

Corporate Governance and Standards Committee Report
Report of Director of Resources
Author: Joyce Hamilton, Principal Corporate Services Solicitor
Tel: 01483 444053
Email: Joyce.Hamilton@guildford.gov.uk
Lead Councillor responsible: Matt Furniss
Tel: 07891 022206
Email: matt.furniss@guildford.gov.uk
Date: 30 November 2017

General Data Protection Regulation: Update

Executive 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. The GDPR sets out how organisations can collect and use personal data. The GDPR comes into force on 25 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) will continue to apply in the UK after the UK leaves the EU.

Recommendation to Committee

The Committee is asked to note this report.

Reason for Recommendation:

To review the Council's progress in complying with the GDPR by 25 May 2018.

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. Background

- 3.1 The Project Board met on 18 October 2017 to develop a training and awareness programme for staff and councillors.
- 3.2 The Board discussed the requirement to review the data held by all services and to conduct a review of the Council's systems and processes regarding the handling of personal data. The Board is reviewing the Information Asset Registers for all services.
- 3.3 The Board discussed what the Council is going to do, the Council's priorities and how the Council currently collects and processes personal data. The Board examined the implications of GDPR on personal rights and identified a requirement to review contractual arrangements with suppliers.
- 3.4 In line with the GDPR Governance structure adopted by this Committee on 21 September (see background paper), the Council's Data Protection Officer (DPO) has provided verbal updates to the Director of Resources, Corporate Governance Group and also the Executive/Management Team Liaison Group. The DPO will be updating CMT on 5 December.
- 3.5 As part of the training and awareness programme, members of the Board will deliver a presentation to the Senior Leaders group on 30 November.

4. Financial Implications

- 4.1 If the Council fails to comply with the new regulations, there is a risk the Council could be fined up to 4% of turnover. The Council's gross income (less internal recharges) recorded in the 2016-17 statement of accounts was £69 million, so a fine of 4% could be up to £2.76 million.
- 4.2 There are no other financial implications arising from this report.

5. Legal Implications

- 5.1 There are no legal implications arising from this report.

6. Human Resource Implications

- 6.1 There are no human resource implications arising from this report.

7. Conclusion

- 7.1 The GDPR marks a major change in the way the Council must use and store personal data from 25 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.

8. Background Papers

[Corporate Governance Standards Committee Item 7 - 21 September 2017](#)

9. Appendices

None