

IC-273513-D0J2

Information in Scope

Email

IC-262502-V2H7 - Shiptont...

Regarding

Worked By

Status Reason

Re...



Activity Marker



Ex... Direction




In...



Email

From

 [Redacted] [@ico.org.uk](mailto:[Redacted]@ico.org.uk)

To

 ICO Casework

Cc

Subject

IC-262502-V2H7 - Shiptonthorpe Parish Council PDB report

Display Name

Date Received

09/10/2023 09:46

Email Address

"Personal Data Breach" [Redacted]@ico.org.uk



Lizzie Longmore (she/her)

Lead Case Officer - Personal Data Breach Team

Information Commissioner's Office, Wycliffe House, Water Lane,
Wilmslow, Cheshire SK9 5AF

T. 0330 313 6162 F. 01625 524510 ico.org.uk twitter.com/iconews

For information about what we do with personal data see our [privacy notice](#)

Please consider the environment before printing this email

From: Brayan Ogwell <Brayan.Ogwell@ico.org.uk>

Sent: Thursday, October 5, 2023 4:52 PM

To: Personal Data Breach [Redacted]@ico.org.uk

Subject: V Lambert PDB

Please find attached postal correspondence for your attention. Thanks.

Brayan.



Brayan Ogwell

Case Officer

Information Commissioner's Office, Wycliffe House, Water Lane,
Wilmslow, Cheshire SK9 5AF

T. 0330 414 6718 F. 01625 524510 ico.org.uk twitter.com/iconews

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If you wish to submit an information request or want to exercise any of your data protection rights, please forward your email to the Information Access Team at accessicoinformation@ico.org.uk, or you can call us to make a verbal request relating to your personal data on our Helpline 0303 123 1113.

For information about what we do with personal data see our [privacy notice](#)

ATTACHMENTS

<u>File Name</u>	<u>Followed</u>	<u>File Size (Byte...</u>	
image001.jpg	No	3,063	
V Lambert PDB.pdf	No	2,920,713	
1 - 2 of 2 (0 selected)		Page 1	

Shiptonthorpe Parish Council

Chairman: Councillor Victor Lambert

White House Farm Town Street Shiptonthorpe YO433PE 07526774192



Shiptonthorpe Parish Council

Information Commissioner's Office
Wycliffe House
Water Lane Wilmslow
Cheshire SK9 5AF

22nd September 2023

Dear Sir /Madam,

We write to formally inform yourselves of breaches within the Parish Council.

To inform you of the background the electorate in May 2023 elected eight new councillors and one was re-elected bringing the total to nine. I was duly elected to the role of Chairman and with the existing clerk we started to represent the community as a newly elected Parish Council.

Over the next few months some concern started to develop regarding the actions of the then Parish Clerk/Proper officer. We also found that most systems had not been updated for some considerable time and we started to bring policies such as GDRP up to date and line with requirements. The clerk/proper officer robustly stated that all was fully compliant.

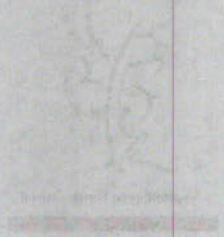
It also became clear that we as a council needed to commence investigations into the performance of the Clerk and duly informed them that an investigation would be held. However before this could be commenced the Clerk tendered their resignation serving notice to leave the councils employment. The investigation did not proceed during the notice period.

At the end of the notice period the councils records, Lap top and back up hard disk was returned. After looking at these records it became clear that some files and e mails had been deleted and some records found that showed that Freedom of Information requests had not been complied with.

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Shipston-on-Avon Parish Council

Chairman: Councillor Victor Leinster
White House Farm East Street Shipston-on-Avon CV35 9JL



22nd September 2023

Information Commissioner's Office
Wyck House
Water Lane Wilmslow
Cheshire SK9 2AF

Dear Sir/Madam,

We write to formally inform yourselves of breaches within the Parish Council. To inform you of the background the electorate in May 2023 elected eight new councillors and one was re-elected bringing the total to nine. I was duly elected to the role of Chairman and with the existing clerk we started to represent the community as a newly elected Parish Council.

Over the next few months some concern started to develop regarding the actions of the then Parish Clerk/Proper officer. We also found that most systems had not been updated for some considerable time and we started bringing policies such as GDPR up to date and in line with requirements. The clerk/proper officer robustly stated that all was fully compliant.

It also became clear that we as a council needed to commence investigations into the performance of the Clerk and duly informed them that an investigation would be held. However before this could be commenced the Clerk tendered their resignation saving notice to leave the council's employment. The investigation did not proceed during the notice period.

At the end of the notice period the council's records, laptop and back up hard disk was returned. After looking at these records it became clear that some files and emails had been deleted and some records found that showed that freedom of information requests had not been complied with.

Shiptonthorpe Parish Council

Chairman: Councillor Victor Lambert

White House Farm Town Street Shiptonthorpe YO433PE 07526774192

Another instance was an at least one letter had been sent neither authorised by council and without knowledge of Chairman or Vice Chairman.

Also numerous e mails had been sent without knowledge or approval of council.

The Proper Officer had assured the Parish Council was compliant but we wish to advise that the Parish Council may not have been compliant to the law.

We want to apologise for the error and it was not the intention of the Parish Council to breach statute and or not meet ICO standards.

Following on from the investigations the Parish Council is developing a data map to ensure that any data noncompliance should not happen again and this has been a lesson learning process to meet obligations in future.

Yours Faithfully



Victor Lambert

Chairman

Mobile 07526774192

E Mail victor.lambert@shiptonthorpeparishcouncil.co.uk

Shiptonthorpe Parish Council

Chairman: Councillor Victor Lambert
White House Lane Town Street Shiptonthorpe YO43 3PL 0752673192

Another instance was an at least one letter had been sent neither authorised by council and without knowledge of Chairman or Vice Chairman. Also numerous e mails had been sent without knowledge or approval of council.

