

**Edinburgh Community Councils: Managing your records and protecting your data.**

**Purpose**

Community councils will create and receive information. It is important that these records and data are managed in a robust, consistent, and lawful way.

This guidance is designed to help community councils manage the information they deal with appropriately. It sets out how records should be stored, retained, accessed and transferred as well as how personal data should be handled. This will help community councils meet their obligations under the Data Protection Act 1998.

**Managing Records**

Community councils will create, receive, use, and manage a variety of information in the course of business. These will include core records, such as minutes of meetings and supporting records, but other records such as correspondence, planning information, reports, financial transactions, survey data and administration information will also be generated and need to be managed.

While community councils are not covered in their own right under the Public Records (Scotland) Act 2011, there is a strong public expectation that democratically made decisions affecting citizens are properly documented and managed. It is also a requirement within the [City of Edinburgh Council’s Scheme for Community Councils](http://www.edinburgh.gov.uk/downloads/file/1477/scheme_for_community_councils) that each community council makes available to the city council what records it requires.

Accordingly, each community council must:

* Create and maintain adequate records that meet the requirements of the City of Edinburgh Council’s Scheme for Community Councils and the Scottish Government’s [Good Practice Guidance for Local Authorities and Community Councils](http://www.gov.scot/Topics/Government/PublicServiceReform/CommunityCouncils/GoodPracticeGuidanceVer2).
* Ensure that copies of agenda, meeting papers and minutes are transferred to the custody of the City of Edinburgh Council routinely and comprehensively.
* Ensure that their secretary and treasurer are aware of their responsibilities around managing the records of the community council and that they have adequate support to do so.
* Document what records will be created or held by the community council, how they will be stored (e.g. on computer, encrypted removable media, by email etc.) and in whose custody they will be in. This document should be reviewed and approved by the community council at least annually. A suggested template is provided in Appendix 1.
* Ensure that all records of the community council are retained for at least the retention periods required by the City of Edinburgh Council as set out in Appendix 2.
* Ensure that all community council records that contain sensitive or personal data are securely destroyed when they are no longer needed against the City of Edinburgh Council’s record retention rules and the community council’s own needs.
* Documenting the date and authorisation of the destruction of community council records in a register that can be made available to the City of Edinburgh Council upon demand. A suggested template is provided in Appendix 3.

The City of Edinburgh Council’s Information Governance Unit can provide further support and guidance to community councils in relation to the documenting, management, and disposal of their records in compliance with their responsibilities.

When an individual ceases to be a community council officer, they must ensure that all records they hold relating to the community council are appropriately reviewed and transferred to the secretary or treasurer. Community council officers should not retain any information relating to their work with the community council when they are no longer a part of it.

**Protecting records**

Of particular importance is the need to protect records, especially any records which contain sensitive or personal data. Community council officers should ensure that any records within their possession are protected to prevent unauthorised or inappropriate access and use. If records are retained within the home, held either electronically or in paper, suitable controls should be in place to protect those records, and the information they contain, from accidental access. Various controls can be used such as:

* Password protect all folders when storing information on home computers.
* Create an alternative email address for community council business and ensure passwords are not shared.
* Use locked storage to store any community council records, particularly those which contain sensitive or personal data

If a community council officer suspects that information within their possession may have been accessed inappropriately, they should report their concern to the community council secretary or chair to ensure that appropriate action can be taken.

**Managing Personal Data**

Community councils will process personal data. Personal data is any information that can identify a living individual. ‘Processing’ is an all-encompassing term: it means collecting, storing, sharing, managing, and disposing of personal data (basically doing anything with it). The Data Protection Act 1998 (DPA) provides a framework which governs how organisations should manage personal data lawfully. It is enforced and regulated by the [UK Information Commissioner (ICO)](https://ico.org.uk/)  Organisations must manage personal data in accordance with eight data protection principles, detailed below:

* Ensure you have a lawful purpose for sharing information e.g. consent, statute, exemption;
* Tell people what you will do with their personal data;
* Don’t collect, use or share more information than is necessary for your purposes;
* Keep personal data accurate and up to date;
* Follow agreed record retention rules;
* Remember the rights of individuals, especially their right to access their personal data;
* Ensure appropriate security arrangements are in place;
* Don’t transfer personal data outside the European Economic Area.

