

Policy & Finance Committee

Date: 14 November 2022

Title: Data Protection & Freedom of Information update

Purpose of the Report:

To provide committee with an update in terms of the Council's statutory obligations to comply with legislation.

Contact Officer:

Sarah Sandiford, Deputy Town Clerk

Corporate Objective/s	n/a	
Implications:		
Financial	No	
Human Resources	No	
Operational/Service delivery	No	
Procedural/Legal	Yes	Freedom of Information Act 2000 Data Protection Act 2018
Risk/Health and Safety	No	
Environmental Aims	No	

1 RECOMMENDATION

Should the Committee be minded, the proposal is:

1.1 To note the report.

2 FREEDOM OF INFORMATION

2.1 The Committee last received a report regarding the Council's obligation to comply with the Freedom of Information Act 2000 in April 2021. At that meeting the Committee approved minor amendments to Council policy as well as endorsing that the flowchart produced by the Information Commissioner be used to process requests.

2.2 The Committee also received a summary of FOI requests over recent years at that meeting:

2021	none to date
2020	4
2019	1
2018	5
2017	3
2016	5
2015	7

2.3 Since April 2021, the Council has received and processed a further 8 requests submitted under the Freedom of Information Act. The time required to process each request depends on its complexity but no charges have been made to requestors and no request has been declined on the grounds that it would represent an unreasonable burden on the Council.

3 DATA PROTECTION

3.1 The Council is required to comply with the Data Protection Act 2018 which currently includes the General Data Protection Regulations. A significant amount of work was undertaken prior to introduction of this legislation to revise processes and forms, develop privacy notices and to establish a range of policies and procedures covering information security, document retention and subject access requests.

3.2 The Committee last received a formal report regarding data protection in April 2020 (circulated by email during the Covid-19 initial lockdown period). This provided background information and asked committee to endorse the undertaking of an external audit. Whilst formally exempt from the requirement to appoint a Data Protection Officer, it was proposed that the findings from the audit would help determine whether an internal or external DPO was necessary as well as what further support might be needed for information management.

3.3 Throughout the remainder of 2020-21 and during 2021-22, uncertainty regarding the Covid pandemic resulted in delay in the data protection audit taking place. During this period, all office based employees completing an online training module.

3.4 A reminder was sent out to all staff regarding data protection requirements in January 2022 and some basic training was given at a staff meeting in August 2022. Staff were asked to undertake a number of actions prior to an external audit taking place.

- 3.5 The delayed external audit is now due to take place over two days on 9 & 10 November 2022 and in preparation for this, office based staff have been asked to complete and submit an audit questionnaire.
- 3.6 The visit will include a data audit along with a review of existing policies and privacy notices, with a comprehensive report and action plan to be provided.
- 3.7 Findings and recommendations will be brought to a future meeting for consideration.

4 ADDITIONAL SUPPORT

- 4.1 Resource required to ensure compliance through regular training, monitoring and reporting has previously been identified as a concern and acknowledged by the Council.
- 4.2 Whilst consideration continues to be given to increasing resource for compliance matters, as an interim measure the Council has recently signed up to the “Council Hive” offer from Breakthrough Communications.
- 4.3 Council Hive is a unique subscription service targeted specifically for the parish council sector, providing access to on-demand and regularly updated training and guidance, templates and resource packs covering all aspects of community communications and engagement as well as Data Protection, Freedom of Information and compliance.
- 4.4 Subscription will enable officers to access an online learning centre, regular communications and compliance E-bulletins, a yearly communications and compliance “MOT” and action plan and unlimited access to expert communication and compliance advice.
- 4.5 The merit of the subscription will be assessed after the first year to determine the value added to the Council.

End.