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Following on from the investigations the Parish Council is developing a data map to ensure that any data noncompliance should not happen again and this has been a lesson learning process to meet obligations in future.

Yours Faithfully

Victor Lambert
Chairman
Mobile 0752673192
E Mail victor.lambert@shiptonthorpeparishcouncil.co.uk

IC-262502-V2H7

Report

Reference	IC-262502-V2H7
Organisation	Shiptonthorpe Parish Council 19 Princess Road Market Weighton YO43 3BX
Person reporting this breach	Victor Lambert victor.lambert@shiptonthorpeparishcouncil.co.uk
Data protection officer / senior person responsible for data protection	
What has happened?	
Was the breach caused by a cyber attack?	No
How did you find out about the breach	
When did you discover the breach?	
When did the breach happen? Approximate time the breach occurred	*
*Please give as much information about the date and time you think the breach may have happened	
If there has been a delay in reporting this breach, please explain why	
Categories of personal data included in the breach	

Other

How many data subjects could be affected?

Categories of data subjects affected

Other

Number of personal data records concerned

Potential consequences of the breach

What is the likelihood that data subjects will experience significant consequences as a result of the breach?

Please give details

Had the staff member involved in this breach received data protection training in the last two years?

Describe any measures you had in place before the breach, with the aim of preventing a breach of this nature?

Describe the actions you have taken, or propose to take, as a result of the breach

Outline any steps you are taking to prevent a recurrence, and when you expect they will be completed

Have you told data subjects about the breach?

What you have told data subjects

Have you told, or are you planning to tell any other organisations about the breach?

End of Report

From: icocamework@ico.org.uk
To: victor.lambert@shiptonthorpeparishcouncil.co.uk;
CC:
Subject: Acknowledgement - IC-262502-V2H7
Direction: Outgoing
Date Sent: 09/10/2023 09:48

9 October 2023

ICO Reference Number IC-262502-V2H7

Dear Victor Lambert,

Thank you for contacting the ICO to report a personal data breach.

The ICO will use the information you have provided to determine what course of action is necessary. We shall contact you in due course to confirm the outcome.

In the meantime, we would recommend that you read the [security](#) guidance on our website.

If you would like to provide any additional information about the incident reported, please send it to icocamework@ico.org.uk and enter the reference number in the subject line. This will ensure the correspondence is added directly to the correct electronic case file.

If the person we should contact about this case changes, please let us know.

If we can be of any further assistance please contact our Helpline on 0303 123 1113.

Yours sincerely

Personal Data Breach Services

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF
T. 0303 123 1113 ico.org.uk twitter.com/iconews
Please consider the environment before printing this email

Please be aware we are often asked for copies of the correspondence we exchange with third parties. We are subject to all of the laws we deal with, including the data protection laws and the Freedom of Information Act 2000. You can read about these on our website (www.ico.org.uk). Please say whether you consider any of the information you send us is confidential. You should also say why. We will withhold information where there is a good reason to do so.

For information about what we do with personal data see our privacy notice at www.ico.org.uk/privacy-notice

From: icocamework@ico.org.uk
To: victor.lambert@shiptonthorpeparishcouncil.co.uk;
CC:
Subject: ICO Request for more information IC-262502-V2H7
Direction: Outgoing
Date Sent: 26/10/2023 11:10

26 October 2023

ICO Case Reference: IC-262502-V2H7

Dear Victor Lambert,

I am writing further to your personal data breach report received 9 October 2023 regarding some concerns about GDPR compliance.

Thank you for the information you have provided.

Data security requirements

You are required to have in place appropriate technical and organisational measures in place to ensure the security of personal data.

Next steps

We have considered the information provided and we would like you to tell us more about the incident. These questions focus primarily on any potential personal data breach within your organisation. A personal data breach refers to a breach of security leading to accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data.

1. Do you believe a personal data breach (according to the above definition) may have occurred?
2. Your letter refers to the deletion of some files and emails. Please could you give more information regarding this? If you are not able to give an exact answer, please give as much of an explanation as possible. In particular:
 - a. What type of personal data may have been deleted?
 - b. How many files and emails may have been deleted?
 - c. Do you hold any backups of the data which may have been lost?
3. What is your organisations policy regarding storing documents and personal data on devices?
4. Do you believe these files and emails may have been deleted following corresponding Freedom of Information requests?
5. What data protection training do members of staff (including councillors) receive at your organisation? How often is this administered?

We would be grateful if you can provide the additional information requested by **3 November 2023**.

If you wish to discuss any aspect before responding, please contact me on 0330 414 6162. If I am not available when you call, please respond to this email to arrange a suitable time.

The ICO will use the information you provide to decide whether formal regulatory action is required.

Thank you in advance for your cooperation. I look forward to hearing from you.

Yours sincerely,

Lizzie Longmore (she/her)
Lead Case Officer
Personal Data Breach Services
0330 414 6162

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF

T. 0303 123 1113 ico.org.uk twitter.com/iconews
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For information about what we do with personal data see our privacy notice at www.ico.org.uk/privacy-notice

From: victor.lambert@shiptonthorpeparishcouncil.co.uk
To: icocasework@ico.org.uk;
CC:
Subject: RE: ICO Request for more information IC-262502-V2H7
Direction: Incoming
Date Received: 01/11/2023 12:02

External: This email originated outside the ICO.

Good Afternoon,

Further to your e mail requesting further information please find attached our response and supporting documents.

Any further information please do not hesitate to contact me.

