

# CHAPEL-EN-LE-FRITH PARISH COUNCIL



TOWN HALL  
CHAPEL-EN-LE-FRITH  
HIGH PEAK, DERBYSHIRE, SK23 0HP

Tel: 01298 813320  
clerk@chapelpc.org  
www.chapelpc.org



Office Hours: Monday-Friday 9.00 to 12.30

24 September 2019

Dear Councillor,

You are hereby summoned to attend an **ORDINARY MEETING** of the Parish Council to be held on **Tuesday 1 October 2019** at 7.30pm in the Annexe of the Town Hall, Chapel-en-le-Frith.

After prayers have been said and Apologies for absence have been given, the business to be transacted will be as follows: -

1. Declaration of Interests
2. Co-option Chapel East Ward vacant seat
3. Police Matters
4. Open Forum
5. M.P. County Councillors, Borough Councillors
6. Matters relating to Highways, Public Footpaths, Public Services, Conservation Areas and Parish Improvements
  - Request to adopt the red telephone box in Bagshaw
  - Hayfield Road traffic arrangements
7. To receive the Minutes of the Full Council Meeting held on 3 September 2019
8. To receive the Minutes of the Planning Committee held on 17 September 2019
9. To receive the Minutes of the Town Hall Committee held on 24 September 2019
10. To consider any matters arising from the above Minutes
11. Filming of Council meetings
12. Neighbourhood Plan and Community Plan
13. Economic Regeneration
14. Outside Bodies

Clerk to the Council – Suzan E. Stockdale

15. Town Hall, 47/49 Market Street, Chapel-en-le-Frith

16. DALC

17. Parks and Open Spaces

18. Allotment Sites

- Proposal to re-open the whole of the Leys Allotments site to supply allotments
- Keeping of livestock on allotments

19. Correspondence

- ICO fact sheet – use of personal email addresses and devices

20. Racism

21. Schedule of Accounts presented for payment

22. Any Other Business (For discussion only)

23. Press Releases

24. Matters to be discussed after the exclusion of Public and Press

Yours sincerely,



Mrs SE Stockdale  
Clerk to the Council

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**From:** Fullilove Ian <[ian.Fullilove@peakdistrict.gov.uk](mailto:ian.Fullilove@peakdistrict.gov.uk)>  
**Subject:** Bagshaw Telephone Box Enquiry number 37194  
**Date:** 3 September 2019 at 11:22:43 BST  
**To:** "claire.young@mac.com" <[claire.young@mac.com](mailto:claire.young@mac.com)>  
**Cc:** Harrop Sandra <[Sandra.Harrop@peakdistrict.gov.uk](mailto:Sandra.Harrop@peakdistrict.gov.uk)>

Dear Mrs Keller

Thank you for your enquiry which has been passed to me by our Customer and Business Service team

BT are consulting on phone box and service removal consultation, but are asking people to contact their Local Authority rather than the National Park Authority because that is the agreement BT made with Ofcom. In 2016, BT incorrectly asked us to co-ordinate responses rather than the Local Authorities.

With respect to your telephone box we fed back the following information to BT based on the responses from the Parish Councils and others contacting us directly.

This meant we could comment on the heritage merits of the phone boxes as well as the merits of retaining the phone service itself

We said:

This is a K6 box in the Bagshaw Conservation Area. Whilst no claim has been made to maintain the phone service, the Authority would object to the removal of the box.

We stand by this advice and are happy that you feed this back to BT. We cannot make the claim that the service is necessary because BT records usually show low or no use of the service and in most places there is now good mobile phone coverage. However we object to the removal of these boxes because they are classed as a cultural heritage asset and should remain part of the fabric of the village street scene. The K6 boxes in particular have quite a history and we want to see them retained. A Community can adopt a box from BT, but we don't adopt the boxes ourselves.

Apologies if you are already aware of the history of your K6 box but in case not, the following link explains it.

[https://en.wikipedia.org/wiki/Red\\_telephone\\_box](https://en.wikipedia.org/wiki/Red_telephone_box)

Regards

Ian Fullilove  
Policy Planner MRTPI

## Sue Stockdale

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**From:** Steven Alcock (Economy Transport and Environment)  
<Steven.Alcock@derbyshire.gov.uk>  
**Sent:** 09 September 2019 11:31  
**To:** Sue Stockdale  
**Subject:** 2019 09 09 8240200 Hayfield road chapel

Dear Sue,

Please find below an e-mail received from HPBC's Regeneration Officer.

