

## Policy & Resources Committee

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| <b>Date:</b>            | <b>17 July 2018</b>                                  |
| <b>Title:</b>           | <b>Data Protection Act 2018</b>                      |
| <b>Contact Officer:</b> | <b>Morag Robinson, Office Administration Manager</b> |

### Purpose of Report

1. To provide an update following the implementation of the Data Protection Act 2018 on 25 May.

### Update / Progress

2. At the Policy & Resources Committee on 17 April 2018, members were given an update on the General Data Protection Regulations (GDPR) detailing what measures had been taken by Officers prior to the new Data Protection Act 2018 being implemented.
3. These regulations form part of the new Data Protection Act 2018 which became law on 25 May 2018 affecting every organisation and business in the UK.
4. On 25 May 2018, the Town Council adopted the six Data Protection Principles that form part of the new Data Protection Act 2018 which are:
  - i) Personal data shall be processed fairly, lawfully and in a transparent manner in relation to the data subject.
  - ii) Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes.
  - iii) Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.
  - iv) Accurate and, where necessary, kept 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 in a manner that ensures appropriate security of the personal data including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.
5. The Council must now be committed to the lawful and fair handling of personal data in accordance with the new Act whilst being as transparent as possible about its operations. Officers ensured that the legal requirements that form part of the new Data Protection Act were met by 25 May 2018.
6. One of the requirements of the new Act is to review all data held by the Council. Consequently, the Council's Database was reviewed and a Data Protection Audit was undertaken across all areas of data held which is attached as Appendix A. This is a live document and will be updated as and when necessary.
7. The Council recognises that it must keep and process personal data about both members of the public and employees to enable us to function as a public body. A requirement of the new Data Protection Act is to inform the public and staff on how we do this and as a result Privacy Notices have been produced. A generic Privacy Notice has been displayed on our website prior to the 25 May 2018 deadline and links to our Privacy Notice are available on the bottom of our email signatures and all forms on our website. This is attached as Appendix B.

8. All personal data-collecting forms on the Town Council's website, including the hosted e-newsletter sign-up form, have also been updated to summarise what data is collected, why it is being collected and how it will be used. A checkbox has been added on each form to confirm that the data subject has read and agreed to our Privacy Notice; this provides a digital record assigned to each piece of correspondence via the website for future reference if required. As any other non web-site based hard copy forms are found to be used, they will be similarly updated.
9. Staff were formally consulted on the changes to the new Data Protection Act on 17 May 2018 and each employee was given a letter and a Privacy Notice (Employment) as attached as Appendix C which explains what personal details are held and for what purpose they are used for during employment. In addition the Staff Handbook was updated to reflect the changes within the Data Protection Act and was re-issued to staff on 17 May 2018. Staff Contracts have similarly been updated and staff were also informed about this change on 17 May 2018.
10. A Privacy Notice (Recruitment) has also been produced (attached as Appendix D) which will be used during the recruitment process and will form part of the pack of documents issued to candidates when a vacancy occurs. This informs candidates of what personal data we will hold and how we will collect that data during the application process. In addition our Application Forms, Guidance for Job Applicants and the Equal Opportunities Monitoring Form have been updated to inform candidates that the Council has a Privacy Notice (Recruitment) in place.
11. The Office Administration Manager will act as the Council's Data Protection Officer (DPO) and will be the official point of contact in terms of dealing with any data protection issues that may arise including but not limited to 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. This is not a legal requirement of the Act, but warrants good practice.
12. A number of Council policies have also been updated to reflect the changes within the new Data Protection Act 2018 which ensures that the Council is legally compliant. These Policies are being reviewed separately by members this evening.
13. Officers have worked hard to ensure that the Council was compliant by the 25 May 2018 when the new Data Protection Act became law, but as the Information Commissioner states 'this is a journey' and over the coming months we will continue to update and introduce new documents and procedures to ensure that best practice is always executed whilst keeping members informed, where relevant, of these new changes as they are implemented

### **Action Required**

To note the Report.