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# Councillor Email Policy

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### 1. INTRODUCTION

Fakenham Town Council has provided all councillors with their own councillor email address. This is to aid them in their work, present a professional image and assist the council in managing its obligations with regards to data protection and freedom of information requests. The aim of this policy is to assist Town Councillors with email protocol and compliance with the Freedom of Information Act 2000 and GDPR. It sets out best practice for Councillor use of emails when dealing with Council business. The Town Council is a Corporate body working within the framework of the law and local governance. As such, all employees and Town Councillors are responsible for maintaining a professional approach at all times.

### 2. LEGAL OBLIGATIONS

The Freedom of Information Act 2000 (FOI Act) and GDPR applies to public bodies. The FOI Act allows members of the public to request information from the Town Council which must be treated in accordance with GDPR. Town Council information is held by Town Council administrators and some is held by Town Councillors, although the length of time that information is held by Councillors will not be subject to the Town Council's retention and destruction policies. Town Council information held by Councillors is subject to the FOI Act

and must be made available if requested in accordance with the FOI Act and GDPR Regulations. As data controllers 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.

### **3. PURPOSE**

The purpose of this policy is to assist Councillors in their use of emails when the information transmitted applies to the official business of the Council. This Policy will help mitigate risks from:

- Damage to the Council's reputation.
- Potential litigation against the Council or Councillors.

The use of dedicated Town Council email addresses makes it easier for the Town Council to process personal data securely. The use of personal email accounts makes it more complicated for the Town Council to comply with GDPR and therefore Town Councillors should use the Town Council email address assigned to them when acting in their capacity as a Town Councillor.

### **4. THE USE OF EMAILS**

The Town Council has provided all Councillors with a dedicated Town Council email account for use with Town Council business. These email addresses can be found by members of the public via the Town Council website and all follow the same format, this being [firstname.surname@fakenhamtowncouncil.gov.uk](mailto:firstname.surname@fakenhamtowncouncil.gov.uk). All Councillors should use their own dedicated Town Council email address for all official Town Council business. Town Council email addresses should not be used by anyone other than the Town Councillor to whom the Town Council email address has been assigned. Any official Town Council business held by Councillors in their own private email accounts is still subject to the FIO Act and therefore their individual account can be searched for requested information. Deleting or concealing information with the intention of preventing its disclosure following receipt of a FOI request is a criminal offence under section 77 of the FOI Act and the person concealing the information is liable to prosecution.

### **5. EMAIL CONTENT**

Much of the information conveyed to Councillors is via email. This is a speedy and efficient method of information exchange from one recipient to another. However, Councillors should take care with the content of any emails they write and send on to others as improper language may lead to claims for discrimination, harassment, defamation, breach of confidentiality or breach of contract. When acting on Town Council business Councillors should not:

- Send emails that contain libellous, defamatory, offensive, racist or obscene comments.
- Forward emails or attachments without being assured that the information can be passed on.
- Publicise the content of emails that contain confidential information.
- Send emails that could contravene the Councillors' Code of Conduct
- CC in other councillors or officers unless the subject matter specifically relates to them or their responsibilities

## **6. OUR COMMITMENT**

The Town Council recognises the importance of data control and information exchange and all email use will comply to the adopted policies of the Town Council

Ratified at Full Council: 23<sup>rd</sup> November 2022