



CABINET

15TH JUNE 2017

AGENDA ITEM (7)

DATA PROTECTION POLICY

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| Accountable Member | Councillor C Hancock Cabinet Member for Enterprise and Partnerships |
| Accountable Officer | Tony Oladejo ICT Audit and Compliance Manager 01993 861194 tony.oladejo@2020partnership.uk |

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| Purpose of Report | To consider the updated Data Protection Policy |
| Recommendation(s) | That the updated Data Protection Policy be approved. |
| Reason(s) for Recommendation(s) | To ensure that we comply with the current Data Protection Act 1998 requirements |
| Key Decision | No |
| Recommendation to Council | No |

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| Financial Implications | The financial implications of the updated Data Protection Policy will be met within existing budgets |
| Legal and Human Rights Implications | Non-compliance with the Data Protection Act would lead to a risk of legal challenge to the Council from an aggrieved customer which if, found, could lead to payment of damages. In addition, there could also be criminal sanctions, including heavy fines, against the Council and individual Officers |
| Environmental and Sustainability Implications | None |
| Human Resource Implications | The Human Resources implications of the updated Data Protection Policy will be met within existing budgets |
| Key Risks | <p>If the Data Protection Policy is not approved, the risks of breaching the DPA increase.</p> <p>The new policy seeks to mitigate the risks associated with processing and holding personal data by outlining the responsibilities of both Council Staff and Managers, as well as clarifying the situation regarding data handling, when to disclose personal data, when to undertake a Privacy Impact Assessment (PIA) and what to do in the event of a data breach</p> |

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| Equalities Analysis | Not required |
| Related Decisions | None |
| Background Documents | None |
| Appendices | Appendix 'A' - Data Protection Policy |
| Performance Management Follow Up | Performance is monitored by the Group Manager - ICT, Change and Customer Services |
| Options for Joint Working | This is a joint policy with West Oxfordshire District Council |

Background Information

1. Data Protection Summary Information

1.1 The Data Protection Act came into force in 1998 to protect the rights and interests of individuals and covers both electronic information and manual files the Council holds.

1.2 As the Council processes and keeps personal information about its customers, it must comply with the eight key Data Protection Principles outlined below.

1.3 The information must be -

- used fairly and lawfully;
- used for limited, specifically stated purposes;
- used in a way that is adequate, relevant and not excessive;
- accurate;
- kept for no longer than is absolutely necessary;
- handled according to people's data protection rights;
- kept safe and secure;
- not transferred outside the European Economic Area without adequate protection.

2. In addition to complying with key principles and all relevant legislation/good practice to protect the personal data it holds, the Council must also monitor and review compliance with legislation and introduce changes where necessary.

3. Since the Council adopted its original Data Protection policy in 2005, there have been a number of iterations to reflect good practice. However, due to significant changes being introduced by the new General Data Protection Regulation, it was thought prudent to update the existing Data Protection Policy in accordance with current practice requirements set by the Information Commissioners Office.

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