

Corporate Governance and Standards Committee Report

Report of Director of Environment

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General Data Protection Regulation: Update

Summary

The Data Protection Act 1998 regulates how the Council uses and stores the personal data of its customers and staff. An EU Directive, the General Data Protection Regulation (GDPR) will replace the Data Protection Act 1998. The GDPR sets out how organisations can collect and use personal data. The GDPR comes into force in May 2018.

Before then, the UK will pass a new law so that the GDPR applies in the UK. The GDPR applies to organisations that provide goods or services to individuals in the EU. This includes organisations outside the EU that want to provide goods or services within the EU. The GDPR (and the new law, Data Protection Act 2018) will continue to apply in the UK after the UK leaves the EU.

1. Purpose of Report

1.1 This report explains action taken to progress the implementation of the GDPR by 25 May 2018.

2. Strategic Framework

2.1 Good Corporate Governance ensures the Council maintains high standards to protect the personal data of staff and residents, underpinning the values and mission of the Council.

3. Progress since 18 January 2018

3.1 All staff and councillors received a GDPR update in February. This update covered what we need to do to ensure the Council complies with GDPR; mandatory training opportunities for all staff; reviewing and cleaning up our data and it explained who to contact and where to go for more information and help.

- 3.2 The training and awareness programme for staff has begun and is mandatory. Senior Managers and CMT will receive training on 16 and 18 April. IT Service is delivering this direct training at council offices over several dates in March and April. <https://theitservice.co.uk/>
- 3.3 It is mandatory for all staff to complete an E-learning module within 14 days of attending the direct training. This online module includes a test at the end.
- 3.4 Councillors and Parish Councillors have received training from Graeme Fearon, Partner at Thrings LLP. Graeme is an expert on data protection and a parish councillor in Wiltshire. <https://thrings.com/our-people/graeme-fearon/>
- 3.5 Alongside the training programme the next key focus is to test the Council's current processes and develop new processes for the new personal rights that will be available under the Data Protection Act 2018, namely:
- Rights in relation to automated individual decision making (including profiling)
 - Rights to Data Portability
 - Right of Erasure; and the
 - Right to Rectification
- 3.6 The Council will also review the processes and procedures around data sharing, both internally and externally.
- 3.7 The Project Board will next meet on 22 March 2018. The board will be discussing progress being made by service teams.
- 3.8 The Data Protection Bill is currently in its second reading in the House of Lords. The Information Commissioner is attending parliamentary briefings and has stated she is seeking some amendments to improve the mechanism that provides investigatory and enforcement powers.
- 3.9 The Information Commissioner's Office has recently completed consultations on Data Protection Officers, the right to be informed, automated individual decision making and profiling and personal data breach notification.

4. Conclusion

The GDPR marks a major change in the way the Council must use and store personal data from May 2018. The Council has begun work to raise awareness of the GDPR and its impact, to audit the information the Council holds, to review the Council's privacy notices and to review Council procedures. This will ensure the Council is compliant with the GDPR in how it processes the personal data of individuals.