

Corporate Governance and Standards Committee Report

Ward(s) affected: n/a

Report of Director of Environment

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General Data Protection Regulation Update

Executive Summary

The General Data Protection Regulation (GDPR), which replaces the Data Protection Act 1998, came into force in May 2018, and sets out how organisations can collect and use personal data. 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.

Recommendation to Committee

That the Corporate Governance and Standards Committee notes the officer actions and continues to receive updates on a six monthly basis.

Reason for Recommendation

To ensure the Council continues to comply with GDPR legislation.

1. Purpose of Report

1.1 This report explains action taken to progress the implementation of the GDPR, which came into effect on 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 29 March 2018

- 3.1 The Staff training and awareness programme was launched at the end of March. This consisted of face-to-face training followed by an online e-learning module. As of 13 June 2018, 92% of staff had attended the face-to-face sessions and 84% had completed the online training and passed the associated test.
- 3.2 The Council's website has been updated to reflect the changes introduced by the GDPR and the Data Protection Act 2018:
<https://www.guildford.gov.uk/article/21422/Data-protection-and-privacy>
- 3.3 New privacy statements have been approved, and a page detailing the roles of the Data Protection team has been added:
<https://www.guildford.gov.uk/dpt>.
- 3.4 A new page outlining the new personal information rights (e.g. right to be informed, right to rectification, right to erasure, etc.) has also been added:
<https://www.guildford.gov.uk/yourinformationrights>.
- 3.5 Following successful testing, request forms were uploaded to the website so that customers have the option of making such requests directly via an online portal.
- 3.6 The Council's Data Protection Policy has been updated to take GDPR requirements into account. This includes details of the roles performed by the Data Protection Officer (DPO) and Information Assurance Manager (IAM), the revised Data Protection principles and new guidance on the rights of data subjects.
- 3.7 The final GDPR Project Board meeting was held on 14 June. As part of the ongoing staff awareness campaign, posters issued by the ICO have been distributed across the services. The Privacy & Information Security Liaison Group will now reconvene with meetings to be held monthly. Ongoing GDPR compliance issues will form a major part of the agenda.
- 3.8 Since the coming into force of the GDPR on 25 May 2018, there has been a vast increase in the number of Subject Access Requests (SARs) received by the Council. As of 26 June, there has been a total of 10 new requests received since 25 May. The Council has therefore received more SARs in the space of one month than during the whole of 2017, when a total of 7 was received. This has not been completely unexpected given that under the GDPR, organisations can no longer charge the standard £10 fee and the substantial volume of publicity and media coverage enjoyed by the GDPR in the run-up to its implementation.
- 3.9 The Council has also received three "right to be forgotten/right to erasure" requests during this time. This is a new right introduced by the GDPR which gives data subjects the right under certain circumstances to have their data erased if it is no longer legally required by the data controller. It is encouraging to note that some of these requests have been received directly via the website portal which was specifically set up for this purpose as part of the GDPR project.

- 3.10 The majority of supplier questionnaires to assess GDPR compliance for the Council's external data processors across all service areas have now been received and reviewed. The GDPR Team is involved with ongoing documentation reviews and technical due diligence. New supplier contracts are also reviewed by Legal in the light of GDPR requirements.
- 3.11 New GDPR and DPO email inboxes have been set up to deal specifically with GDPR/data protection related correspondence.

4. Conclusion

- 4.1 The GDPR project has been largely successful. The Project Board have done sterling work to achieve compliance and bring about the necessary changes in procedures and practices throughout the Council's corporate body. Compliance and awareness work will now continue via monthly meetings of the Privacy & Information Security Liaison Group and the Information Risk Group.

5. Background Papers

None

6. Appendices

None