

CABINET

4TH NOVEMBER 2024

DATA PROTECTION POLICY

Purpose:

The Council's Data Protection Policy has been reviewed and amended. The revised version will replace the existing Policy.

Recommendations / key decisions required:

1. To approve the revised Data Protection Policy.

Reasons: The current policy has exceeded its review date and requires updating to reflect changes in working practices and the use of new IT.

Cabinet Decision Required YES

Council Decision Required NO

CABINET MEMBER PORTFOLIO HOLDER: Cllr Philip Hughes

Directorate: Chief Executive's

Name of Head of Service: Paul R Thomas

Report Author: John Tillman

Designations:

Assistant Chief Executive

Information Governance Manager

Tel: 01267 224127

Email addresses:

PRThomas@carmarthenshire.gov.uk

jtillman@carmarthenshire.gov.uk

EXECUTIVE SUMMARY

**CABINET
4TH NOVEMBER 2024**

DATA PROTECTION POLICY

1. BRIEF SUMMARY OF PURPOSE OF REPORT

The current version of the Data Protection Policy was approved by the Executive Board on 1st April 2019, ahead of the new Data Protection Act 2018 and General Data Protection Regulation (referred to as the UK General Data Protection Regulation since 1st January 2021) coming into force.

The Policy meets the requirement under Schedule 1, Part 4, paragraph 38 of the Data Protection Act 2018 for an 'appropriate policy document' to be in place, in relation to the organisation's processing of personal data and special category (sensitive) data.

The Policy has exceeded its review date and it has been established that certain revisions are required. The first iteration of the Policy was written in 2018 prior to detailed guidance being available from the Information Commissioner's Office (ICO) on the content of appropriate policy documents.

Significant changes have been made throughout the document, which are too numerous to be listed individually.

In the main, these amendments include:

- Additions to the previous version of the Policy based on ICO guidance and their appropriate policy document;
- Simplified/clarified text on legal interpretation, based on ICO guidance;
- Updates based on changes within the Council, for example to IT

DETAILED REPORT ATTACHED?

YES

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: Paul R Thomas

Assistant Chief Executive

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets	Bio-diversity & Climate Change
YES	YES	NONE	NONE	NONE	NONE	NONE	NONE

1. Policy, Crime & Disorder and Equalities

The recommendation is that a new version of the Data Protection Policy be endorsed for approval and implementation.

2. Legal

The Council is required Article 5 (2) of the UK General Data Protection Regulation (UK GDPR) to take responsibility for the personal data it processes (the 'accountability principle') and how the principles of the UK GDPR are adhered to. Appropriate measures must be in place to be able to demonstrate compliance and this policy forms part of the Council's compliance with this principle.

CONSULTATIONS

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

Signed: Paul R Thomas

Assistant Chief Executive

(Please specify the outcomes of consultations undertaken where they arise against the following headings)

1. Scrutiny Committee request for pre-determination	NO
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Recommendations / Comments: Not applicable

2. Local Member(s) None

3. Community / Town Council None

4. Relevant Partners None

5. Staff Side Representatives and other Organisations None

**CABINET PORTFOLIO HOLDER(S)
AWARE/CONSULTED**

Yes

**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
Data Protection Policy	N/A	N/A
UK Government Legislation – Data Protection Act 2018	N/A	www.Legislation.gov.uk
Information Commissioner’s Office – <i>‘UK GDPR guidance and resources’</i>	N/A	https://ico.org.uk/for-organisations/uk-gdpr-guidance-and-resources/
Information Commissioner’s Office – <i>‘Policy document – our processing of special categories of personal data and criminal offence data’</i>	N/A	Policy document – our processing of special categories of personal data and criminal offence data ICO