

Policy Statement

Newmarket Town Council is committed to developing a workplace culture where there is a respect for the private life, data protection, security and confidentiality of personal information, and **Newmarket Town Council** complies with the requirements of UK data protection legislation and Information Commissioner's Office (ICO) Employment Practices Code.

Newmarket Town Council is committed to treating all staff members fairly and this policy aims to provide consistency in the treatment of all staff. Serious infringement of data protection rules including in relation to the collection, content inspection, use and storage of data through the monitoring and surveillance systems in the workplace, will be treated as a serious disciplinary matter.

More details can be found in the 'Data protection policy' and/or 'Privacy notice' at **[include links or signpost to the appropriate policy]**. **Newmarket Town Council** has appointed **Cathy Whitaker, Town Clerk** (townclerk@newmarket.gov.uk) as its data protection officer.

Scope of Policy

This policy applies to all staff who are employed at **Newmarket Town Council**.

Purpose

Newmarket Town Council recognises that there is a need to balance staff privacy in the workplace along with ensuring the health and safety of staff and that **Newmarket Town Council** is complying with regulatory and statutory obligations.

This policy sets out how **Newmarket Town Council** aims to provide this balance in the monitoring and surveillance undertaken in the workplace.

Telephones and ICT acceptable use

Newmarket Town Council recognises that employers will need to access telephones, mobile phones, ICT devices, services and software for **Newmarket Town Council's** emails and the internet (including for social media) for business use and that they provide an integral part of how **Newmarket Town Council** communicates with our service users/customers, the general public and stakeholders, and between staff.

Newmarket Town Council allows employees reasonable, limited, occasional and brief access to telephones, mobile phones, computers and other devices (including for internet, emailing and social media) for personal use during working times, as long it does not interfere with staff members' work. Employees are encouraged to limit such usage during their official rest breaks such as their lunch break/times.

Newmarket Town Council does not provide any guarantees regarding the privacy or security of any personal use of **Newmarket Town Council's** telephones, mobile phones, computers and other devices and employees do so at their own risk. Any material and information for personal use that is stored on **Newmarket Town Council's** telephones, mobile phones, computers and other devices can be accessed by **Newmarket Town Council** in the same way as it can access other material and

information.

Unacceptable use of **Newmarket Town Council's** telephones, mobile phones, computers and other devices includes (but is not limited to) usage involving:

- unlawful or illegal activity
- creating, transmitting, downloading, displaying or storing offensive, obscene or indecent data or material
- creating, transmitting, downloading, displaying or storing of material that deliberately discriminates, bullies, harasses, victimises or encourages discrimination, bullying and harassment or victimisation
- creating or transmitting defamatory material
- creating or transmitting material that brings the **Newmarket Town Council** into disrepute
- obtaining, transmitting or storing material where this would breach the intellectual property rights of another party. This includes downloading and sharing music, video and image files without proper authority
- creation or transmission of material with the intent to defraud or which is likely to deceive a third party
- commercial uses unrelated to the interests of **Newmarket Town Council**
- uses that are likely to cause annoyance or inconvenience, e.g. sending unsolicited email chain letters
- inappropriate or careless use of data e.g. sharing information when not authorised to do so (especially special category personal data), or emailing information to the wrong recipient
- corrupting or destroying another user's data or violating their privacy
- deliberately introducing, executing or transmitting malware
- deliberately disabling or compromising **Newmarket Town Council's** security systems
- physical or other damage to **Newmarket Town Council's** telephones, mobile phones, computers and other devices.

Unacceptable use will be treated as a disciplinary matter.

Newmarket Town Council recognises that employees may wish to use their own mobile phones, computers and other devices (including for internet, emailing and social media) while they are at work. Employees are encouraged to limit such usage during their official rest breaks such as their lunch break/times.

Excessive use of **Newmarket Town Council's** telephones, mobile phones, computers and other devices or the employee's own mobile phones, computers and other devices for personal use during work time, so that it interferes with the employee's duties, may be dealt with through the disciplinary process.

Where employees make reference to **Newmarket Town Council** on social media in their personal life, it should not:

- bring the organisation into disrepute
- breach confidentiality
- breach copyright
- deliberately discriminate, bully, harass or victimise others or encourage discrimination, bullying, harassment or victimisation

Such inappropriate use of social media may be dealt with through the disciplinary process.

Monitoring of telephones and ICT usage

Newmarket Town Council reserves the right to monitor the use of **Newmarket Town Council's** ICT, telephone and mobile phone services, and access any information stored on the ICT and telephone and mobile phone infrastructure (including apps), in line with relevant legislation and guidance provided by the Information Commissioner's Office, to fulfil legitimate business needs, such as (but not limited to):

- complying with regulatory and statutory obligations
- assessing compliance with the health and safety and security policies
- preventing and detecting unauthorised use or other threats to the ICT systems
- preventing and detecting crime
- monitoring system performance.

All monitoring will be conducted in accordance with a data protection impact assessment that **Newmarket Town Council** has carried out to ensure that monitoring is necessary and proportionate.

Content inspections can only happen after permission has been granted by the Town Clerk.