To comply with these principles, community councils must first nominate someone as the person responsible for data protection, and thereafter observe the following:

Registering with ICO

Organisations which process personal data, such as community councils, are known as Data Controllers and must register with the ICO. Registration currently costs £35. A step by step guide on how to go through the registration process is included at Appendix 4.

Collecting personal data

Community councils should only collect personal data when it is necessary, for example, the Secretary will require contact information for all its officers. This is especially important for any survey or consultation work that a community council undertakes where it is essential to only collect data pertinent to the issue being consulted on.

Privacy Notice

It is important that individuals understand why and how their personal data is collected. This information must be set out in a privacy notice on any documentation that is collecting personal data. The general notice should also inform people that community council meetings are public and records will be minuted and archived. Any notice should advise what the public need to do if they do not want their name published. See Appendix 4 for template privacy notices.

Publishing personal data

Particular consideration must be given to the privacy of individuals when records are likely to published, or made otherwise accessible, by the community council. When personal data is going to be published, the individuals to whom it relates must be made aware either through an appropriate privacy notice, as detailed above, or told verbally.

Websites

If community councils use their website to process personal data, e.g. to conduct a local survey, they must ensure that appropriate security controls are in place to protect it.

Further advice can be sought from the Council’s Information Governance Unit on this

Sharing Personal Data

If community councils need to share personal data with another organisation, for example, to submit a Participation request under the Community Empowerment (Scotland) Act 2015, they must make sure that the individual to whom the data relates is happy for them to do so.

An exception to this would be if, for example, the police required personal data in order to be shared to investigate a crime. It is always best practice to keep a record of what information is shared, with whom and why.

For further advice, please contact the Council’s Information Governance Unit.

Individual Rights

Individuals have certain rights under the DPA, these include the right to ask what information is held about them, to ask for their personal data to be rectified if it is inaccurate, or not to be processed further. Individuals also have a right to prevent their information from being used for direct marketing.

Community councils may receive requests of this nature and, in the event, it is advised that they contact the Council’s Information Governance Unit for further advice.

Compliance:

The nominated person responsible for data protection should review all personal information held and processed by the council, and determine why it is being held and processed. This can be recorded in a spreadsheet or word document for future reference and review.

The nominated person should also ensure the security around the personal data is adequate and ensure that members of the community council are aware of their responsibilities under data protection legislation when handling personal data. The Information Commissioner’s Office publishes lots of information on how to comply with the legislation, but assistance can be requested from the Council’s Information Governance Unit, if required.

Changes to Data Protection legislation:

On 25 May 2018, the General Data Protection Regulation (GDPR) will take effect in all EU member states. It is based around the same principles as the current legislation although there is a greater requirement for transparency and accountability of data controllers. More information on GDPR is available from the [Information Commissioner’s Office](https://ico.org.uk/for-organisations/data-protection-reform/) (www.ico.org.uk).

**Further Information**

The Council’s Information Governance Unit can provide advice and or facilitate training on any of the information governance matters addressed in this briefing if required. Please contact them with any questions at: [information.compliance@edinburgh.gov.uk](mailto:information.compliance@edinburgh.gov.uk).

**Document Control**

|  |  |
| --- | --- |
| **Prepared By** | Sarah Hughes-Jones, Information Compliance Manager |
| **Original Authorisation** | Kevin Wilbraham, Information Governance Manager |
| **Next Review Date** | 30-11-2018 |

**Document Revision**

|  |  |  |  |
| --- | --- | --- | --- |
| **VERSION** | **DATE ISSUED** | **AUTHOR** | **UPDATE INFORMATION** |
| V06 | 23/10/2017 | G Trybalska | Added in further info on data protection and appendix 4. |
| V07 | 02/11/2017 | H Sullivan | Significant revisions around record keeping requirements for community councils |
| V1.0 | 23/11/2017 |  | Final version approved by Kevin Wilbraham, Information Governance Manager |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |

