

Bishop Wilton Parish Council

**Clerk's Report for Bishop Wilton's Parish Council meeting of 20<sup>th</sup> March 2023**

To all councillors

I am writing this report, as I am on leave and cannot attend this meeting.

Following the meeting held on the 27<sup>th</sup> February 2023 and the questions raised over the recording of meetings, as the proper officer of the Council I feel that some clarity needs to be brought to what is a complex issue.

Since the February meeting, I have spoken at length with ERNLLCA and also attended a training session on GDPR and spoken with the training officer at Breakthrough Communications.

Following these discussions, I have written a protocol covering the recording of Council meetings, I have also drawn up, as the Council's data controller a data map which is part of the documentation that an organisation needs to keep as ongoing requirements for GDPR.

There are seven key principles covering GDPR - data must be:

1. Processed lawfully and in a fair way
2. Collected for specific purposes
3. Adequate and relevant
4. Accurate and kept up to date
5. Retained only for as long as necessary
6. Processed securely
7. And you must demonstrate your accountability

My concerns at the February meeting as your clerk, proper officer to the council, and as your appointed data controller and data processor, was that whilst the recording of parish council meetings is permitted under the Local Government Audit and Accountability Act 2014, to do this covertly is not acceptable, and could be classed in the very least a potential breach of the code of conduct and certainly against the Civility and Respect Pledge that Council you have all signed up to, and of course a breach of GDPR as it did not comply with the seven key principles listed above.

## The Code of Conduct states

1. You must not
  - a. Disclose information:
    - i. given to you in confidence by anyone
    - ii. acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature,
    - iii. which consists of the personal data of another person, unless
      1. You have received the consent of a person authorised to give it;
      2. You are required by law to do so
  - a. Improperly use knowledge gained solely as a result of your role as a councillor for the advancement of you, your close associates, members of your family, your employer or your business interests
  - b. You must not conduct yourself in a manner that could reasonably be regarded as bringing your office or authority into disrepute

## Our standing orders – section 11 state

### **11 MANAGEMENT OF INFORMATION**

- a **The Council shall have in place and keep under review, technical and organisational measures to keep secure information (including personal data) which it holds in paper and electronic form. Such arrangements shall include deciding who has access to personal data and encryption of personal data.**
- b **The Council shall have in place, and keep under review, policies for the retention and safe destruction of all information (including personal data) which it holds in paper and electronic form. The Council's retention policy shall confirm the period for which information (including personal data) shall be retained or if this is not possible the criteria used to determine that period (e.g., the Limitation Act 1980).**
- c **The agenda, papers that support the agenda and the minutes of a meeting shall not disclose or otherwise undermine confidential information or personal data without legal justification.**
- d **Councillors, staff, the Council's contractors and agents shall not disclose confidential information or personal data without legal justification.**

I have grave concerns therefore data is being processed and retained outside these regulations.

If it is the view of the Council that meetings should be recorded then I would suggest that this is done in an open and regulated manner and that all recordings are held by myself

as data controller and processor, and are accounted for according to GDPR requirements

Finally, I would like to raise a point on the minutes. The production of minutes is the responsibility of the clerk, and are a written record of the decisions or resolutions that are made at a meeting. They are not a record of everything that has been said.

If, when the minutes are to be proposed, a member of the council feels there are matters of accuracy that need to be addressed, they should formally propose the changes. The Chairman will ask for a seconder. If there is no seconder the matter falls. There may be occasions when the clerk has omitted something from the minutes, or an inaccuracy in respect of a decision has been included, and it is perfectly proper that the council would wish to have the minutes changed on a "Matter of Accuracy". However this is something that the Council has to vote on as the minutes cannot be changed because an individual councillor, calls for that.

When the minutes are proposed and seconded, the council then votes on adoption. A majority of those present and voting is required. If there is a seconder, the council will then debate the matters of accuracy and the chairman will then ask the council to vote as to acceptance, or not. If there is not a majority, the matter falls at this stage and the original minutes circulated should be agreed.

A matter of accuracy is a correction of a fundamental error in the minutes and cannot be used to change the narrative of the minutes which remain the responsibility of the Clerk

The minutes should not be a verbatim report of conversations at a meeting but a short, concise summary of the matter under discussion and the decision taken. No single councillor can have the minutes changed because they personally disagree with the content.

#### Standing Orders state

- a If the draft minutes of a preceding meeting have been served on councillors with the agenda to attend the meeting at which they are due to be approved for accuracy, they shall be taken as read.
- b There shall be no discussion about the draft minutes of a preceding meeting except in relation to their accuracy. A motion to correct an inaccuracy in the draft minutes shall be moved in accordance with standing order 10(a)(i).
- c The accuracy of draft minutes, including any amendment(s) made to them, shall be confirmed by resolution and shall be signed by the chair of the meeting and stand as an accurate record of the meeting to which the minutes relate.
- d If the chair of the meeting does not consider the minutes to be an accurate record of the meeting to which they relate, he/she shall sign the minutes and

include a paragraph in the following terms or to the same effect:

“The chairman of this meeting does not believe that the minutes of the meeting of the Bishop Wilton Parish Council, held on [date] in respect of ( ) were a correct record but his/her view was not upheld by the meeting and the minutes are confirmed as an accurate record of the proceedings.”

## **1. PREVIOUS RESOLUTIONS**

- a A resolution shall not be reversed within six months except either by a special motion, which requires written notice by at least 5 councillors to be given to the Proper Officer in accordance with standing order 9, or by a motion moved in pursuance of the recommendation of a committee or a sub-committee.

When a motion moved pursuant to standing order 7(a) has been disposed of, no similar motion may be moved for a further six months

I hope this helps to clarify some things. As always I am available for further discussion if required.

This report along with the adopted protocol on GDPR and the recording of meetings should be attached as an appendix to the minutes.

**Sandra Morrison**

**Parish Clerk**