



Report Reference Number: A/18/8

To: Audit and Governance Committee
Date: 25 July 2018
Author and Lead Officer: Gillian Marshall Solicitor to the Council

Title: The General Data Protection Regulation – update on implementation

Summary:

In April 2018 the Committee considered a report on the Council’s preparations for implementing the General Data Protection Regulation (GDPR). GDPR is the biggest change in data protection law for 20 years. It came into force on 25th May 2018, bringing stronger privacy rights for individuals and more prescriptive compliance obligations on those processing personal data, including local authorities.

The Committee noted the ongoing work and requested a further update at this meeting. This report updates Members on progress since that date.

Recommendations:

- i. To note the contents of the report and actions undertaken.**

Reasons for recommendation

To ensure the Committee is updated on the implementation of the GDPR in accordance with its Terms of Reference.

1. Introduction and background

- 1.1 The GDPR was the biggest change in data protection law for 20 years. It came into force on 25th May 2018, bringing stronger privacy rights for individuals and more prescriptive compliance obligations on those processing personal data, including local authorities. It was introduced to keep pace with the modern digital landscape. It is supplemented by the Data Protection Act 2018 which became law shortly before the coming into force of the GDPR. The GDPR extends the data rights of individuals, and requires organisations to develop clear policies and procedures to protect personal data, and adopt appropriate technical and organisational measures to safeguard information.

2. The Report

- 2.1 A working group was formed to oversee the preparations for Implementation

of the changes. The Group is led by Emma Garland, Information Governance Officer for Veritau Ltd. Veritau Ltd was appointed as the Council's Data Protection Officer. The project sponsors are Gillian Marshall Solicitor to the Council and Stuart Robinson Head of Business Development and Improvement. The group includes staff from the following teams; Democratic Services and Elections, Planning, Commissioning Contracts and Procurement, Customer, Business and Revenues Service, Corporate Policy, Legal Service, Data and Systems and Housing and Community Services.

- 2.2 The working group has been meeting since January and working on an action Plan for implementation. The plan is being monitored via the corporate performance system. A report on progress is attached at Appendix A.
- 2.3 Members will note that at the time of the April Committee report progress on implementation stood at 29%. The current progress is at 82%. In terms of implementation Members are advised that the Information Commissioner has described the GDPR implementation date as the start of a journey not a date at which full compliance is required. Indeed full compliance could not have been achieved due to the late passing into law of the Data Protection Act 2018.
- 2.4 The approach taken by the working group was to identify those key aspects which needed to be in place by 25 May 2018. These included revised policies and procedures for the key new rights and an update to the council's website. These aspects were completed prior to the implementation date.
- 2.5 A critical element was to develop a register of the Information Assets owned or managed by the Council which would also identify how the information is collected and stored, when it is disposed of and who it is shared with. An initial version of the Information Asset Register (IAR) already existed within the Council but required updating. The updated IAR was in place by 25 May but further work is required on information storage and deletion protocols and privacy notices. This work is being undertaken through 1 to 1 meetings between service managers and the Data Protection Officer.
- 2.6 The Committee is next scheduled to receive an information governance update in January 2019. By that stage we expect the action plan will have been completed and that we will have moved into the maintenance stage. The working group will then become the Corporate Information Governance Group to ensure that the Council continues to comply with the law and best practice.

3. Implications

3.1 Legal Implications

The ICO has the power to take enforcement action against the Council for breaches of the data protection act. There are a number of tools available including monetary penalties, criminal prosecution, non-criminal enforcement and audit.

3.2 Financial Implications

The Information Commissioner also has the power under GDPR to levy a fine of up to £17 000 000 or 4% of annual turnover (whichever is higher).

3.3 Impact Assessment

One of the council's core values is being trustworthy. Customers (and staff) expect the Council to treat their data with appropriate care and in compliance with the law.

4. Conclusion

4.1 That preparations for full compliance are on track.

5. Background Documents

None.

Contact Officer:

*Gillian Marshall
Solicitor to the Council
Selby District Council
gmarshall@selby.gov.uk*

Appendices:

Appendix A – Action Plan