

GWYNEDD COUNCIL CABINET



Report for a meeting of Gwynedd Council Cabinet

Date of meeting: 3 July 2018
Cabinet Member: Councillor Nia Jeffreys
Contact Officer: Helen Mary Parry
Contact Telephone Number: 01286 685027
Title of Item: Gwynedd Council's response to new data protection legislation (General Data Protection Regulation or GDPR)

1. THE DECISION SOUGHT

- 1.1. For the Cabinet to adopt the attached policy and procedure that have been amended as part of the work of addressing the new requirements in data protection legislation.

2. THE REASON FOR THE NEED FOR A DECISION

- 2.1. To ensure that the Cabinet approves the documents and that the Cabinet is also aware of the preparatory work that has been undertaken by the Council in response to the changes in legislation.

3. INTRODUCTION AND RELEVANT CONSIDERATIONS

Data protection legislation controls the Council's use of information about people. As a public body, we retain, share and use thousands of pieces of information about the residents of Gwynedd and beyond, as well as staff and service users.

In some specific fields, such as the Adults, Children and Education services, we deal with extremely sensitive information.

On 25 May 2018, a significant change took place in the framework that is in place to regulate the use of personal information.

The General Data Protection Regulation (GDPR) came into force and, on the same day, the Data Protection Act 1998 was superseded by the Data Protection Act 2018.

Their purpose is to tighten the rules by requiring organisations to prove their compliance, and by granting individuals enhanced rights.

As part of the changes, the maximum penalty for breaching the rules has increased to **£18 million** (or €20 million).

Changes

The new legislation places a number of responsibilities upon organisations, which are summarised below:

1. Record where our information is kept – information asset register

We must keep a record of where we keep information, the retention period, whether we share it with external bodies and the reason for holding the information.

Progress

A considerable amount of work has already been undertaken in all departments, and it is hoped that this will be completed by the end of the summer.

2. Privacy statements

More information needs to be provided to people regarding the use made of their personal details.

Progress

We have revamped our general statement on the website, and some services have placed their own statements on the website. Due to the scale of the task and the different methods of gathering information, it is anticipated that the remainder of the work will happen over the longer term.

3. Breaches

A data breach means a situation where information is stolen, lost or unintentionally disclosed. Serious breaches must be reported to the Information Commissioner's Office within 72 hours of notification, and the individuals concerned must also be notified.

Progress

A reporting procedure is already in place, but it requires some modifications to ensure that it reflects the changes above.

4. Designation of a Data Protection Officer

A Data Protection Officer must be designated. This is an independent statutory role, similar to the role of the Monitoring Officer. The purpose of the post is to monitor compliance with the act, to advise on data protection requirements and act as a contact point for the Information Commissioner's Office and the public.

Progress

Helen Parry, Information Manager, is the officer appointed to the role.

5. Data Protection Impact Assessment

We are familiar with impact assessments in the fields of equality and the environment. An impact assessment will now be required on new projects that could affect, or risk privacy.

Progress

The template and paperwork are ready. It must be ensured that this is embedded in all the Council's new or proposed activities which could affect individual privacy in one way or another.

6. Contracts

If we enter into contracts with external organisations, and they process personal information on our behalf, the contract must include specific clauses to reflect this relationship.

Progress

A new legal contract has been produced, discussions have been held with the procurement team, and work is continuing to ensure that future contractual arrangements are appropriate.

7. New rights for individuals

Individuals have been given new rights, and there are changes to current rights.

Progress

New guidance and procedures have been produced for the right to access to information. Further work is required on some other aspects.

Roles and responsibilities

The Information Management and Security Group oversees the GDPR work programme. There is representative from every department on the group, and its purpose is to ensure that the Council complies with information legislation, to provide a view on draft guidance or policies, to act as a contact point for the services and to highlight any specific risks.

The group is chaired by Geraint Owen (Head of the Corporate Support Department) in his role as the SIRO (Senior Information Risk Owner), a role that requires him to have an overview of the Council's information risks. He prepares an annual report that identifies these risks.

It should be noted that information governance is on the corporate risk register.

4. NEXT STEPS AND TIMETABLE

- 4.1. Once the policy and procedure have been adopted, they will be placed in the Policy Centre where each staff member will be required to read and accept them.

The GDPR work programme will be continue to be monitored by the Information Management and Security Group.

5. ANY CONSULTATIONS UNDERTAKEN PRIOR TO RECOMMENDING THE DECISION

- 5.1. **Views of the Statutory Officers:**

- i. **Monitoring Officer:**

I understand that the Legal Service has advised on the policy, and I am content the document reflects the law in terms of the GDPR. There is a significant challenge to comply with the legal requirements. The report notes what has been achieved to date, and also what is required to be done in the short and longer term. The Information Management and Security Group will monitor the arrangements continually in order to assure conformity with the requirements and to control the risks that arise from the process.

ii. Head of Finance Department:

Adopting the new Data Protection Policy and the Information Security Procedure would ensure that the new requirements on the Council because of the Data Protection Act 2018 and the General Data Protection Regulations have been incorporated formally in our procedures. A decision by the Cabinet to adopt these documents will not create a new spending commitment. Information security is already essential in providing Council services; since the new requirements are building on this, services are expected to act as necessary within their existing resources.

Appendices

Appendix 1 - Data Protection Policy

Appendix 2 - Information Security Operational Procedure

Appendix 3 – Equality Impact Assessment