



CABINET

15TH FEBRUARY 2018

AGENDA ITEM (13)

GENERAL DATA PROTECTION REGULATION POLICY

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

Purpose of Report	To consider a new General Data Protection Regulation (GDPR) Policy.
Recommendation(s)	That the Cabinet considers, reviews and approves the new General Data Protection Regulation Policy.
Reason(s) for Recommendation(s)	This Policy describes the Council's requirements to comply with the General Data Protection Regulation (GDPR) which comes into force on 25 th May 2018.
Key Decision	No
Recommendation to Council	No

Financial Implications	Any financial implications arising directly from the Policy will be met from within existing budgets.
Legal and Human Rights Implications	Non-compliance with the GDPR requirements could lead to fines and penalties from the Information Commissioner's Office (ICO). Non-compliance with the GDPR could lead to a risk of legal challenge to the Council from customers which, if upheld, could lead to payment of damages or compensation. The loss or misuse of data could lead to potential sanctions against the Council or individual officers imposed by the ICO.
Environmental and Sustainability Implications	None
Human Resource Implications	The Human Resources implications arising directly from the Policy will be met from within existing resources.

Key Risks	<p>Potential sanctions against the Council or individuals imposed by the ICO as a result of the loss or misuse of data.</p> <p>Failure to comply with the regulations may lead to significant fines of up to 20 million Euros or 4% of the Council's turnover, whichever is higher.</p> <p>Potential legal action from data subjects in the event of a breach of data protection.</p> <p>Council reputational damage as a result of a data protection breach.</p> <p>The new GDPR policy seeks to mitigate the risks associated with above risks. The Policy also outlines the responsibilities of Council Members, Staff and Managers when processing personal data and information, 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>
Equalities Analysis	Not required

Related Decisions	None
Background Documents	None
Appendices	Appendix 'A' - Proposed General Data Protection Regulation Policy

Performance Management Follow Up	<p>(i) Implement Cabinet decision(s).</p> <p>(ii) Performance will be monitored by the Group Manager - ICT, Change and Customer Services.</p>
Options for Joint Working	The Policy is being commended across the Publica Partner Councils.

<p>Background Information</p> <p>1. This Policy describes the Council's requirements in order to comply with the General Data Protection Regulation (GDPR), which supersedes the Data Protection Act 1998 but remains designed to protect the interest of individuals. The legislation covers both electronic information and manual files held by the Council. The Policy content builds upon, and amends as appropriate, the requirements of the Council's existing Data Protection Policy. A copy of the proposed GDPR Policy is attached at Appendix 'A'.</p> <p>2. The Regulation requires the Council to comply with the six (Article 5) principles when collecting or processing personal data.</p> <p>3. The Policy aims to provide 'lawful bases for processing', as set out in and required by 'Article 6' of the GDPR.</p> <p>4. From a practical/operational perspective, the Policy also outlines:-</p> <ul style="list-style-type: none"> the rights of members of the public in gaining access to their personal data held by the Council, and to assist the Information Commissioner's Office (ICO) and the external auditor as required; 	
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- the responsibilities of the Council - its Members, staff and managers - when processing personal data and information as well as clarifying the situation regarding data handling;
- the circumstances which require that when to undertake a Privacy Impact Assessment (PIA) be undertaken;
- requirements and procedures in the event of a data breach.

5. Relevant training is in the process of being provided for officers, and will also be scheduled in for Members in advance of the Regulation (and new Policy) taking effect.

(END)