Bearing this in mind along with the feedback received so far, I am minded to revert back to the original traffic arrangements once the culvert works are complete.

What is the Parish Council's view on this?

Regards

**Steve Alcock** | Project Engineer  
Traffic and Road Safety Service

Economy, Transport and Environment | Derbyshire County Council  
County Hall, Matlock, Derbyshire, DE4 3AG  
01629 538176



**From:** Pakpahan, Helen [mailto:Helen.Pakpahan@highpeak.gov.uk]  
**Sent:** 27 August 2019 15:56  
**To:** Steven Alcock (Economy Transport and Environment) <Steven.Alcock@derbyshire.gov.uk>  
**Subject:** Hayfield road chapel

Dear Steve,

I have been liaising with your transport hub regarding the Sheffield road closure and impact on businesses and I have been given your name as I understand that you are looking into the possibility or not of making this permanent.

While I am aware that some residents of this street may like the one-way nature to continue (as it reduces noise and allows them to park more easily), it has effectively cut off vehicular access from a large part of residential properties in chapel from the shopping centre – and acts also to divert people coming from Glossop, hayfield etc away from the shopping core. Combined this is already having an impact on the high street – and we have received a number of

complaints that it is driving customers down the bypass to Whaley or encouraging customers to go straight to Buxton (as well as diverting people onto minor roads such as Charley Lane).

If it were to continue – there is concern that it will normalise removal of shopping traffic away from the town centre which would cause a long term decline on the town's shops.

I would therefore ask that you liaise with HPBC regeneration/business team regarding any permanent road change in this regard.

Kind regards,

Helen Pakpahan  
Senior Regeneration Officer  
High Peak Borough Council and Staffordshire Moorlands District Council  
Tel: 01298 28400 /01538 395400 ext 4205  
Mobile 07976753358  
[Helen.pakpahan@highpeak.gov.uk](mailto:Helen.pakpahan@highpeak.gov.uk)  
[Helen.pakpahan@staffs Moorlands.gov.uk](mailto:Helen.pakpahan@staffs Moorlands.gov.uk)

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Hi

Regarding the filming of public meetings, I, having watched the published video on social media, ie YouTube, have a few concerns.

1. There appeared to be two cameras employed, one pointing at the councillors, and the second towards the general public.

It is this second camera that concerns me regarding GDPR and privacy.

2, Visual data on the internet is not controllable, and can be correlated with other data sources by other organisations, no need to name them

but I am sure you know which ones carry out this type of activity.

I have not found anything on the Chapel council website regarding this issue.

I have received a reply to my query from the ICO , included below, and also I have attached the policy of South Petherton council (<http://southpethertonparishcouncil.gov.uk/7-AudioVideo-Recording-of-Meetings.aspx>)

who have tackled this issue to give you a heads up prior to the next meeting.

Please note that I am not for or against filming, but the privacy of the general public should be paramount, and also I do not want to see the Council getting on the wrong side of the law.

I look forward to receiving the Council's thoughts on this matter.

Kind Regards

M Davidson

PS I was not at the meeting as I was on holiday.

enc.

13 September 2019

Case Reference: IC-24076-D4K6

Dear M Davidson,

Thank you for your email of 08 September 2019.

Your enquiry was relating to the use of video recordings in council meetings.

The right to record, film and to broadcast meetings of the council, committees and sub committees is established following the Local Government Audit and Accountability Act 2014. This is in addition to the rights of the press and public to attend such meetings.

It was agreed to adopt the following protocol:

Meetings or parts of meetings from which the press and public are excluded may not be filmed or recorded.

Members of the public are permitted to film or record meetings to which they are permitted access in a non-disruptive manner.

The use of digital and social media recording tools, for example Twitter, blogging or audio recording be allowed as long as it is carried out in a non-disruptive way and only to the extent that it does not interfere with any person's ability, even where he or she has a disability, to follow the debate.

Whilst those attending meetings are deemed to have consented to the filming, recording or broadcasting of meetings, those exercising the rights to film, record and broadcast must respect the rights of other people attending under the Data Protection Act 1998.

The Chairman of the meeting has the authority to stop a meeting and take appropriate action if any person contravenes these principles or is deemed to be recording in a disruptive manner.

Any person or organisation choosing to film, record or broadcast any meeting of the Council or a committee is responsible for any claims or other liability from them so doing.

The Council asks those recording proceedings not to edit the film or recording in a way that could lead to misinterpretation of the proceedings, or infringe the core values of the Council. This includes refraining from editing an image or views expressed in a way that may ridicule, or show lack of respect towards those being filmed or recorded.

