 years	Data protection	Confidential waste
Signing in sheets	3 years	Management	Confidential waste
Review requests	3 years	Data protection	Confidential waste
Discs – master and working	For as long as required	Data protection	Confidential waste
Internal Operations Procedure Manual	Destroy on renewal Review annually	Management	Confidential waste
Code of Practice	Destroy on renewal Review annually	Management	Confidential waste
Photographs/digital prints	31 days	Data protection	Confidential waste