



# COTSWOLD DISTRICT COUNCIL

CABINET

17<sup>TH</sup> JANUARY 2019

AGENDA ITEM (15)

## GENERAL DATA PROTECTION REGULATION (GDPR) COMPLIANCE PROGRESS REPORT

<b>Accountable Member</b>	Councillor C Hancock Cabinet Member for Enterprise and Partnerships
<b>Accountable Officer</b>	Tony Oladejo ICT Audit and Compliance Manager / Data Protection Officer 01993 861194, tony.oladejo@publicagroup.uk

<b>Purpose of Report</b>	To provide Cabinet with an update on actions being undertaken as part of the Council's implementation of the new Data Protection Legislation (GDPR and the UK's Data Protection Act 2018) and information security management.
<b>Recommendation(s)</b>	<b>(a) That the report be noted;</b> <b>(b) that regular progress reports be submitted to Cabinet.</b>
<b>Reason(s) for Recommendation(s)</b>	To provide appropriate governance and review mechanisms at Member level.

<b>Ward(s) Affected</b>	Not applicable
<b>Key Decision</b>	No
<b>Recommendation to Council</b>	No

<b>Financial Implications</b>	Any financial implications arising directly from the GDPR compliance programme will be met from within existing budgets.
<b>Legal and Human Rights Implications</b>	Non-compliance with the new Data Protection Legislation (GDPR and DPA 2018) could lead to fines and penalties from the Information Commissioner's Office (ICO). Non-compliance with the General Data Protection Regulation could lead to 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.

<b>Environmental and Sustainability Implications</b>	None
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<b>Human Resource Implications</b>	None
<b>Key Risks</b>	<p>The key risks include:</p> <ul style="list-style-type: none"> <li>• Potential sanctions against the Council or individuals imposed by the ICO as a result of the loss or misuse of data.</li> <li>• Significant fines of up to 20 million Euros or 4% of the Council's turnover, whichever is higher, as a result of failing to comply with the regulations</li> <li>• Potential legal action from data subjects in the event of a breach of data protection.</li> <li>• Reputational damage to the Council as a result of data protection breach or non-compliance with the new Data Protection Legislation.</li> </ul>
<b>Equalities Analysis</b>	No effect on protected groups

<b>Related Decisions</b>	Cabinet approval of GDPR Action Plan - January 2017
<b>Background Documents</b>	None
<b>Appendices</b>	<b>Appendix 'A'</b> - General Data Protection Regulation Compliance - Progress to Date

<b>Performance Management Follow Up</b>	A regular update on progress against the agreed action plan is recommended.
<b>Options for Joint Working</b>	The approach adopted is based on joint working across Cotswold District Council, Forest of Dean District Council and West Oxfordshire District Council.

<b>Background Information</b>	
1.	The EU General Data Protection Regulation (GDPR) and the UK's Data Protection Act 2018 (DPA 2018) came into force on 25 <sup>th</sup> May 2018, replacing the Data Protection Act 1998.
2.	The DPA 2018 has parts dealing with data processing that does not fall within EU law, for example where it is related to immigration, national security and exemptions.
3.	In January 2017, Cabinet approved the GDPR Action Plan, which set out the specific tasks and deadlines required to meet the requirements of the new Data Protection Legislation. The Action Plan addressed the twelve steps identified by the Information Commissioner that organisations should take to ensure GDPR compliance.

4. Good progress has been made to date in achieving the partner Councils' compliance with the new Data Protection Legislation - and this is outlined in **Appendix A** attached.

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