The Council will display requirements as to filming, recording and broadcasting at its meeting venues and those undertaking these activities will be deemed to have accepted them whether they have read them or not.

The Council may itself photograph, film, record or broadcast meetings and can retain, use or dispose of such material in accordance with its retention and disposal policies.

Any person wishing to film or record a meeting must make application in writing to the Clerk of the Council 3 clear working days before the date of the meeting with full details of name and address.

[southpethertonparishcouncil.gov.uk](http://southpethertonparishcouncil.gov.uk)

# Recording of Meetings

5-6 minutes

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## **South Petherton Parish Council**

### **Policy on audio/visual recording and photography at council meetings**

**Adopted and Approved at the Meeting of the Parish  
Council on Monday 2nd November 2015**

#### **1. Introduction**

1.1 South Petherton Parish Council is committed to being open and transparent in the way it conducts its decision making. Recording, including filming, audio recording, taking photographs, blogging, tweeting and using other social media is permitted at Council meetings, which are open to the public, subject to the following policy.

#### **2. Procedure at meetings**

2.1 Anyone wishing to record is requested to let the Chairperson of the meeting know prior to, or at the start of, the meeting and the recording should be overt (i.e. clearly visible to anyone at the meeting) and not disruptive.

2.2 Anyone visually recording a meeting is requested to only focus on recording councillors, officers and the public who are directly involved in the conduct of the meeting. Any children present at the meeting should not to be filmed unless they and

their parents/guardians have given their consent.

2.3 At the beginning of each meeting, the Chairman will make an announcement that the meeting may be filmed or recorded.

2.4 South Petherton Parish Council supports the right of any member of the public not to be recorded. The council will ensure that signage at council meetings makes it clear that recording can take place – if anyone speaking at the meeting does not wish to be recorded they should let the Chairman of the meeting know.

2.5 Any person wishing to record Council meetings will be responsible for ensuring that any cabling, or electrical equipment they use has been properly tested and installed and adheres to health and safety requirements. The Council will not be held liable for any injuries to the individual or members of the public caused by the recording of its meetings.

2.6 The Chairman of the meeting has absolute discretion to request a person to stop or suspend recording if in the Chairman's opinion continuing to do so would prejudice proceedings at the meeting because:

- recording is disrupting the proceedings of the meeting
- there is public disturbance or a suspension of the meeting
- the meeting has resolved to exclude the public for reasons of confidential business

For these purposes recording equipment must not be left unattended at meetings. The Council cannot accept liability for any equipment that is lost, stolen or damaged at its public meetings.

2.7 The recording should not be edited in any way that could lead to misinterpretation or misrepresentation of the proceedings or infringement of the Council's values or in a way that ridicules or shows a lack of respect for those in the recording.

2.8 If the Council resolves to discuss confidential information, and the public are excluded from the meeting, all recording equipment must be removed immediately from the room.

2.9 The use of flash photography or additional lighting will not be allowed unless this has been discussed with the clerk in advance of the meeting and agreement reached on how it can be done without disrupting proceedings.

### **3. Guidance Notes**

Please contact the Parish Clerk prior to the meeting you wish to record, and especially if the recording you wish to make involves large equipment or special requirements.

Recording and reporting the Council's meetings is subject to the law and it is the responsibility of those who undertake the recording and reporting to ensure compliance. This will include the Human Rights Act, the Data Protection Act, the Public Order Act Part III (1986 as amended), the Equality Act 2010, the laws of libel and defamation and any subsequent legislation or regulations.

The Council may itself photograph, film, record or broadcast its meetings and may retain, use or dispose of such material in accordance with its retention and disposal policies.

Parish Clerk email address:

**parishclerk@southpethertonparishcouncil.gov.uk**

relating to a person's physical or mental health constitutes sensitive personal data. Further guidance on a council's data protection obligations is given in Legal Topic Note 38 (Data Protection).