**Appendix 1: Template for recording general principles of record keeping**

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Record keeping responsibilities** | | | | | Contact Details | | |
| Chair |  | | | |  | | |
| Secretary |  | | | |  | | |
| Treasurer |  | | | |  | | |
| **Other community councillors responsible for records** | | | | | | | |
| Name | | | Responsibilities | | | Contact Details | |
|  | | |  | | |  | |
|  | | |  | | |  | |
|  | | |  | | |  | |
|  | | |  | | |  | |
|  | | |  | | |  | |
|  | | |  | | |  | |
|  | | |  | | |  | |
| **Records Overview** | | | | | | | |
| Activity | | Format *(e.g. emails, PDFs, paper etc. – you should cover all formats in use)* | | Storage Location / Custody | | | Notes |
| *Minutes, agenda & meeting papers* | |  | |  | | | Main council, sub-groups and joint meetings with other bodies |
| *Accounts* | |  | |  | | | Annual Statement of Accounts |
| *Payments* | |  | |  | | | Cheques, invoices & expenses |
| *Bank account management* | |  | |  | | |  |
| *Newsletters* | |  | |  | | |  |
| *Surveys by council* | |  | |  | | |  |
| *Consultation responses by council* | |  | |  | | |  |
| *Membership / contact lists* | |  | |  | | |  |
| *Official correspondence* | |  | |  | | |  |
| *Event planning* | |  | |  | | |  |
|  | |  | |  | | |  |
| **Records Overview Cont’d** | | | | | | | |
| Activity | | Format *(e.g. emails, PDFs, paper etc. – you should cover all formats in use)* | | Storage Location / Custody | | | Notes |
|  | |  | |  | | |  |
|  | |  | |  | | |  |
|  | |  | |  | | |  |
|  | |  | |  | | |  |
|  | |  | |  | | |  |
|  | |  | |  | | |  |
|  | |  | |  | | |  |
|  | |  | |  | | |  |
|  | |  | |  | | |  |
|  | |  | |  | | |  |
|  | |  | |  | | |  |
|  | |  | |  | | |  |
|  | |  | |  | | |  |
|  | |  | |  | | |  |
|  | |  | |  | | |  |
|  | |  | |  | | |  |
|  | |  | |  | | |  |
|  | |  | |  | | |  |

**Appendix 2: Minimum Record Retention Periods for Community Council Records**

|  |  |
| --- | --- |
| **Record Types** | **Retention Requirements** |
| **Core meeting records** (to include approved minutes, agenda, and supporting reports) | Retain Permanently  *Community councils will routinely transfer minutes of their meetings to the City of Edinburgh Council.*  *A full set of meeting papers (including agenda, supporting papers and minutes) for each community council meeting should also be transferred to Edinburgh City Archives for permanent preservation. The Archives team can be contacted by email at:* [*archives@edinburgh.gov.uk*](mailto:archives@edinburgh.gov.uk)*.* |
|  | |
| **Consultations**; responses to planning and licensing applications | Date of last action + 5 years, then DESTROY |
| **Media relations**; correspondence, articles, monitoring | Date of last action + 5 years, then DESTROY |
| **Other correspondence**; including with individuals and other organisations | Date of last action + 5 years, then DESTROY |
| **Newsletters** | End of Calendar Year + 3 years, then DESTROY |
|  | |
| **Projects** (including campaigns) | Project closure + 2 years (small scale) or 10 years (large scale), then REVIEW |
| **Surveys**; admin, preparation& responses | Date of last action + 3 years, then DESTROY |
| **Surveys;** final report & analysis | Publication + 5 years, then REVIEW |
|  | |
| **Accounting records** | End of Financial Year + 6 Years, then DESTROY |
| **Raising, receiving & spending of domestic funding** | End of Financial Year + 6 Years, then DESTROY |
| **Raising, receiving & allocation of EU sourced funding** | *For advice on EU funding record retention requirements contact the City Council’s Records Management team at:* [*recordsmanagement@edinburgh.gov.uk*](mailto:recordsmanagement@edinburgh.gov.uk)*.* |
| **Routine administration of bank accounts** | Closure of account + 6 years, then DESTROY |
| **Deposits/withdrawals/transfer of funds** | End of Financial Year + 6 Years, then DESTROY |

**Appendix 3: Template Disposal Register**

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Disposal Reference** | **Description of disposal** | Retention Perio**d** | **Officer Authorisation** | **Authorised Date** | **Disposal Date** | **Format** | **Notes** |
|  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |

**Appendix 4: Privacy Notice**

*Draft privacy notice to insert relevant information or amend as required:*

The XX Community Council collects personal data in order to XX. The Data Protection Act 1998 regulates how we use personal information you provide. Personal information includes details such as your name and address, and any information you provide that is necessary for the XX Community Council to operate. If you make a funding application, the Community Council will require your bank details in order to provide you with payment.

