

Executive Board

1st April 2019

Data Protection Policy

Recommendations / key decisions required:

- To endorse the Data Protection Policy.

Reasons:

- Comply with a legal requirement set out in the Data Protection Act 2018 to ensure an appropriate Data Protection Policy document is in place, setting out how the Council complies with the data protection principles.

Relevant scrutiny committee to be consulted: Policy & Resources Scrutiny Committee TBC

Exec Board Decision Required YES

Council Decision Required NO

EXECUTIVE BOARD MEMBER PORTFOLIO HOLDER:- Cllr Mair Stephens

Directorate: Chief Executive's

Name of Director:
Wendy Walters

Report Author:
John Tillman

Designations:

Director of Regeneration &
Policy

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EXECUTIVE SUMMARY
Executive Board
1st April 2019

Data Protection Policy

BRIEF SUMMARY OF PURPOSE OF REPORT

Data Protection Policy

In May 2018, along with the General Data Protection Regulation (GDPR), the new Data Protection Act 2018 (DPA) came into force in the UK, replacing the provisions of the previous Data Protection Act 1998.

The GDPR effectively prohibits the processing of sensitive personal data and criminal convictions data, unless certain conditions can be met.

The DPA includes supplementary provisions which provide exemptions from these restrictions in the GDPR. However, to rely on these provisions, and lawfully process this type of personal information, the DPA notes that the Council must have in place an appropriate policy document which explains:

- How the Council complies with the six data protection principles; and
- The Council's policies for the retention and erasure of personal data processed under these conditions.

The Data Protection Policy addresses these additional requirements.

(Please note that the term 'Processor' used on page 7 of the Policy document refers to external organisations and companies that provide services to the Council, which involves the processing personal data on our behalf. Examples would include cloud hosting of personal data, or migrating information from a database to a new system).

DETAILED REPORT ATTACHED?

YES

1. Data Protection Policy

IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: Wendy Walters, Director of Regeneration & Policy

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
YES	YES	NONE	NONE	YES	YES	NONE

1. Policy, Crime & Disorder and Equalities

This Policy will be implemented and supported by other Council policies, including:

- Information Security Policy
- Handling Personal Information Policy & Procedure
- Portable Device Usage Policy
- Breach Reporting & Response Policy
- Email Usage & Monitoring Policy
- Records Management Policy

2. Legal

As a result of changes to Data Protection legislation in 2018, it has been necessary to implement a new Data Protection Policy. There would be potential legal implications if the policy was not approved and implemented.

5. Risk Management Issues

Data Protection - GDPR prohibits the Council from processing personal data unless we are able to identify an appropriate legal basis for that processing. Failure to adhere to these requirements could lead to enforcement action by the Information Commissioner's Office.

6. Staffing Implications

- Temporary employees and agency workers
- Volunteers
- Contractors acting as data processors

CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Wendy Walters, Director of Regeneration & Policy

1. Scrutiny Committee

Policy & Resources Scrutiny Committee

2. Local Member(s)

Not applicable

3. Community / Town Council

Not applicable

4. Relevant Partners

Not applicable

5. Staff Side Representatives and other Organisations

Not applicable

Section 100D Local Government Act, 1972 – Access to Information

List of Background Papers used in the preparation of this report:

THESE ARE DETAILED BELOW

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Official Journal of the European Union - General Data Protection Regulation	2016/679	EU website
Information Commissioner's Office – Guide to the General Data Protection Regulation	N/A	ICO website
Data Protection Act 2018 (C.12)	N/A	Legislation.gov.uk website
Information Commissioner's Office – An Introduction to the Data Protection Bill	N/A	ICO website
Information Commissioner's Office – formal response to enquiry from the Council regarding the content of an appropriate policy document (29/06/18)	ENQ0752332	Council File Plan on request
Local Government Act 1972	N/A	Legislation.gov.uk website
Local Government (Wales) Act 1994	N/A	Legislation.gov.uk website
The Lord Chancellor's Code of Practice issued under Section 46 of the Freedom of Information Act 2000	N/A	Legislation.gov.uk website
National Archives guidance on the Lord Chancellor's Code of Practice	N/A	National Archives website