



Tenterden Town Council

Councillor E-mail Policy

Review date: January 2023

1. Introduction

Tenterden Town Council is a corporate body working within the framework of the law and aspires to good governance. As such, all employees and councillors are responsible for adhering to this policy and maintaining a professional approach at all times. This policy should be read in conjunction with the town council's Code of Conduct and Standing Orders.

2. Purpose

The aim of this policy is to give guidance to town councillors by setting out best practice for use of email when dealing with council business and to ensure compliance with the Freedom of Information Act 2000 (FOI Act) and General Data Protection Regulations¹ (GDPR).

This policy will help mitigate risks in respect of damage to the council's reputation and/or potential litigation against the council or councillors by highlighting legal obligations, providing guidance as to use of email, and responsibilities regarding the safety and security of sensitive or confidential information.

3. Legal obligations

The Freedom of Information Act 2000 and UK General Data Protection Regulations both apply to public bodies.

The FOI Act allows members of the public to request information from the town council, any such requests must be treated in accordance with GDPR.

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. The FOI Act will apply, even in the case of data processed through personal email accounts or stored on a privately-owned device.

4. The use of e-mail

Councillors are supplied with a "tenterdentowncouncil.gov.uk" e-mail address and an i-pad for use in conducting council business. The use of dedicated town council email addresses makes it possible to process personal data securely. The use of personal email accounts make it more complicated for the council to comply with GDPR and therefore councillors must use the e-mail address assigned to them when acting in their capacity as a town councillor.

All Councillors should use their own dedicated town council email address for all council business. Council e-mail addresses, should not be used for either personal or business purposes.

Town council e-mails should not be forwarded to personal or business email addresses – or to external parties, unless there is a legitimate business reason for doing so.

¹ Or other FOI/GDPR legislation in force at the time

Town council email addresses should not be used by anyone other than the councillor to whom the email address has been assigned.

Any council business held by councillors in their own private email accounts is still subject to the FOI 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. E-mail content

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 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.

7. Sensitive or confidential information

Standing Orders set out the town council's policy regarding the handling of confidential or sensitive information, including that relating to staffing matters.

With regards to e-mail, examples of sensitive or confidential information which must not be shared with other parties, include (but are not exclusive to) personal information, staffing, legal or commercially sensitive matters. The sharing of information regarding staffing matters with parties (including other councillors) who are not directly involved in overseeing staffing activities (ie Staffing and Employment sub-committee) is prohibited.

Where there is any doubt as to whether information can be shared, councillors should act with caution and approach the Town Clerk's office for guidance.

8. Training and awareness

The town council is committed to providing training to councillors to enable the aims of this policy to be achieved. The Town Clerk's Office is available to provide advice and guidance where required. A copy of this policy will be made available to all councillors, posted to the website and included in the induction pack for new members.