

Eardisland Parish Council

Report to Council by Clerk on 23 May 2018 – agenda item 11

General Data Protection Regulations (GDPR)

Purpose of Report

This report is to update Council on the GDPR, which come into force on 25 May 2018 and replace the existing law – the Data Protection Act 1998. Local Councils and Parish Meetings must comply and arrange for the control of personal data held and processed by the Council (the Data Controller).

Detail

The concepts and principles are very similar to the '98 Act in that personal data must be processed lawfully, fairly and transparently; used only for a specific purpose; accurate and up to date; retained no longer than necessary and processed in a manner that ensures appropriate security and protection.

However, Councils will have to do some things for the first time and do other things differently. Changes include new reporting requirements, increased fines and penalties, new rules on obtaining consent and writing privacy notices. Other changes to note:

- Councillors and staff must have 'suitable training'
- The £10 charge for a data subject access request has been removed
- Council must respond to a Subject Access Request (SAR) in a calendar month (was 40 days)
- Councils will no longer register with the Information Commissioner's Office (ICO) but will be required to pay an annual fee. The fee (yet to be set) will be based upon the size of the Council, the amount of data it processes and its annual turnover
- Breaches must be notified to the ICO normally within 72 hours, through a Data Protection officer (DPO) – access to a DPO available through HALC
- Failure to comply with the new law places significant risk with fines of £17M or 4% of global turnover, whichever is the greater

Further detail is set out in the **NALC 'Toolkit' circulated to Councillors** and Councillors are recommended to read pages 1 to 25 this to ensure they are fully briefed.

Action Plan

The table below sets out the basic documentation that the Council needs to put in place to demonstrate that it is working towards compliance. A detailed Action Plan will be maintained in order that progress can be monitored.

Complete Data Audit	What data is held? Where does it come from? Where is it kept and who has access? What does the Council do with it? Who is it disclosed to? Lawful basis? Risks involved?	<i>Documents and records should be retained no longer than necessary – see NALC Legal Topic Note 40.</i>
Data Processing Log	Description Duration Nature and purpose of processing Type of data Categories Retention duration	<i>Keep this log for new activities</i>
Consent Forms	Review/refresh existing Send out new ones	<i>Record how and when consent is obtained</i>

	Must be by 'opt in' method and appropriate	
Privacy Notice and Privacy Policy	Review/update existing Must be transparent and clear in plain language, easy to access	<i>Detailed privacy notices best on website</i>
Data Protection Policy	Complete or review existing Include how the Council will respond to a breach	
Date Subject Access Request Policy	Complete or review	<i>Includes sample response letters</i>

Not all recommended documentation may be completed by 25 May but the detailed Action Plan will show what plans the Council has in place to complete the remaining/ongoing steps.

Recommendation

- 1) The Council endorses the action plan set out above and notes the detail set out in the Toolkit
- 2) The Council adopts draft Policies referred to above
- 3) The Clerk should be formally appointed Data Protection Compliance Officer.