Kind Regards

Victor Lambert

Chairman Shiptonthorpe Parish Council

This email may contain privileged and/or confidential information. If you receive this in error please notify the sender immediately and do not use, rely upon, copy, forward or disclose its content to any other third party. Any views or opinions expressed are those of the author and do not necessarily represent those of Shiptonthorpe Parish Council. This email has been swepted for the presence of computer viruses. It is however the responsibility of the recipient to ensure that it is virus free before using it and no responsibility whatsoever is accepted by the Shiptonthorpe Parish Council for any loss or damage arising in any way from its use

EMAIL ATTACHMENT COVERSHEET

Attachments included

Attachment Name
Shiptonthorpe PC Letter ICO.Nov 23 v2.pdf
Data Protection Policy SPC 23-08-17 V2.0.pdf
Retention-Policy12-approved_231019.pdf
Information Security Policy SPC 23-10-19 V1.0.pdf
FOI Policy SPC 23-10-19 V1.0.pdf

Attachments excluded

Attachment Name

Shiptonthorpe Parish Council

Chairman: Councillor Victor Lambert

White House Farm Town Street Shiptonthorpe YO433PE 07526774192



Information Commissioner's Office
Wycliffe House
Water Lane Wilmslow
Cheshire SK9 5AF

1st November 2023

Dear Lizzie Longmore,

Case Reference IC-262502-V2H7

Further to your letter dated 26th October 2023 we respond accordingly to the points made in your communication.

By way of further background, in May 2023 a Parish Council election took place largely replacing the previous Councillors i.e. eight new councillors elected out of the nine in total. We are a very small council with low precept budget.

The Parish Council had 1 employee who had been in post in excess of 12 years working a maximum of 30 hours per month. Information was requested by new Councillors about ongoing Parish Council business the lack of response was the start of some concerns. The employee reported that some and the majority of the information did not exist. In addition Counsellor Access to information was controlled by the employee with limited access.

New Councillors reviewed information governance policies. It was found that there was a need to update and produce new policies, which has been undertaken and are in the process of being implemented. These policies are attached. In addition Shiptonthorpe Parish Council is in the process of updating its old email system that has poor functionality and document storage systems with the intention to make these more efficient and user friendly.

Shiptonthorpe Parish Council

Chairman: Councillor Victor Lambert

White House Farm Town Street Shiptonthorpe YO433PE 07526774192

The employee left employment in August 2023 and so returned Shiptonthorpe Parish Council data and Lap top computer. Review of the returned data has resulted in Shiptonthorpe Parish Council's communication with the Information Commissioner's Office due to finding that some documents that were reported not to exist did in fact exist and so should have been disclosed response to information requests. Furthermore it was found that there are multiple files that have no content and the major gaps in emails that is inconsistent with the number that would be expected to be present.

- 1) It is suspected that Parish Council internal documents and internal email communications may have been deleted.
- 2) It appears that file content and emails have been deleted, but as you would understand it is not possible to know what should be present and so a suspicion of deletion rather than proof of such.
 - a) Internal communications and records of actions and decisions
 - b) Data held is backed up to a hard drive, but there is no backup of emails. There would need to be a detailed investigation by a forensic expert to establish exactly what data has been deleted /lost. When comparing the back-up hard disk with Lap top it appears that external formal communications can be retrieved. It also appears that internal councillor interaction is the majority of lost data
- 3) Please see our updated Data Protection and Information Security policies that are in the process of being implemented.
- 4) Given the non-disclosure of information we now are aware existed which should have been provided, it is possible we have not been compliant but we are unable to determine this explicitly.
- 5) We are in the process of implementing new information governance processes in line with newly adopted policies.

Shiptonthorpe Parish Council

Chairman: Councillor Victor Lambert

White House Farm Town Street Shiptonthorpe YO433PE 07526774192

- c) All Councillors have been involved in reviewing and adopting these policies so fully aware of the Council's requirements for data protection. We can find no record of past training of the one member of staff or the previous councillors

- d) Training on the requirements of these policies and procedures will form part of this implementation plan. Data Protection training will be a key part of our new employee's induction training once recruited and we expect the new appointment will be made in the next few weeks. We will then consider the arrangements going forward for Councillors and our employee's refresher training.

We hope the above information allows you to take the matter forward.

Yours Faithfully

Victor Lambert

Chairman

Mobile 07526774192

E Mail victor.lambert@shiptonthorpeparishcouncil.co.uk



Shiptonthorpe Parish Council

Data Protection Policy

Date adopted 17th August 2023 Parish Council minutes reference 23/24-62 pt3

Review period no later than 1 year

Total number of pages 3

Purpose

Shiptonthorpe Parish Council must comply with The Data Protection Act 2018 that puts into United Kingdom law The General Data Protection Regulations (GDPR) 2018. This supersedes the Data Protection Act 1998

The GDPR/ Data Protection Act 2018 applies to:

- 1) All data that relates to a living person who can be identified from that data.
- 2) Processing data, which is any operation performed on personal data such as it's collection, recording or use.

Shiptonthorpe Parish Council will ensure that all personal data is:

Processed lawfully, fairly and in a transparent manner. Staff, Councillors and Volunteers will be open and honest about why information is required and how it will be used.

- 1) Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving in the public interest, scientific or historical research or statistical purposes shall not be considered incompatible with the initial purposes.
- 2) Adequate, relevant and limited to what is necessary in relation to the purpose for which it is processed.
- 3) Accurate and kept up to date, and where inaccurate depending upon the purposes of the data erased or corrected as soon as is reasonably .
- 4) Not kept longer than needed.
- 5) Processed in accordance with the rights of the individual, who will be informed, upon request, of all the information held about them.
- 6) Kept securely including protection against unlawful processing, accidental loss, destruction or damage using appropriate technical and organisational control measures.

Sensitive Data

The GDPR requires sensitive data (personal information that includes racial or ethnic origins, political opinions, religious beliefs and health information) to be treated differently.

Shiptonthorpe Parish Council will not collect sensitive data.

