

Information Governance Unit

Community Council Guidance: **Managing your information**

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 UK General Data Protection Regulation and Data Protection Act 2018.

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 Scheme for Community Councils](#) that each community council makes available to the 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](#).
- 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 importance is the need to protect 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 measures 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 relating to an identified or identifiable natural person. It's basically any information that relates to a living individual, such as their name, address, and bank details.

'Processing' is an all-encompassing term: it means collecting, storing, sharing, managing, and disposing of personal data (basically doing anything with it).

The UK General Data Protection Regulation and Data Protection Act 2018 provide a framework which governs how organisations should manage personal data lawfully. It is enforced and regulated by the [UK Information Commissioner](#) (ICO).

Organisations must manage personal data in accordance with the six data protection principles, detailed below:

- Information must be processed lawfully, fairly and in a transparent manner
- Information must be collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes
- Information must be adequate, relevant, and limited to what is necessary
- Information must be accurate and, where necessary, kept up to date
- Information must be kept in a form which permits identification of data subjects for no longer than is necessary
- Information must be processed in a manner that ensures the appropriate security of the personal data

The following sections provide a summary of the main features of the legislation and issues which community councils will need to consider ensuring compliance with the principles set out above. A check list of recommended actions is set out in appendix 4.

Responsibility for data protection

To comply with these principles, it is advised that community councils nominate someone as the person responsible for data protection matters.

Registering with the ICO

Organisations which process personal data, such as community councils, are known as Data Controllers. While the amount of personal data community councils process may be small, you are strongly advised to register with the ICO. Registration currently costs £52. Further information on the registration process can be found on the [ICO website](#).

Processing personal data lawfully

Organisations can only process personal data when they meet a lawful condition under data protection law. The processing condition relevant to community councils is consent. In other words, you must ask for and get an individual's consent before you can use their personal data. For example, when collecting contact details for each community council member, get them to sign a mandate giving you permission to use their personal data. You would only have to do this once when they join the community council.

It is also helpful to retain mandate forms so you can demonstrate compliance with data protection law. This will help you to meet the accountability principles enshrined within the legislation.

Please note that individuals can withdraw consent at any time. If that happens, you must stop using their data.

The lawful basis for processing personal data must be set out in a document known as a 'Record of Processing'. Further information is available on the [ICO website](#). However, given the limited processing community councils are involved in, this information could be included within your privacy notice (see below). The Council's Information Governance Unit can provide you with further advice and assistance.

Telling people what you do with their personal data

It is important that individuals understand why and how their personal data is collected. This information must be set out in a privacy notice. Privacy notices can be made available on a website, through a leaflet or on any documentation that collects personal data. Privacy notices are important: transparency around what we do with peoples' data is a fundamental aspect of data protection law.

The ICO has produced detailed [guidance on privacy notices](#), including templates. The Council's Information Governance Unit can also provide you with further information and privacy notice examples.

Collecting personal data

Community councils should only collect personal data when it is necessary and appropriate (e.g. a CC secretary will need to collect contact information for officers and members). Also, you should only collect what personal data you need to allow you to process it: do not collect excessive amounts of personal data if it is not required. For example, if someone wants to be contacted by email only, do not collect additional contact details, unless you have their permission.

Sharing personal data

The same also applies when sharing information – only share what is needed to deal with a particular situation. For example, if a community council need to share personal data with another organisation to help facilitate a participation request under the Community Empowerment (Scotland) Act 2015, only share what you have to, and make sure that the individual to whom the data relates is happy for you to do so.

If community councils need to share personal data with any other organisation on a regular basis, this may require arrangement may need to be formalised through an information sharing agreement. An exception to this would be if, for example, the police required personal data in order to be shared to investigate a crime. The Council's Information Governance Unit can provide you with further advice if you are involved in such activities. Whatever the circumstances, it is always best practice to keep a record of what information is shared, with whom and why.

Using personal data

The personal data you collect can only be used for a specific purpose (e.g. to keep community council members updated about community activities and events). However, just because you hold that information does not mean that you can use it for a different purpose. For example, you could not use resident contact details to circulate a newsletter if those details were provided to inform an on-line survey. If you wanted to do that you would need to ask people at the time you were collecting their data and seek their permission to do so.

Accuracy of personal data

Data protection law places a responsibility on data controllers to keep personal data up to date (e.g. contacts lists). You should carry out periodic checks to make sure the personal data you hold is accurate.

Keeping personal data

Personal data should not be kept for any longer than is necessary. The retention advice set out in appendix 2 will help you with this. The Council's Information Governance Unit can provide further help and advice.

Protecting personal data

The need to protect personal data is a key principle within data protection law. The previous section on 'protecting information' provides helpful advice. In addition, 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. The Council's Information Governance Unit can provide further advice in this area.

Breaches

It is important to prevent personal data from being lost, damaged or disclosed without authorisation. However, incidents do occur which are known and classified as data protection breaches. These can include:

- Personal information uploaded to the website in error
- Records damaged or destroyed by fire, flood or other means
- The theft or loss of hardware (e.g. laptops, portable devices)
- Disclosure of personal information in error (e.g. a letter or email sent to the wrong constituent)
- The theft or loss of records containing personal information (e.g. portable devices, paper files)

If a breach does occur, please report it to the Information Governance Unit as quickly as possible. The Unit can provide you with support and advice on what actions to take. The quicker breaches are reported and contained the better. Data breaches can lead to fines and other sanctions from the ICO.

Individual Rights

Individuals have certain rights under data protection law, 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. If you receive such requests, it is advised that they contact the Council's Information Governance Unit for further advice.

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 guidance. Please contact them at: information.compliance@edinburgh.gov.uk

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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 | |
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| 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 | | | |
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[illegible]

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) | <p>Retain <u>Permanently</u></p> <p><i>Community councils will routinely transfer minutes of their meetings to the City of Edinburgh Council.</i></p> <p><i>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.</i></p> |
| 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 & <u>responses</u> | 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 | <p><i>For advice on EU funding record retention requirements contact the City Council's Records Management team at:</i></p> <p><i>recordsmanagement@edinburgh.gov.uk.</i></p> |
| 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 Period | Officer Authorisation | Authorised Date | Disposal Date | Format | Notes |
|--------------------|-------------------------|------------------|-----------------------|-----------------|---------------|--------|-------|
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Appendix 4: Compliance Checklist

| Ref | Action | Tick |
|-----|---|------|
| 1. | Assign responsibility for data protection | |
| 2. | Register Community Council with ICO | |
| 3. | Develop a privacy notice and tell people what you do with their data | |
| 4. | Only collect what personal data you need | |
| 5. | Understand how personal data can be used | |
| 6. | Keep any personal data you may hold up to date | |
| 7. | Ensure that personal data is properly protected | |
| 8. | Develop retention rules & do not keep data for longer than is necessary | |
| 9. | Understand what to do if a breach occurs | |
| 10. | Document your data protection procedures | |