

Report of	Meeting	Date
Director of Governance (Monitoring Officer/ Data Protection Officer)	Governance Committee	1 July 2020

## GDPR UPDATE

### PURPOSE OF REPORT

- To update Members on the period following implementation of the General Data Protection Regulations and to advise as to any expected changes.

### RECOMMENDATION(S)

- That the content of the report be noted.

### EXECUTIVE SUMMARY OF REPORT

- The Council implemented the obligations under the GDPR in May 2018. All relevant training, policies and procedures were prepared and in place. In addition, a significant data audit and cleansing exercise was undertaken in order to minimise risk to the Council held data.
- This report updates members on the period since implementation.

<b>Confidential report</b> Please bold as appropriate	Yes	<b>No</b>
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### CORPORATE PRIORITIES

- This report relates to the following Strategic Objectives:

Involving residents in improving their local area and equality of access for all		A strong local economy	
Clean, safe and healthy homes and communities		An ambitious council that does more to meet the needs of residents and the local area	✓

### POLICIES AND PROCEDURES

- Appropriate policies and procedures were adopted by each service. It was important for these to be tailored to the services needs in relation to the holding of personal data. Corporate templates were provided which were adapted for use.
- All policies were checked with legal for compliance prior to their implementation.
- Services are responsible for the maintenance and review of their own policies.

### DATA CONTROLLERS / DATA PROCESSORS

- Although the Council itself is the Data Controller all services nominated a Data Controller who is responsible for the overseeing the policies and compliance with processes in their teams. They have received an enhanced level of training to ensure that they can deal with

local GDPR issues as they arise but they are also supported by the SIRO, DPO and legal services.

10. Due to recent organisational changes the centrally held list of Data Controllers is being reviewed to ensure it is up to date and correct.

## **TRAINING**

11. As the committee have previously been advised all staff received compulsory training appropriate to their role on the obligations placed by GDPR in 2018. This training which is in the form of an elearning module is a mandatory part of the council's induction procedure.
12. A recent review of the completion of GDPR training has been undertaken and this demonstrates that 95% of staff have completed or commenced the training. Reminders have been sent to those who have not yet completed the training to do so without delay. This will be checked again in 4 weeks to ensure the training has been completed.

## **FOI CO-ORDINATOR**

13. Although not directly related to GDPR, the council have reviewed how Freedom of Information and Data Protection Act requests are being received and dealt with. A new post has been established with specific responsibility for co-ordinating and formulating responses to the requests. Again, training has been provided to the post holder to ensure the Council continue to comply with our obligations.

## **INTERNAL AUDIT**

14. As part of the Audit plan for this municipal year, internal audit are testing compliance with policies and procedures by teams. Using a risk based approach the teams identified are IT and Customer Services who are the significant personal data holders and users in the organisation. This will be a robust test of compliance and the results will be reported back to the Committee in due course.

## **DATA BREACHES**

15. 5 data breaches were identified in 2019. None of the data breaches concerned sensitive data and none were deemed sufficiently serious to report to the Information Commissioners Office.
16. The breaches fell into 2 categories
  - a. Staff error, and
  - b. Use of data held which was incorrect.
17. The Council have 2 duties which could have been breached in these circumstances, duty to ensure that staff are properly trained and that the data held by the council is correct. The following corrective actions have been taken. Firstly, a review of the completion of the mandatory training has been undertaken (detailed above) and staff have been directed to complete the training to the appropriate level. Secondly, it was considered on an individual basis whether the policies on checking information held for correctness have been followed. In these instances it was found that the policies were being properly followed which negated the need to report the breaches to the ICO.
18. The Council's Data Protection Officer is satisfied that the approach of the Council is reasonable and proportionate to the breaches.

## **FUTURE**

19. There are 2 changes that may have implications for the Council in relation to GDPR. Firstly, shared services is being progressed. Chorley Council's DPO will be fulfilling a shared role across the 2 councils. This is not viewed as having a limitation on the ability of the post to fulfil the role.

20. The second change relates to the UK leaving the European Union. This will have clear implications on the operation of the GDPR in particular the need to have 'adequacy status'. This will enable the continued lawful transfer of information between the UK and the EU. This is out of this Council's control. However, this movement of data will continue to be permitted provided the Council adopt appropriate safeguards. Consideration is being given as to what this actually means with a view to implementing any needed safeguards. It is the preliminary view of the council that the high standards of data security that currently exist may well satisfy this requirement.
21. Ensuring this continuity of movement of data is important for the council particular since the implementation of cloud computing where the data could be held anywhere in the world. Failure to adopt appropriate safeguards could prevent further implementation of this process or limit the choice of service providers.

## IMPLICATIONS OF REPORT

22. This report has implications in the following areas and the relevant Directors' comments are included:

Finance	✓	Customer Services	
Human Resources		Equality and Diversity	
Legal	✓	Integrated Impact Assessment required?	
No significant implications in this area		Policy and Communications	

23. Whilst the implications of a significant data breach relating to personal sensitive data remain very high. The likelihood of such a breach are in reality very low. The Council continues to hold such data as they are required to under legislation and to enable us to undertake public services. Any additional purposes for the holding of data are clearly identified and the public are given full opportunities to opt in for such purposes or indeed later opt out.
24. That is not to say that there are no risks. It is important that the process of embedding the data protection principles continues to ensure that data security is front and centre in the design of our processes. However, many of the actions taken over the last few years by the Council, particularly in relation to the digital agenda and compliance with Gov Connect standards have meant we are in a very good starting position on data security.

## COMMENTS OF THE STATUTORY FINANCE OFFICER

25. No comments

## COMMENTS OF THE MONITORING OFFICER

26. No comments.

CHRIS MOISTER  
DIRECTOR OF GOVERNANCE

Report Author	Ext	Date
Chris Moister	5160	5 March 2020