Where Shiptonthorpe Parish Council carries out community wide surveys they will be anonymous and will not ask questions that are sensitive.

Collecting and processing data of those aged under 13 years.

There is special protection for the personal data of those aged under 13 years old after which age the person can give their own consent to data collection and processing. Consent documents however must ensure that they are written in a language that they can understand. Under this age parental or guardian consent is required.

Scope

This policy applies to all personal data held and processed by Shiptonthorpe Parish Council and those that have legitimate access to that data.

Responsibilities

The Shiptonthorpe Parish Council is registered with the Information Commissioner's Office as an organisation that holds and processes personal data.

All Councillors and employees must adhere to this policy.

All Councillors and employees must report immediately to the Clerk of the Parish Council and the Chairperson any data breach and fully comply with a suitable and sufficient investigation in to any data breaches.

The Clerk to the Parish Council is responsible for the day to day implementation of this policy.

Procedures

1) The complete register of what personal data is held and processed in connection with Shiptonthorpe Parish Council activities is kept in the GDPR register. Any new activity will require formation of new entry and any change in activity will prompt an entry review and update as required. This register will specify the data that is collected and processed for each activity and will specify the retention time stating why this is the minimum necessary for each activity and specify

2) Collection and processing of personal data requires written consent using the Shiptonthorpe Parish Council approved consent documentation. This will clearly state the purpose for which the information is being collected and used, and ensure that it is clear that the person can withdraw their agreement to the use of their data at any time.

3) Data will only be used for the purposes for which consent has been obtained as specified and in reference to the consent documentation.

4) The security of data will be ensured by the measures specified in the Shiptonthorpe Parish Information Security Policy.

5) A person wishing to make a subject access request will be instructed to put this in writing to the Clerk to the Parish Council. Upon receipt of a written request they will be provided with a copy of all their personal data held by Shiptonthorpe Parish Council. The Clerk to the Parish Council will ordinarily acknowledge receipt of the request within 5 working days and always provide the information requested within 1 calendar month, free of charge.

6) When a person exercises their right to have their personal data erased where this data is no longer necessary in relation to the purpose for which it was lawfully collected, this will be done free of charge within 1 month. This will be notified to the person making the request as soon as this has been completed. Where there is uncertainty as to the need to retain this data the request must be notified to the Chairperson of the Parish Council and in cases of doubt or where it is believed that deletion is not possible expert advice will be sought.

7) Archiving and erasure of data is necessary to ensure that personal data is kept no longer than necessary. The Shiptonthorpe Parish Council GDPR register records the criteria for erasure for each of the data collection and processing activities undertaken. Reference will also be made to the Shiptonthorpe Parish Council Document Retention Policy. The method of erasure will be permanent and specified in the Shiptonthorpe Parish Council GDPR register.

8) If a Data Breach is identified this will be immediately notified to all Councillors. The Chairperson, or another Councillor that has been appointed by resolution of the Parish Council to undertake this task, in collaboration with the Clerk to the Parish Council, will notify the Information Commissioner's Office and undertake an investigation into the Breach. Investigations will be completed within 1 month unless the Parish Council resolves a different time period for completion.

9) Any complaints received by or on behalf of a member of the public containing allegations of inappropriate use or disclosure of personal information will be dealt with in the first instance through the Shiptonthorpe Parish Council Complaints Procedure.

10) This policy will be reviewed at least annually and whenever needed such as a change in legislation, new guidance from the Information Commissioners Office or as a result of the finding of an investigation into a data breach.

Related Policies and documents

- 1) Shiptonthorpe Parish Council GDPR Register.
- 2) Shiptonthorpe Parish Council Consent to collection and use of personal data.
- 3) Shiptonthorpe Parish Council Information Security Policy.
- 4) Shiptonthorpe Parish Council Document Retention Policy.

Version 2.0





Shiptonthorpe Parish Council Retention & Disposal Policy

Introduction:

This policy of six (6) pages was adopted by Shiptonthorpe Parish Council on 19th October 2023 and sets out how the Council will retain and dispose of its documents and information in both electronic and in paper form.

The policy includes guidance from:

- NALC – Legal Topic Note LTN 40,
- The contents of Chapter 11 of ‘Arnold Baker on Local Council Administration’
- East Riding of Yorkshire Council
- Numerous pieces of legislation that governs both businesses and local government.

The policy has been written to aid the Parish Clerk and Parish Councillors in meeting their legal obligations, whilst delivering an efficient and effective service to the parishioners of Shiptonthorpe.

Disposal at the end of the retention period:

Electronic – deletion from computer, server and back up

Paper copies - must be shredded or removed by approved confidential waste carriers

Review:

This policy will be reviewed annually or at such times when legislation or circumstances change.

Shiptonthorpe Parish Council Retention & Disposal Policy

Records covering	Retention Period	Notes	Where Located (<i>unless otherwise stated location is the Parish Office</i>)	Action
Agendas	CY + 6 years	Local Government Act 1972		
Meeting minutes	Master copy to be retained indefinitely	Local Government Act 1972 Local Government (Access to Information) Act 1985	Filing Cabinet / archive	Archive after appropriate period of time. Not to be destroyed.
Sub Committee meeting minutes	Permanent	Local Government Act 1972	Electronic files/Filing cabinet	Archive after appropriate period of time
Advisory Committee meeting reports and minutes	CY + x years	Local Government Act 1972	Electronic files/Filing cabinet	Archive after appropriate period of time
Councillor acceptance forms	Permanent	Local Government Act 1972	Electronic files/Filing cabinet	Archive after appropriate period of time
Councillor register of interest forms	Permanent	Local Government Act 1972	Electronic files/Filing cabinet	Complete for new Cllrs, review annually for current Cllrs
Councillor Elections		Local Government Act 1972	Filing Cabinet	Liaise with ERYC
Standing orders, Financial Regs, Code of Conduct,	Keep until superseded. Master copy archived	Local Government Act 1972	Electronic files/Filing cabinet	Previous audits suggested an annual review, which is minuted
Policies & Procedures	Keep until superseded. Master copy archived	Including Health and Safety at Work Act 1974, Employment Legislation, Data Protection	Electronic files/Filing cabinet	To be reviewed for relevance.
Publications (Newsletters, journals, topic notes)	As long as useful and relevant		Electronically and printed copies in Filing Cabinet	To be reviewed for relevance.
Deeds	Retain until the land is disposed of		Electronic files/Filing cabinets	
Trust Deeds	To be retained indefinitely		Filing cabinet	