**Sharing your information:**

The meetings of of XX Community Council are considered public records and will be minuted and archived in line with our policy on records retention. Some of these minutes may be published on our website. If you do not wish your name to appear in any published minutes, please let us know.

On occasion, we may/will be required to share this information with [organisation] so that we can [reasons]. Without this information, [consequences].

Wherever possible we will inform you of any data sharing before it occurs. In some circumstances, we may seek your views for specific data sharing.

There may be occasions where the law requires us to pass information about you to the police or other law enforcement agencies. It may not be possible to advise you of this in these instances. Information will only be shared in these circumstances if it meets the criteria set out in the Data Protection Act 1998 or other relevant legislation.

**Your information rights:** You have the right to make a request to get a copy of the personal information that we hold about you. You can also ask us to correct your personal information if it is incorrect. You can contact us for details about how to do this.

Contact name of person responsible for data protection issues  
Tel  
Email

### Use of cookies (if applicable): We want to make services we deliver on the internet easy, and our content richer and relevant. This sometimes involves placing cookies on your computer or mobile device.

Cookies are simple pieces of data stored on your hard drive. They are safe as they cannot be used to spread viruses. Cookies we use cannot be used to identify you personally as no personal information such as telephone numbers or email addresses is in these cookies.

[see Edinburgh Council website for more information on how cookies are used; adapt this to your Community Council, where relevant: http://www.edinburgh.gov.uk/cookies]

### Links to other websites: This Privacy Notice only covers the XX Community Council website. We do not give any guarantees about the accuracy of the content or the security of any other website that you may access through a link on our website. If you visit other websites you should read their Privacy Notice covering the use of personal information.

**Appendix 5: How to register with the Information Commissioner’s Office**

Elected Member Guidance – Registering as a Data Controller

The following walk through may be of assistance for those completing the registration process:

Go to: <https://ico.org.uk/registration/new>

Click on ‘Register Now’

Complete fields as follows:

**Organisation**:

Select: Other

Another field will appear which asks for further information. Enter ‘Community Council’

**Organisation Details:**

Enter the name that your community council is known as.

**Address**

Enter the Community Council’s registered address

**Trading Names**

Leave blank

**Public Authority**

Question – Are you a public authority?

Select: No

*NB: this question relates to whether you are considered a public authority in terms of freedom of information legislation. Community Councils are not considered to be a public authority under the Freedom of Information (Scotland) Act 2002.*

**How much will I need to pay?**

Question – Is your organisation a charity or have exempt charitable status?

Select: No (unless your council is registered as a charity)

Question - Does your organisation have more than 249 staff?

Select: No

**Main contact details**

*Please enter the details of the person who is responsible for data protection in your community council.*

**Person completing this registration**

Enter your name

**Tell customers how to contact you**

Enter relevant contact details.

Click NEXT

**Sector and nature of work**

**Sector**

Select: Charitable and voluntary

**Nature of Work**

Select: Scottish Community Council

*NB: A sample registration form will be displayed, this can be edited if you need to. Complete fields as appropriate in relation to the personal information you process and how.*

**Transferring Infomration overseas**

Select the yes/no option about transferring information overseas. If you process personal data through an app, ensure you know where that information is going as some popular apps are hosted in the USA.

You will then be able to provide some assurance over the arrangements in place for managing the personal data for which you are responsible as a Data Controller. Answer the Yes/No questions as approrpiate. If you have any questions, or concerns, please contact the Information Governance Unit for advice

* Someone in my place of work is responsible for making sure we comply with the Data Protection Act
* Relevant people in my place of work have been trained in how to handle personal information
* When collecting personal information, we tell people how we will use it
* We have a process in place so we can respond to requests for the personal information we hold
* We keep records of people's personal information up to date and don't keep it longer than necessary
* We have measures in place to keep the personal data we hold safe and secure

*NB: You will then be taken through a declaration and payment process.*