### **Rights of Public and Press**

- 31 The meetings of the council (and its committees) must be open to the public (which includes the press) pursuant to the provisions of s.1 (1) of the 1960 Act. However, the public may, under s.1(2) of the 1960 Act, be excluded for the whole or part of a meeting if it resolves that publicity would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons stated in the resolution. It is not lawful to exclude some of the public or the press. The exclusion must apply to all. However, the council may invite individuals to speak at a meeting (e.g. the council's solicitor, or other professional advisor or particular staff members) when it is in private session.
- 32 Local councils will also need to consider the needs of disabled persons in relation to their access to and participation in meetings. Councils will need to make reasonable adjustments which may include making physical alterations to premises used for meetings or changing the premises used for meetings if it disadvantages disabled persons (e.g. a wheelchair user, or a person with a hearing impairment). Further guidance on a council's obligations under the Equality Act 2010 is contained in Legal Topic Note 78 (The Equality Act 2010).
- 33 The press are entitled, on payment, to copies of the agenda and necessary supporting papers for a meeting (s.1 (4) (b) of the 1960 Act). They must be given reasonable facilities for reporting at a meeting (e.g. sufficient space, a table and a chair) and (unless the meeting place does not belong to the council or has no telephone) for telephoning their report at their own expense.
- 34 In England only, the Openness of Local Government Bodies Regulations 2014 ("the 2014 Regulations"), amended s.1 of the 1960 Act. Subject to the exceptions explained in paragraphs 36 and 38 below or if the meeting has resolved to exclude the public, the 1960 Act permits any person (including the press) who attends a council (or committee) meeting to report on the proceedings of the meeting. The new provisions of the 1960 Act address the existence of different means of reporting which include the use of social media. "Reporting" is defined in s. 1(9) of the 1960 Act to include:

- filming, photographing or making an audio recording of proceedings at a meeting (e.g. using a mobile phone, tablet such as an iPad, filming for a TV broadcast, recording for a radio broadcast);
  - using any other means for enabling people not present at a meeting to see or hear proceedings as they take place or later (e.g. live streaming);
  - written reporting or commentary on the proceedings during or after a meeting or oral reporting or commentary after the meeting. Examples of written reporting or commentary include. blogging, posting comments on Facebook or tweeting.
- 35 The Government published a guide for the public (including the press) about the new provisions of the 1960 Act. This can be accessed via <https://www.gov.uk/government/publications/open-and-accountable-local-government-plain-english-guide>. Part 1 of the guide confirms that the new statutory powers of a person to report on the proceedings of a meeting are not without some boundaries. Some of the issues highlighted in the Government's guide are not directly related to the provisions of the 1960 Act. These are explained below.
- 36 S.1 (4A) of the 1960 Act confirms that a person present at the meeting does not have a right to give an oral report or commentary during a meeting e.g. a journalist present at and filming the meeting or a local resident blogger at the meeting could not provide a running verbal commentary. This is because such oral commentary could be disruptive to the meeting. Oral commentary or reporting of a council (or committee) meeting by a person present at the meeting can be provided after the meeting. A person will need to ensure that his oral or written reporting of a meeting does not give rise to a libel claim. For more information see Legal Topic Note 30 - Defamation.
- 37 As explained in paragraph 34 above, the right to 'report' on a meeting as defined in s.1(9) of the 1960 Act is limited to reporting on the proceedings of a meeting, which includes a reference to people who simply attend the meeting and those who participate in the meeting. Whilst the 1960 Act does not prohibit the filming, recording, photographing or other reporting of anyone in attendance of the meeting (unless it is in private session or the circumstances in paragraphs 36 or 38 apply), there is an expectation that any reporting will focus on the proceedings of a meeting and those who participate in it, rather than those who are simply attending. Those who participate in a meeting include councillors, members of the public who are

permitted to speak during the meeting, those invited by councillors to speak at a meeting and officers.

- 38 The guidance prepared by the Government (see paragraph 35 above) suggests that councils may wish to have a policy in place in respect of the filming, recording, photographing or other reporting of (i) persons who object to the same and (ii) children and vulnerable adults. NALC's primary position is that those who attend public meetings should expect to be filmed, recorded, photographed or otherwise reported about. However, councils may wish to consider adopting a policy which allows the filming, recording, photographing or other reporting of children and the vulnerable only with the consent of a responsible adult, which in the case of a vulnerable adult is a medical professional, his carer or legal guardian and, in the case of a child, is his parent, legal guardian or teacher. At the start of a meeting, it is recommended that the chairman reminds those who wish to film, record, photograph or otherwise report on the proceedings of a meeting about the restrictions which apply in respect of a vulnerable adult or child.
- 39 At the start of a meeting, it is recommended that the chairman reminds everyone in attendance and who will be participating on the meeting that, subject to paragraphs 36 and 38 above, they may be filmed, recorded, photographed or otherwise reported about. A council should designate a separate area in the meeting venue to accommodate (i) members of the public who are present at the meeting and do not wish to participate in the meeting but who object to being filmed, recorded, photographed or otherwise reported about and (ii) children and vulnerable adults where the relevant responsible adult has not given consent for them to be filmed, recorded, photographed or otherwise reported about. The chairman of a meeting should remind those who wish to film, record, photograph or otherwise report on the proceedings to avoid those who are sitting in a separate area. Even where individuals sit in a designated area they should be reminded that those filming or taking photographs may wish to record the entirety of the public in a "panning" or panoramic shot which could, inevitably, include members of the public sitting in any designated area. Councils may take the view that such shots are unobjectionable as long as they do not zoom in or focus on those where consent has not been given. If a meeting includes a public participation session then, subject to paragraphs 36 and 38 above, a person is free to film, record, photograph or otherwise