Shiptonthorpe Parish Council Retention & Disposal Policy

Leases	Retain for up to 6 years after cessation of lease		Electronic files/Filing cabinet	
Register of Electors	Until superseded	Provided by SODC Data Protection Act 1998	File	
Planning				
Planning Applications – granted/under appeal	Retained until development has been completed. Retain appeal decision	Town and Country Planning Act 1990	Electronic files/Filing cabinet	It may be advisable to retain the appeal decision indefinitely where it may have set a precedent
Planning Applications – refused/under appeal	Retain until the period of appeal has expired Retain appeal decision	Town and Country Planning Act 1990	Electronic files/Filing cabinet	It may be advisable to retain the appeal decision indefinitely where it may have set a precedent
Local Plans/Neighbourhood Plans	Retained as long as they are in force	The Localism Act 2011	Electronic files/Filing cabinet	
Finance/Personnel				
Annual Return	CY + 6 years	Accounts & Audit Regulations 2015	Electronic files/Filing cabinet	Are open to public inspection
Audit reports	CY + 3 years	Accounts & Audit Regulations 2015	Electronic files/Filing cabinet	
Bank reconciliations and statements	Last completed audit year	Accounts & Audit Regulations 2015 / VAT 1994	Filing cabinet / archive	
Loans	Life of loan + 6 years	Accounts & Audit Regulations 2015	Electronic files/Filing cabinet	
Cheque books	CY + 1 (Last completed audit year)	Accounts & Audit Regulations 2015	Desk/Filing cabinet	
Invoices	VAT 1994	VAT 1994	Filing cabinet	
Purchase Orders	CY + 6 years	Accounts & Audit Regulations 2015	SAGE software/ Filing cabinet	
Receipts	CY+6 years	Limitation Act 1980/ VAT 1994	Filing Cabinet / Archive	

Shiptonthorpe Parish Council Retention & Disposal Policy

Paying in Books	CY + 1 (Last completed audit year)	Accounts & Audit Regulations 2015	Filing Cabinet	
VAT records (unless on rents)	CY + 6 years (20 yrs)	VAT 1994	Filing cabinet	
Annual Budget	CY + 6 years	Accounts & Audit Regulations 2015	Electronic files/Filing cabinet	
Parish Precepts	CY + 6 years	Accounts & Audit Regulations 2015	Electronic files/Filing cabinet	
Grants applications, awarded, claimed	CY + 6 years	Accounts & Audit Regulations 2015/VAT 1994	Electronic files/Filing cabinet	
External Contracts	6 years from completion of the contract	Limitation Act 1980	Electronic files/Filing cabinet	
Unsuccessful tenders and documentation	4 years from the award of the contract		Electronic files/Filing cabinet	
Payroll	CY + 11 years	Superannuation	Electronic files/Filing cabinet	
Payslips	CY + 6 years	Employment Rights Act 1996	Electronic files/Filing cabinet	
Pension payments	CY + 6 years	Pensions Act 2008	Electronic files/Filing cabinet	
Tax Forms	CY + 6 years	VAT 1994	HMRC/Filing cabinet	
Leave (TOIL, Annual, Special)	CY + 1 year	Employment Rights Act 1996	Electronic files/Filing cabinet	
Sick Leave	CY + 3 years	Employment Rights Act 1996	Electronic files/Filing cabinet	
Sickness records	CY + 3 years	Employment Rights Act 1996	Electronic files/Filing cabinet	
Timesheets	2 years after date they were made	Audit and Personal injury	Filing cabinet	
Staff records	Current employees on file Previous employees= period of time to complete tax reports/references etc. and in case of employee tribunal	In line with Data Protection Act 1998 and subsequent GDPR	Electronic files/Filing cabinet	

Shiptonthorpe Parish Council Retention & Disposal Policy

Training records/CPD	Add to personnel file for current employees. Update superseded training as appropriate	In line with Data Protection Act 1998 and subsequent GDPR	Electronic files/Filing cabinet	
Recruitment interviews	Interview date + 6 months	Good Business Practice	Electronic files/Filing cabinet	
Risk Assessments	CY + 6 years	Health and Safety at work Act 1974	CD + back up electronic files	
Policy documents	Life of policy + 1 year	Good business practice	Electronic files/Filing cabinet	Employers Liability Insurance should be kept for 40 years
Insurance claims	Settlement of claim + 6 years	Good business practice	Electronic files/Filing cabinet	
Claims files	7 years after settlement or 6 years after 18 th birthday whichever is latest	Good business practice	Electronic files/Filing cabinet	
Incident reports	CY + 6 years	Good business practice to support insurance claims	Electronic files/Filing cabinet	
Other documentation				
Defibrillator checks	CY + 1 year	Good business practice	Folder above filing cabinet – Parish Office	
Complaints (minor) (major) (clrs)	CY + 3 years CY + 6 years CY + 6 years	Limitation Act 1980 and Good business practice	Electronic files/Filing cabinet	
Correspondence & replies	CY + 3 unless related to specific topic/project.	Good business practice	Electronic files/Filing cabinet	
Legal correspondence (minor) (major)	CY + 3 years CY + 6 years	Good business practice	Electronic files/Filing cabinet	
Surgery Log sheets	CY + 1	Good business practice	Electronic files/Filing cabinet	
Information/reference material	Whilst relevant,	Good business practice	Electronic files/Filing cabinet	Regularly review

