

Private Session

Report Reference Number: A/17/27

Agenda Item No: 8

To: Audit and Governance Committee
Date: 18 April 2018
Author and Lead Officer: Gillian Marshall Solicitor to the Council

Title: The General Data Protection Regulation – update on implementation

Summary:

The General Data Protection Regulation (GDPR) is the biggest change in data protection law for 20 years. It will come into force on 25th May 2018, bringing with it stronger privacy rights for individuals and more prescriptive compliance obligations on those processing personal data, including local authorities.

The Council has appointed Veritau Ltd to act as its Data Protection Officer under the legislation. Veritau Ltd is also supporting the Council in its preparations for GDPR implementation.

Preparations for implementation are being led by Matt North Information Governance Officer on behalf of Veritau Ltd and a working group of Council staff. This report updates Committee on progress towards implementation.

Recommendations:

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

Reasons for recommendation

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

1. Introduction and background

- 1.1 The GDPR is the biggest change in data protection law for 20 years. It will come into force on 25th May 2018, bringing with it stronger privacy rights for individuals and more prescriptive compliance obligations on those processing personal data, including local authorities. Introduced to keep pace

with the modern digital landscape, the GDPR is more extensive in scope and application than the current Data Protection Act (DPA). 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.

2 The Report

- 2.1 A working group has been formed to oversee the preparations for Implementation of the changes. The Group is led by Matt North, Information Governance Officer for Veritau Ltd. 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. At this point significant progress is being made and the Council is on track to be ready for GDPR implementation.

3 Legal/Financial Controls and other Policy matters

Legal Issues

- 3.1 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.

Financial Issues

- 3.2 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).

Impact Assessment

- 3.3 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 implementation 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