

General Data Protection Regulation (GDPR)

Report from the Parish/Town Clerk for the Council meeting to be held on 14 January 2017

Having recently attended a training seminar on the above topic, this report summarises the information given at this seminar and details the actions which the Council will need to make in order to comply with GDPR. Although GDPR does not come into force until May 2018, we are being encouraged by the ICO (www.ico.co.uk) to put into place all the things which the Regulation will expect us to do ahead of this date. GDPR is an EU law which the UK Government have confirmed will apply to this country. Our Government will be passing its own legislation on the matter next year.

What is GDPR?

This replaces the Data Protection Act of 1998. It is a Regulation which affects all authorities which collect personal data. We collect and use personal data for a number of reasons Council is expected to have all of its members and staff trained to understand the implications of the Regulation. It is ultimately the responsibility of the Council, as the Data Controller, to ensure that things are done correctly.

Things which need to be done – recognising the roles

The Data Controller must appoint a Data Protection Officer (DPO). This will need to be someone who is familiar with the workings of the Council as well as GDPR and with no conflict of interest in determining the purpose or manner of processing personal information. The DPO could be the Clerk. The appointment will need to be minuted and if it is the Clerk it will need to be included in the Job Description and Contract of Employment. We will also need to amend our Standing Orders at their next review (certainly before May 2018) to include an Order which recognises the Council as the Data Controller and the DPO. The Order should also say that all councillors and staff should be trained in GDPR.

Additional work for the DPO

The DPO will need to prepare an 'Information Audit' of personal information held. This audit must detail not only the information held, but the reason for it being held along with other information. The DPO must also issue Privacy Notices to people whose personal information is held by the Council. The DPO will need to include GDPR in the Council's Risk Management Schedule and undertake assessments of projects which might pose considerable risk in respect of data protection. The Clerk will also need to present to the Council a GDPR Policy for adoption. This Policy is considered to be one of the core policies of the Council.

Councillors will appreciate that this will have a considerable impact on the duties of the Clerk / DPO and this impact should be considered when we set our budget for the year 2018/19.

There remains an obligation on all members of the Council to be trained in this matter. Understanding the implications of this Regulation is one of the best ways of avoiding breaches in respect of personal data which could be costly for the council, time consuming for the Clerk as well as a risk to reputation.

Recommendation:

That the Council recognise the Clerk as the Data Protection Officer and consider this as an added duty to their role monetarily.

That the Council will amend the Standing Orders for approval in May.

That the Clerk will present an Audit to the Council before May and any actions identified be sort.

That the Council consider training.