Shiptonthorpe Parish Council Retention & Disposal Policy

Project documentation (plans, files, monitoring,)	Whilst relevant + 6 years.	Good business practice VAT 1994	Electronic files/Filing cabinet	Consider archiving
Emergency Plan	Review every 3 years		Electronic files/Filing cabinet	Remove when superseded
Asset register	To be kept up to date. Retain for 6 years after disposal	Audit	Electronic files/Filing cabinet	Update and review as equipment is purchased or disposed of.
Maintenance records	Unless specified CY + 6 years	Good business practice Health and Safety at Work Act 1994	Electronic files/Filing cabinet	Include PAT certificates
Inspection reports	CY + 6 years	Insurance	Electronic files/Filing cabinet	
Tree surveys	Life of tree, review every 3-5 years	Insurance	Electronic files/Filing cabinet	
Hospitality Register	CY + 6 years	Transparency Act	Electronic files/Filing cabinet	
Back up of files	For as long as required.	Good business practice	Electronic files/Filing cabinet	
Software agreements and licences	CY + 6 years	Good business practice	Electronic files/Filing cabinet	
Data Protection /FOI Correspondence	CY + 2 years	In line with Data Protection Act 1998 and subsequent GDPR Freedom of Information Act	Electronic files/Filing cabinet	Includes renewing ICO certificate of registration

Version: 1.0

6

Date approved: 19.10.23





Shiptonthorpe Parish Council Information Security Policy

Date Adopted 19th October 2023

Number of pages 4

Review 1 year

Purpose

Shiptonthorpe Parish Council has a duty and responsibility to protect its information assets. Information security is the protection of information from unauthorised access, use, disclosure, disruption, modification or destruction. It is a fundamental requirement of the lawful collecting, holding and processing of personal data as required by the General Data Protection Regulations (GDPR). Information owned by Shiptonthorpe Parish Council exists in different formats including written or printed on paper and electronic information stored on devices, including mobile devices (including but not limited to, laptops, tablets, smartphones, digital cameras, and portable storage devices) and stored in cyberspace (defined as an interactive domain made up of digital networks that are used to store, modify and communicate information). This policy specifies the basic requirements for the secure and lawful collecting, holding and processing of information.

Scope

This policy applies to all information held by Shiptonthorpe Parish Council and all those that have legitimate access to and responsibilities for it.

Responsibilities

The Shiptonthorpe Parish Council has responsibility for ensuring suitable and sufficient measures are in place to ensure Information Security. Councillors, employees and contractual third parties and agents of Shiptonthorpe Parish Council who have access to information used for Parish Council must adhere to this policy.

All Councillors and employees must immediately report to the Clerk of the Parish Council and the Chairperson any breach in information security, who will inform all Councillors, and must comply with any suitable and sufficient investigations into any breaches.

The Clerk to the Parish Council is responsible for the day to day implementation of this policy.

Procedures

- 1) All information/data stored in Shiptonthorpe Parish Council information systems are to be appropriately classified (including but not limited to personal and sensitive personal data as defined in the GDPR and confidential information), and be handled appropriately depending upon its classification.
- 2) All information stored by Shiptonthorpe Parish Council is only accessible by those with legitimate need for access and must be protected from unauthorised access, and/ or processing and against loss or corruption. The specific methods for achieving this security is specified for each activity undertaken by the Shiptonthorpe Parish Council in either the Shiptonthorpe Parish Council GDPR register for information containing personal data or the Shiptonthorpe Parish Council information asset register.
- 3) All Information Technology systems are to be installed, maintained, repaired or upgraded by a suitability qualified person who has been authorised by either the Full Council or the Chairperson of the Council.
- 4) Any actual or potential information security failures must be reported immediately to all Councillors. The Chairperson of the Parish, or another Councillor that has been appointed by resolution of the Parish Council to undertake this task, in collaboration with the Clerk to the Parish Council, will undertake an investigation. Investigations will be completed within a time specified by resolution of the Parish Council.

- 5) All information when being used will be handled so that it is only viewed by the person viewing the information and so that it cannot be viewed by others.
- 6) When not using information it will be secured immediately. When being transported and used remotely this will be in a locked portable container. When at the permanent place of storage this will be in a locked fire resistant container. The ability to physical unlock the storage containers will only be available to authorised persons normally the Clerk to the Parish Council.
- 7) In addition to physical security measures as per pt 6, Electronic data will kept secure by:
 - a) Password access to information systems including email accounts. All passwords must be at least 6 characters including numbers letters and a special character and not easy to guess. They must be kept confidential and only known to the person lawfully accessing the system on their own account. In the event of system access due to password problems once system access has been restored the password should be changed so as only to be known to the account holder.
 - b) All software and security software must be kept up to date by use of automated update systems and security software must be switched on at all times. Details of the security software used is recorded in the GDPR and information asset registers.
 - c) All electronic devices should be logged out when stopping using the device and as a fail safe set to time out and lock if unused for a time decided by the Parish Council and must require a password, pass code, or other form of login only accessible by the authorised user to wake up the device.
 - d) Digital information must be backed up regularly and as a minimum daily. The backup should be to a portable storage device that is held in a different location to the main device and is encrypted and to secure remote or cyberspace based digital storage facility using and automated backup system/schedule.

