

Policy & Resources Committee

Date: 17 April 2018

Title: General Data Protection Regulations

Contact Officer: Morag Robinson, Office Administration Manager

Purpose of Report

1. To provide an update on the forthcoming implementation of the new General Data Protection Regulations (GDPR) on 25 May 2018.

Update / Progress

2. The current Data Protection Act 1998 is badly outdated and the Government has been working on implementing a new set of guidelines over the last year, known as the General Data Protection Regulations. These will become effective on 25 May 2018 and will affect every organisation and business in the UK.
3. Currently the Government is still deciding on the finer details of the new regulations and at this time it is still not enacted. However, it is envisaged that on 25 May 2018, the New Data Protection Act 2018 will be adopted and will become law.
4. As a result there are a number of proposed changes to the existing Data Protection Act which the Government has been working on with the Information Commissioner's Office (ICO) and other businesses including Local Government organisations – NALC, SLCC etc. Both NALC and SLCC have now produced sector specific tool kits / guidance notes.
5. Officers have been working hard to assimilate all the information that is being imparted to us and have attended various webinars and training courses regarding GDPR to keep abreast and up to date with all the proposed changes. In the first instance, Officers have been following the ICO's document attached as Appendix 1 – Preparing for the General Data Protection Regulation 12 Steps to Take Now, which forms part of the new regulations. Now that the more sector specific guidance is available from NALC/SLCC, attention has turned to that.
6. It has been particularly challenging because to date there is still no final agreement on many aspects of the proposed regulations. This has made it very difficult to implement any new and up to date changes as formal agreement is still not in place and is likely not to be until after 25 May 2018.
7. However, the Council must adopt the six new Data Protection Principles which are:
 - i) Fair Process - processed fairly, lawfully and in a transparent manner in relation to the data subject.
 - ii) Collected for specific, explicit, legitimate purposes and not processed further for purposes incompatible with those purposes.
 - iii) Adequate, relevant and limited to what is necessary.
 - iv) Accurate and, where necessary, up to date.
 - v) Kept in a form that permits identification of data subjects for no longer than is necessary for the purposes for which the personal data is processed.
 - vi) Processed to ensure appropriate security including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage.

8. The new Act will encompass such changes as developments in technology; the amount and types of data used; improved rights for individuals; clearer responsibilities for organisations; accountability and consent can no longer be inferred from silence, pre-ticked boxes or inactivity.
9. In addition all Public Authorities will be required to appoint a Data Protection Officer (DPO) whose functions will include dealing with Subject Access Requests; the 'Right to be Forgotten' requests; reporting Data Breaches to the ICO and affected Data Subjects; dealing with enquires and complaints from Data Subjects etc. There are still conflicting views as to whether this role can be taken on by an Officer of the Council, or whether it has to be an independent bought in service. The Town Clerk's view is that it is possible for an employee to act independently in this role, while still using the information that they know best about data held by the organisation. The role is therefore part of the current Office Administration Manager's job description, but still subject to further advice.
10. To date Officers have updated the Council's Database and are undertaking a Data Protection audit across all areas of data held by the Council. Work is also underway on standard privacy notices.
11. Officers have executed all that is possible in the current uncertainty. There will be more action taken, both before and after 25 May 2018 as further clarity is established, and other best practice is observed.
12. Councillors must be fully aware of the impact that the Data Protection Act 2018 will have on the Council and its staff.
13. Officers are confident that Thame Town Council will be in as good a position as possible at 25 May 2018.
14. A further report will be presented at the Policy & Resources Committee meeting on 17 July 2018.

Action Required

To note the Report.