

CABINET MEETING

13TH SEPTEMBER 2021

HANDLING PERSONAL DATA POLICY

Purpose:

The implementation of a new Handling Personal Data Policy, replacing the existing Handling Personal Information Policy & Procedure and Breach Reporting & Response Policy.

Recommendations / key decisions required:

To approve the new Handling Personal Data Policy.

Reasons:

The current policies referred to above have exceeded their review dates and require updating to reflect changes in working practices, the use of new IT as well as decisions and guidance issued by the Information Commissioner's Office.

Relevant scrutiny committee to be consulted: YES: Policy & Resources Scrutiny 21.07.21

Cabinet Decision Required YES

Council Decision Required NO

CABINET MEMBER PORTFOLIO HOLDER:

Cllr Mair Stephens

Directorate: Chief Executive's

Name of Head of Service:
Noelwyn Daniel

Report Author:
John Tillman

Designations:

Head of ICT & Corporate
Policy

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EXECUTIVE SUMMARY

CABINET MEETING 13TH SEPTEMBER 2021

HANDLING PERSONAL DATA POLICY

1. BRIEF SUMMARY OF PURPOSE OF REPORT.

The current versions of the Handling Personal Information Policy & Procedure and the Breach Reporting & Response Policy were approved by the Executive Board on 26th March 2018, 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.

Since that time, with the prevalence of home working and the likely shift, longer term, towards hybrid working arrangements, parts of the Handling Personal Information Policy & Procedure, in particular, have become outdated and are in need of revision. They have also exceeded their review dates.

In addition, to rationalise and reduce the number of separate policy documents, the two policies have been amalgamated to create one document.

The key changes in the draft Handling Personal Data Policy are:

- A revised and expanded section on working from home
- Updated content on transferring personal data, for example, the safe use of email, password protection of documents

There are no substantive changes to the Breach Reporting & Response Policy content.

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: Noelwyn Daniel

Head of ICT & Corporate Policy

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

1. Policy, Crime & Disorder and Equalities

The recommendation is that a new Handling Personal Data 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: Noelwyn Daniel

Head of ICT & Corporate Policy

1. Scrutiny Committee

Policy & Resources 21st July 2021 – Endorsed.

Recommendations / Comments:

Not applicable

2. Local Member(s)

Name(s) of local member(s) and individual comments to be included, if appropriate.

None

3. Community / Town Council

None

4. Relevant Partners

The ICO has been consulted on aspects of the Policy.

5. Staff Side Representatives and other Organisations

None

**CABINET MEMBER PORTFOLIO
HOLDER AWARE/CONSULTED**

Yes

Include any observations here

**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
Handling Personal Data Policy	N/A	N/A
UK Government Legislation – Data Protection Act 2018	N/A	www.Legislation.gov.uk
Information Commissioner’s Office – Guide to Data Protection	N/A	www.ico.org.uk
Information Commissioner’s Office – Guide to the UK General Data Protection Regulation	N/A	www.ico.org.uk
Information Commissioner’s Office – [Enforcement] ‘Action we have taken’	N/A	www.ico.org.uk
Information Commissioner’s Office – ‘Personal data breaches’	N/A	www.ico.org.uk