report about individuals participating in such a session whether they are sitting in a designated section or not.

- 40 A council's standing orders can be relied on to control behaviour or activities arising from a person's filming, recording, photographing or other reporting of the proceedings of a meeting if this disrupts the meeting or obstructs the transaction of business. See paragraphs 48 to 50 below.
- 41 A person's filming, recording, photographing or other reporting of a meeting is likely to include the personal data of individuals. That person must take care to ensure that personal data is used in accordance with data protection legislation (see Legal Topic Note 38 - Data Protection).
- 42 In England, a Council cannot have standing orders which undermine or restrict a person's statutory rights to film, record, photograph or otherwise report on the proceedings of a meeting. Councils are referred to model standing orders 3l and m. Additional information about the impact of the 2014 Regulations on the standing orders of a council is available in a Legal Briefing issued in August 2014.
- 43 In Wales, the public do not have a statutory right to use any means which would allow persons not present at the meeting to see or hear the proceedings of a meeting. Councils are therefore entitled to permit or refuse the taking of photographs or the use of video cameras or audio recording devices (including, for example, a mobile phone) at meetings (s.1(7) of the 1960 Act). A council should have standing orders to confirm whether or not taking photographs at or recording a meeting is permitted. A council may wish to use NALC's model standing order 3l which confirms taking photographs and recordings of meetings is permitted only with the council's consent. Tweeting or blogging at a council meeting do not contravene the provisions of s.1 (7) of the 1960 Act and do not require the council's consent.

## **Public participation**

- 44 When the public attend meetings they have no right to participate in them, unless permission is given. It is good practice for councils to set aside time (e.g. 15 or 20 minutes) at meetings for the public to make statements and ask questions. It is advisable for a council to permit public participation at meetings of the full council (and the meetings of committees) that are likely to be of most interest to the public e.g. a planning committee. Councils are recommended to adopt standing orders to structure public participation sessions and may refer to NALC's model standing orders 3e-h. Standing

# Fact sheet for councils: the use of personal email addresses and devices

This factsheet has been produced following a series of workshops and discussions with local councils across the UK and will be of interest to parish council clerks looking for steps they can take to improve their council's data protection compliance.

The majority of parish clerks attending the Society of Local Council Clerks (SLCC) Leadership in Action Conference 2019 ranked the use of personal email addresses and devices for council business as their top data protection concern.

The General Data Protection Regulation (GDPR) and the Data Protection Act 2018 (DPA) don't say which email systems or devices should be used. But if the use of personal email addresses and devices is something your council does, you should be aware of the risks and the council's data protection obligations and responsibilities.



**Fact: Councils must ensure the confidentiality, integrity and availability of all personal data they hold, even if the data is being processed through personal email accounts or is stored on a privately-owned device.**

As a data controller, a council has obligations relating to the confidentiality, integrity and availability of all personal data it holds. This means that the council is accountable for any council business conducted involving personal data on any device or through any email account.

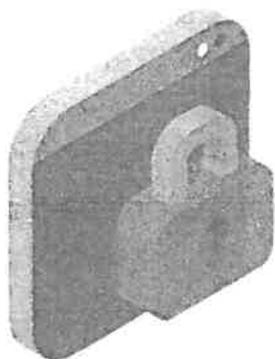
The use of personal devices and email accounts could raise the risk that personal data is processed for different purposes from which it was originally collected. All members of the council should ensure they know their responsibilities in terms of only using personal data for the purposes which the council obtained it.

If copies of data (such as email attachments) are stored on many different devices, there's an increased risk that it'll become out-of-date or inaccurate over time. There's also an increased risk that it'll be retained for longer than necessary, because it's difficult to keep track of copies.

You may also find it difficult to respond on time to a subject access request if you have to search multiple devices or if you aren't aware of all the devices on which personal data may be stored.