- 8) Transfer or distribution of information should be by the most secure method available as far as reasonably practical. The method of achieving this will depend on a number of factors and so specified in the GDPR and Information Asset Registers.
 - a) Telephone transfer of information. The identity of the person calling or being called must be verified, including checking a telephone number from an independent source and ringing back if the nature of the information being given is of such a nature to require these steps.
 - b) Only provide information that the person giving the information is authorised to provide.
 - c) Ensure the person receiving information is entitled to received the information being provided.
 - d) Only accurate factual information should be provided.
 - e) Fax transmissions should not be used to transfer personal or sensitive information.
 - f) Emails should only be used to send personal or sensitive information when the identity of the recipient is certain and the information is encrypted .
 - g) The transfer sensitive personal information by post must only be by a tracked secure courier.
- 9) Information will be retained and destroyed in accordance with the Shiptonthorpe Parish Council Data Retention Policy and the methods of destruction specified in the GDPR and Information Asset Registers.
- 10) This policy will be reviewed at least annually and when needed including arising from investigation into potential or actual failures in information security.

Other related Policies and documents

Shiptonthorpe Parish Council GDPR Policy

Shiptonthorpe Parish Council GDPR Register

Shiptonthorpe Parish Council Information Asset Register

Shiptonthorpe Parish Council Communication Policy

Shiptonthorpe Parish Council Freedom of Information Act Policy

Version 1.0





Shiptonthorpe Parish Council

Freedom of Information Policy

Date adopted 19th October 2023

No of pages 3

Review period 1 year

Purpose

The Freedom of Information (FOI) Act 2000 provides public access to information held by public bodies, that includes Shiptonthorpe Parish Council by;

- 1) Shiptonthorpe Parish Council must publish certain information about their activities.
- 2) Members of the public have the right to request information from Shiptonthorpe Parish Council.

The FOI Act covers recorded information which includes printed or hand-written documents, digital records, emails, photographs and sound or video recordings.

Shiptonthorpe Parish Council will:

- 1) Respond to requests for information as soon as reasonably practical and within the 20 days after receipt of a written request as required by the FOI Act. When it is not possible to respond to the request within the required 20 days Shiptonthorpe Parish Council will inform the requester of the reasons for this and keep them informed of the progress in answering their request.
- 2) Maintain a publication scheme that provides information that is easily accessible without making a FOI Act request. This information is specified in the ICO Model Publication Scheme.
- 3) Ensure that personal data is protected as required by the Data Protection Act 2018 (The legislation that makes the General Data Protection Regulations law in the UK).
- 4) Where necessary consult with third parties before disclosing information that could affect their rights and interests, before making a decision on disclosure.
- 5) Reserve the right to make a charge in line with the FOI Fees Regulations.
- 6) When it is decided that the requested information can't be disclosed Shiptonthorpe Parish Council will seek to explain what exemption is being applied and how it is being applied.
- 7) Provide a process of appeal against non-disclosure decisions or if the requester believes their request has not been fulfilled.

Scope

This policy applies to all information held by Shiptonthorpe Parish Council irrespective of format, and to all employees and Councillors.

Responsibilities

- 1) Shiptonthorpe Parish Council is responsible for ensuring all of its duties under the FOI Act are fulfilled.
- 2) All employees and Councillors must comply with provision of information to the person allocated responsibility for responding to a FOI Act request, that will usually be the Clerk to the Parish Council, but maybe the Chairperson of the Parish Council in collaboration with the Clerk to the Parish Council. Whenever information is sought from expert outside bodies to inform Shiptonthorpe Parish decisions, the request must be in writing and the response provided in writing so as to be available in the event of a FOI Act request.
- 3) The Clerk to the Parish Council is responsible for the day to day implementation of the policy.
- 4) All Councillors and employees in the event of an appeal on the basis that the FOI Act request has not been fulfilled or complied with must assist with responding to the appeal by providing whatever evidence is available and required to ensure that Shiptonthorpe Parish Council has met its obligations as required by the FOI Act.

Procedure

- 1) An FOI Act request must:
 - a) Be in writing (letter or email) addressed to the Clerk of the Parish Council email address correspondence address.
 - b) Clearly state what information is being sought. If this is not clear Shiptonthorpe Parish Council may ask for clarification. In this instance the time limit will stop and only restart once the additional information is provided.
 - c) Contain the name and return address of the requester.
 - d) There is no requirement to mention the FOI Act or to state why the information is being requested.
- 2) If a repeated request that is identical or substantially similar to previous requests from the same person, Shiptonthorpe Parish Council is not obliged to comply with again providing the information unless a reasonable time period has elapsed (usually 40 days) unless new relevant information is available.
- 3) Shiptonthorpe Parish Council is not obliged to comply with vexatious requests for information. In determining whether a request is vexatious the circumstances of the request will be considered including:
 - a) The context and history of requests from the applicant.
 - b) Whether the request is likely to cause unjustified distress, disruption or irritation.
 - c) Where the request could fairly be seen as obsessive.
 - d) Where complying with the request imposes a significant burden.

- 4) If charging a fee to provide information is to be considered the FOI Fee Regulations will need consulting in that eventuality.
- 5) If the requester believes that some of the information has been withheld they should put their appeal against the initial response in writing providing the reason for their appeal within 40 days of the Shiptonthorpe Parish Council response to their initial FOI Act request.
- 6) If the requester is not satisfied with the way in which their request has been handled they can complain to:

The Information Commissioner,
Wycliffe House,
Water Lane,
Wilmslow,
Cheshire SK9 5AF
Tel: 01625 545745
<https://ico.org.uk>

- 7) This policy will be reviewed annually or earlier if required by change in guidance issued by the Information Commissioner, or arising from internal investigations into requester appeals against Shiptonthorpe Parish Council FOI Act provision of information.

Related policies and documents

Shiptonthorpe Parish Council Data Protection Policy

Shiptonthorpe Parish Council Communications Policy

ICO Model publication scheme

Version 1.0



Email

ICO Case Reference: IC-262...

Regarding

Worked By

Status Reason

Sent



Activity Marker



Direction

O...



