



General Data Protection Regulation (GDPR)

Prepared for: Full Council meeting on 5 February 2018

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31 January 2018

Summary

Councillors Janice Smith and Richard Turner recently attended a training seminar on the new General Data Protection Regulation (GDPR). This report summarises the information given at this seminar and details the actions that the Council will need to make in order to comply with the new regulation. Although GDPR does not come into force until 28 May 2018, public authorities are being encouraged by the ICO (www.ico.co.uk) to put into place all the steps which the Regulation will expect ahead of this date. GDPR is an EU law which the UK Government has confirmed will apply to this country. The Government will be passing its own legislation on the matter later in the year.

What is GDPR?

This replaces the Data Protection Act of 1998. It is a Regulation which affects all authorities that collect personal data. We collect and use personal data for a number of reasons and the Parish Council is expected to have all of its members and staff trained to understand the implications of the Regulation. It is ultimately the responsibility of the Council, as the 'Data Controller', to ensure that things are done correctly.

The next step – recognising the roles

The Data Controller must appoint a Data Protection Officer (DPO). This will need to be someone who is familiar with the workings of the Council as well as GDPR and with no conflict of interest in determining the purpose or manner of processing personal information. The DPO could be the Clerk. The appointment will need to be minuted and if it is the Clerk it will need to be included in the Job Description and Contract of Employment. The Council will also need to amend Standing Orders which are due to be reviewed in May 2018 to include an Order which recognises the Council as the Data Controller and who the DPO is. The Order should also say that all councillors and staff will be familiar with GDPR and are updated regularly. The best way of avoiding breaches in respect of personal data is understanding the implications of this regulation.

The role of the DPO

The DPO will need to prepare an 'Information Audit' of personal information held. This audit must detail not only the information held, but the reason for it being held along with other information. The DPO must also issue Privacy Notices to people whose personal information is held by the Council. The DPO will need to include GDPR in the Council's Risk Management Schedule and undertake assessments of projects which might pose considerable risk in respect of data protection. The Clerk will need to present a GDPR policy to the Council for adoption.

Terms of reference

The Council has already agreed that a small working group will work through the changes necessary. A draft document is presented along with this report for the Council to approve.

At the 5 February 2018 meeting, the Council is asked to:

- approve the terms of reference for the Data Protection Working Group
- confirm who the DPO will be (the Clerk is willing to take on this role)