### Questions to ask:

- What types of devices are in use?
- Who else uses the personal email account or privately-owned device, and who else has access?
- How can you control the data on the personal email account or privately-owned device (eg accuracy and retention)?
- How much consideration has been given to the data on the device being overlooked?



**Fact: Councils must process personal data securely – which may be more difficult to achieve if it's being processed through personal email accounts or is stored on privately-owned devices.**

Councils must have 'appropriate technical and organisational measures' in place to prevent the personal data it holds being accidentally or deliberately compromised. This includes physical and organisational security measures and also cybersecurity. If data is shared around multiple devices this introduces more points of failure and vulnerability.

There's no 'one size fits all' solution to information security. The GDPR doesn't define the security measures that you should have in place. It requires you to have a level of security that is 'appropriate' to the risks presented by your processing. What's appropriate for your council will depend on your own circumstances, the information you're processing, and the risks it presents.

As the data controller, the council must ensure that all processing of personal data under its control remains compliant, regardless of the ownership of the device used

to carry out the processing. If there's a personal data breach, you must be able to demonstrate that you've secured, controlled or deleted all personal data on a particular device.

### Questions to ask:

- How secure are the devices (eg is the device password-protected and what is the risk of malware)?
- What if the device is lost or stolen – can you remotely locate it and wipe the data?
- What operating system is the privately-owned device running?
- How is data transferred to other devices, and how secure are these systems and/or devices?
- Is your council using or considering cloud storage?



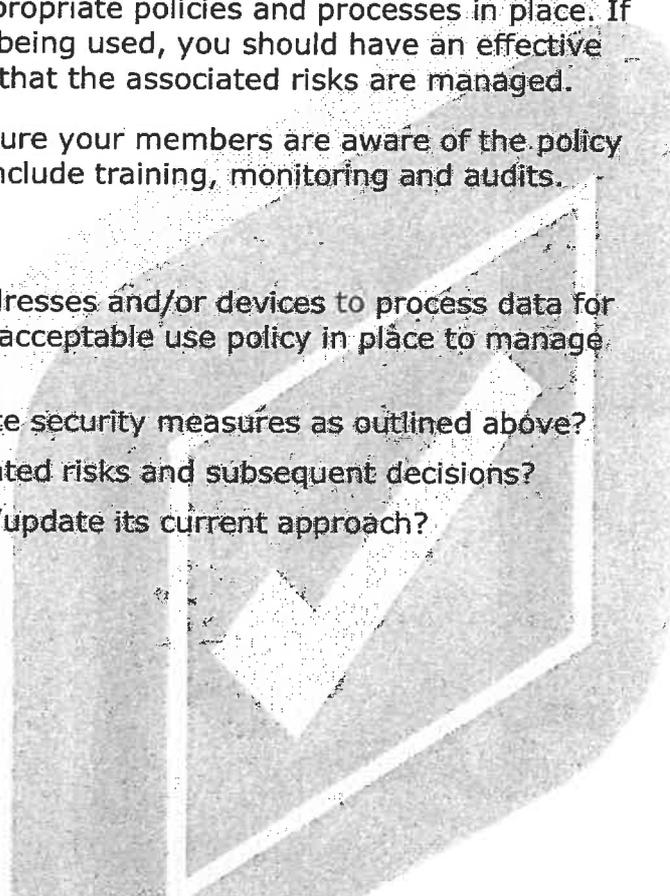
**Fact:** Councils must demonstrate that they are GDPR-compliant, and the use of personal email accounts and privately-owned devices may make this more complicated.

The principle of accountability requires you to be able to demonstrate that you are complying with the GDPR, and have appropriate policies and processes in place. If personal devices or email accounts are being used, you should have an effective organisational policy in place to ensure that the associated risks are managed.

You'll also need to take steps to make sure your members are aware of the policy and that it is implemented. This could include training, monitoring and audits.

### Questions to ask:

- If you're using personal email addresses and/or devices to process data for council business, do you have an acceptable use policy in place to manage this?
- Have you implemented appropriate security measures as outlined above?
- Have you documented the associated risks and subsequent decisions?
- Does your council need to review/update its current approach?



## More information

For more information about the accountability principle with the GDPR, visit [ico.org.uk](http://ico.org.uk) and search '[accountability principle](#)'.

The challenges of using a personal email system or device are set out in more detail in the ICO's [Bring your own device \(BYOD\)](#) guidance - visit [ico.org.uk](http://ico.org.uk) and search 'BYOD'.

**ico.**

Information Commissioner's Office