Email

From

ICO Casework

To

Criminal Investigation

Cc

Subject

ICO Case Reference: IC-262502-V2H7

Display Name

CRIT consult

Date Received

20/11/2023 10:22

Email Address

Good morning,

Attached below is a link to a case from the Personal Data Breach team. Please can you consider it for investigation and respond with your decision. If this case is suitable for criminal investigation the case will be transferred to the Criminal Investigation team after your initial decision.

Case Details

Many Thanks

Elisabeth Longmore

Lead Case Officer

ATTACHMENTS

File Name

Followed

File Size (Byte...)



There are no Attachments to show in this view. To get started, create one or more Attachments.

0 - 0 of 0 (0 selected)

Page 1

Email

CRIT RESPONSE: ICO Case ...

Regarding

Worked By

Status Reason

Re...



Activity Marker



Ex... Direction



In...



Email

From

 Rachael Holland

To

 ICO Casework

Cc

Subject

CRIT RESPONSE: ICO Case Reference: IC-262502-V2H7

Display Name

Date Received

20/11/2023 13:27

Email Address

"Rachael Holland" Rachael.Holland@ico.org.uk

Case reviewed,

Case relates to a new Parish Council being elected and discovered that the former clerk had not fulfilled her role properly and may have deleted Council documentation. The controller state that because of this they may not have been compliant with relevant legislation, however no specific criminal offences are identified.

The controller states *'it is possible we have not been compliant but we are unable to determine this explicitly'*.

The controller is implementing new policies and processes.

Consider referral to Civil regarding controller's management of personal data prior to the election of the new councillors.

NFA x CRIT – No evidence of a criminal offence.

Rachael



Rachael Holland

Criminal Investigations Manager/CDI SPoC Manager Regulatory Supervision Service

Information Commissioner's Office, Wycliffe House, Water Lane
SK9 5AF

T. 0330 414 6686

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[privacy notice](#)

From: icocasework <icocasework@ico.org.uk>
Sent: Monday, November 20, 2023 10:22 AM
To: criminalinvestigation [REDACTED]@ico.org.uk
Subject: ICO Case Reference: IC-262502-V2H7

Good morning,

Attached below is a link to a case from the Personal Data Breach team. Please can you consider it for investigation and respond with your decision. If this case is suitable for criminal investigation the case will be transferred to the Criminal Investigation team after your initial decision.


[Case Details](#)

Many Thanks

Elisabeth Longmore

Lead Case Officer

ATTACHMENTS

File Name	Followed	File Size (Byte...)	
image001.jpg	No	3,063	

1 - 1 of 1 (0 selected) Page 1

From: icocamework@ico.org.uk
To: victor.lambert@shiptonthorpeparishcouncil.co.uk;
CC:
Subject: ICO Decision - IC-262502-V2H7
Direction: Outgoing
Date Sent: 20/11/2023 15:55

20 November 2023

ICO Reference Number: IC-262502-V2H7

Dear Victor Lambert,

I am writing further to your personal data breach report of 22 September 2023 regarding some concerns about GDPR compliance.

Thank you for the information you have provided in response to my enquiries.

Data security requirements

You are required to have appropriate technical and organisational measures in place to ensure the security of personal data.

Our decision

We have considered the information you have provided and we have determined that no further action by the ICO is necessary on this occasion.

This decision is based on the information we have recorded about the breach. This decision is based on any potential data breaches which may have occurred within the Parish council.

Your correspondence states that, while you are not able to explicitly confirm that data has been deleted due to the nature of the incident, you believe that the majority of the lost data relates to internal councillor interaction. This suggests a lower likelihood of risk of harm or detriment than if documents or data relating to parishioners or members of the public had been deleted.

You have also detailed the changes you are making to your internal policies and procedures. This includes implementing new data protection policies, a new Freedom of Information policy, a new information security policy and a retention policy. These policies will allow your organisation to collect, store, manage and communicate personal data in a much more efficient and effective manner. In addition to this, you are updating your email and document storage systems to make them more efficient and user friendly. The changes you are making indicate that you are taking reasonable steps to ensure your organisation has appropriate technical and organisational measures in place to process personal data, in line with your GDPR obligations.

However, we recommend that you review the causes of this incident to ensure that you understand how and why it occurred, and what steps you need to take to prevent it from happening again. In particular:

- Ensuring that your training relating to your new policies and procedures gives sufficient practical guidance to staff in how to comply with the legislation. This training could be role specific, interactive and contain practical examples which are relevant to your organisation. This incident, suitably redacted, may make a useful training tool. Please see [ICO's training resources](#) for further guidance.

- Evaluating your internal information retention periods to ensure that personal data is only held if you need it and for as long as you need it. You should periodically review this data and erase or anonymise it when it is no longer legitimately necessary.
- Regularly highlighting the importance of data security to all staff. This should be emphasised within training and could also be reiterated in frequent reminders. For example, posting procedural guidelines in commonly accessed spaces within the office or sending out emails or bulletins at regular intervals.
- Taking steps, where possible, to identify instances where the Council has not complied with its information access obligations and attempting to remedy this where possible.

We recognise that your organisation appears to be taking significant steps to remedy the data protection issues that you have identified. If you require any assistance with specific elements of these changes, please feel free to get back in touch with us. You may wish to use the guidance on [our website](#), or alternatively you can call us (0303 123 1113) or email (icocasework@ico.org.uk) with a specific enquiry.

Please note that we may make additional enquiries if we become aware of new information which affects the circumstances of this case.

Thank you for reporting the incident. Further information and guidance relating to [data security](#) is available on our website.

We now consider this matter to be closed.

Yours sincerely,

Lizzie Longmore (she/her)
Lead Case Officer
Information Commissioner's Office
0330 414 6162

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF

T. 0303 123 1113 ico.org.uk twitter.com/iconews

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