



**Date:** 18 September 2017

**Title:** Data Protection: General Data Protection Regulations

**Purpose of the Report:** To provide Members with information regarding compliance with the GDPR.

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<b>Corporate Objective/s</b>	Aim 1: To consolidate processes and procedures, ensuring operational efficiency and a structure which will underpin future service delivery by the Town Council.	
<b>Implications:</b>		
<b>Financial</b>		
<b>Human Resources</b>		
<b>Operational/Service delivery</b>		
<b>Procedural/Legal</b>	√	To comply with new legislation coming into effect in May 2018
<b>Risk/Health &amp; Safety</b>		

## 1.0 RECOMMENDATIONS

- 1.1 To note the report and attached information.
- 1.2 To consider designating a Data Protection Officer.
- 1.3 To consider whether Town Councillors would like the opportunity to undertake the same online, modular Data Protection training as employees.

## 2.0 BACKGROUND

- 2.1 At its meeting on 19 June 2017, the Committee received information from the National Association of Local Councils in respect of new data protection legislation, the General Data Protection Regulations (GDPR), due to come into effect from May 2018.
- 2.2 The legal topic note and briefing were subsequently distributed to all Town Councillors for information, through the Councillor newsletter of 23 June 2017.
- 2.4 The GDPR builds on the legal framework established by the 1998 Data Protection Act and aims to balance the needs of organisations as data controllers

and data processors to collect and use personal data, against the rights of an individual to have his personal data kept secure and private.

- 2.5 Furthermore, the introduction of the GDPR will help address privacy issues arising from a digital age in which personal data may be collected, stored, transmitted, manipulated and shared with relative ease.
- 2.6 The GDPR will increase the obligations on organisations acting as data controllers and the rights of individuals to ensure that their personal data is respected and used only for legitimate purposes.
- 2.7 Personal data is defined as data relating to a living individual who can be recognised from that data. In the case of a council, this may include:
  - Communications with individual local residents including letters and complaints
  - The council's employment and recruitment records
  - Arrangements with volunteers
  - Communications with third parties such as principal authorities, local charities, sports clubs, staff pensions provider etc
  - The electoral roll
  - Legal proceedings or transactions with individuals

### **3. UPDATE**

- 3.1 Following advice from the Information Commissioner's Office, the Town Council is acting on the "12 steps to follow now" (see **attached Appendix A**). To date, the following steps have been undertaken or are in progress:
  - 3.1.1 All office based staff to complete an on-line training module concerning data protection. This will be renewed annually to ensure ongoing compliance and awareness.
  - 3.1.2 Information circulated to all office based staff to raise awareness of data protection practices and the change in the law.
  - 3.1.3 Checks underway to ensure that outgoing communications, whether paper or electronic, give recipients the option to contact us to amend their details or request removal from the mailing list.
  - 3.1.4 Information audit underway: forms circulated to all office based staff to complete, providing details of what personal data is held, where, why, how is it accessed, etc. – to be completed by 20 October.
  - 3.1.5 New contractor appointed and all paper waste is now securely shredded and destroyed on a monthly basis, with certification received back at the White House.
  - 3.1.6 Out of date paper records held in the archive room in the cellar are gradually being checked and where appropriate, securely destroyed.

- 3.1.7 Privacy notice is being revised for publication on the website; a link to this notice will be included in email footers.
- 3.2 Two further legal updates have been issued by the National Association of Local Councils (see **attached** updates L04-17 and L05-17 as **appendices B and C**).
- 3.3 While it is yet to be updated in respect of the GDPR, the **attached** guidance for prospective and elected councillors (**appendix D**), issued by the Information Commissioner's Office, is a useful reminder of key elements. Data protection questions will need to be considered further in future, for example in respect of use of personal email addresses to correspond with residents or the potential use of personal devices to hold and use personal data.
- 3.4 The Committee may also wish to consider whether it would be beneficial for councillors to have access to the same modular, online training course on Data Protection that employees have taken. Councillors and employees, acting in the course of their work for the Council as a body, are subject to the same regulations and procedures. The online training can be accessed via computer or mobile device and costs £25pp.

**End.**