This includes access when a user is unexpectedly absent or is on annual leave. The staff member will be notified before any access is made. In these instances, **Newmarket Town Council** will inform the member of staff in writing when this access is taking place, what information is to be viewed, the reason for the access and who it is to be disclosed to.

Upon receipt of an approved request from the Town Clerk, a member of the ICT contractor will undertake a content inspection and will record:

- what information was inspected
- the computer or telephone on which the monitoring took place
- the start and the end time of the monitoring
- the identity of the person performing the inspection.

The information collected may only be shared with the individual being monitored, and the Town Clerk. It may be shared with the Human Resources Committee membership if appropriate and identified as not excessively intrusive.

Those who have access to the information will always be kept to a minimum and they must comply with the 'Data protection policy' at **[include links or signpost to the appropriate policy]**. They must receive training on data protection principles that arise when carrying out monitoring.

The information collected will be stored securely and only for a limited time in order to complete an investigation. In normal circumstances it will be securely deleted after 28 days.

Newmarket Town Council will regard any attempt to conduct a content inspection that is not in accordance with this policy as gross misconduct.

Staff members have a right to access the ICT and telephone data held on them and to have data rectified or erased in some circumstances. Requests should be made as a subject access request, details included in the 'Data protection policy' at **[include links or signpost to the appropriate policy]**.

CCTV (and/or other tracking or audio recording arrangements)

The use of CCTV **[and/or other tracking or audio recording arrangements]** is in line with relevant legislation and guidance provided by the Information Commissioner's Office and the Surveillance Camera Commissioner, to fulfil legitimate business needs, such as (but not limited to):

- complying with regulatory and statutory obligations
- assessing compliance with the health and safety policy
- preventing and detecting crime.

All use of CCTV **[and/or other tracking or audio recording arrangements]** will be conducted in accordance with a data protection impact assessment that **Newmarket Town Council** has carried out to ensure that monitoring is necessary and proportionate in order to address a specified problem.

Cameras **[and/or other tracking or audio recording arrangements]** will be located in **Memorial Hall foyer, stairwell, hall and at points outside the building and gardens and in the Pavilion building corridor and main room and at points outside the building** and signs will be displayed notifying staff members of the CCTV **[and/or other tracking or audio recording arrangements]** use and who to contact about their operation.

Intrusion of staff privacy will always be kept to a minimum and surveillance will not take place in offices, staff kitchen or toilet areas.

CCTV footage **[and/or tracking or audio recordings data]** will be stored securely and only for a limited time in order to complete an investigation. In normal circumstances it will be securely deleted after 28 days.

Requests for access to the footage **[and/or recordings data]** must be made in writing to the **Town Clerk**. The request must detail the reason for access and the information to be viewed.

The information collected may only be shared with the **Town Clerk**. It will only be shared with the Hyman Resources Committee members if appropriate and identified as not excessively intrusive.

Those who have access to the footage will always be kept to a minimum and they must comply with the 'Data protection policy' at **[include links or signpost to the appropriate policy]**. They must receive training on data protection principles that arise when carrying out monitoring.

Newmarket Town Council will regard any attempt to use CCTV **[and/or other tracking or audio recording arrangements]** that is not in accordance with this policy as gross misconduct.

Staff members have a right to view images of themselves recorded by the CCTV **[and/or audio recordings]** and to receive a copy of these images **[and/or audio recordings]**, and to have data erased in some circumstances. Requests should be made as a subject access request, details included in the 'Data protection policy' at **[include links or signpost to the appropriate policy]**.

Covert Monitoring

Newmarket Town Council does not undertake covert monitoring in the workplace.

Responsibilities of the Town Clerk

The Town Clerk should ensure that all staff members are aware of this policy and understand their own and the employer's responsibilities. Training on data protection and privacy issues is provided.

Newmarket Town Council should remind staff members at regular intervals of this policy and related policies and where to find them. **Newmarket Town Council** will provide induction and refresher staff training on the policy and compliance with the UK data protection legislation.

Privacy

Newmarket Town Council recognises that staff have a legitimate expectation that they should be able to keep their private lives private and that they are entitled to a degree of privacy in the workplace. Therefore, this monitoring policy will always be used in a way that is consistent and compliant with the UK data protection legislation, the UK Information Commissioner's Office (ICO) Employment Practices Code and the Human Rights Act and any other relevant legislation in place.

Newmarket Town Council guarantees the privacy of emails sent to and from the Town Clerk's e-mail addresses, and phone calls to and from the Town Clerk's telephones numbers.

Review and monitoring

Newmarket Town Council will ensure that all new staff members will receive

induction training on the policy.

Adequate resources will be made available to fulfil the aims of this policy. The policy will be widely promoted, and copies will be freely available and displayed in **Newmarket Town Council's** offices and on the council's website.

This policy will be reviewed jointly Council, on a regular basis.

Further information

Information Commissioner's Office (ICO) www.ico.org.uk

Signatories

This agreement comes into force on:

DATE:.....

This agreement will be reviewed on:

DATE:.....

SIGNED.....for **Newmarket Town Council**

DATE: