

NORTH LINCOLNSHIRE COUNCIL

CABINET MEMBER RESIDENTS ENGAGEMENT & GOVERNANCE

DATA PROTECTION UPDATE

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 This report provides an update on the council's arrangements for implementing and complying with data protection regulations.
- 1.2 The key points in this report are as follows:
- The council successfully implemented arrangements for the introduction of new data protection regulations in May 2018.
 - Compliance has been independently reviewed with positive assurance findings.
 - A continuous improvement action plan has been established to ensure that the council continues to remain compliant with the developing regulatory guidance and case law.

2. BACKGROUND INFORMATION

- 2.1 The Data Protection Act (DPA) 2018 sets out the framework for data protection law in the UK. It updated and replaced the Data Protection Act 1998 and came into effect on 25 May 2018. The DPA 2018 sits alongside the European General Data Protection Regulation (GDPR) and tailors how it applies in the UK.
- 2.2 Both the GDPR and DPA are designed to respond to the challenges of modern communication, data use and information sharing by introducing changes that strengthen an individual's rights over how their personal information is used. Organisations controlling and processing personal data now face increased accountability and compliance obligations.
- 2.3 The key data protection principles which organisations must comply with are:
- lawfulness, fairness and transparency
 - purpose limitation
 - data minimisation
 - accuracy
 - storage limitation
 - integrity and confidentiality (security)
 - accountability

2.4 An action plan to implement the GDPR/DPA was developed based on the “12 Steps to Compliance” guidance produced by the UK regulator: Information Commissioner’s Office (ICO). Key actions completed included:

- reviewing where personal data is processed across the council
- production of “records of processing” to document the purpose of any personal data processing and the associated controls and safeguards in place/required
- creation of the post of Data Protection Officer as required by regulation
- review and revision of the information governance policy framework
- enhancement of privacy notices as displayed on the council’s website and customer facing IT systems
- strengthening of data protection provisions and information security across key systems
- securely disposing of information and records no longer required
- development and roll-out of an e-learning package and associated communication to all employees and elected members

2.5 The council’s preparedness for GDPR was independently assessed shortly after its implementation in 2018. A subsequent audit was undertaken to review compliance after 12 months (June 2019). Both assessments concluded with a satisfactory assurance/low risk opinion.

2.6 Implementation of GDPR is subject to ongoing guidance from the ICO and evolving case law. A continuous improvement action plan has there been developed to ensure that the council continues to remain compliant with regulation.

3. OPTIONS FOR CONSIDERATION

3.1 To note the council’s progress and arrangements for complying with relevant data protection regulations

4. ANALYSIS OF OPTIONS

4.1 Detailed in 2 above.

5. RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)

5.1 Failure to comply with Information Governance legislation can result in the Information Commissioner imposing fines of up to £18 million under the General Data Protection Regulation / Data Protection Act 2018.

6. OTHER RELEVANT IMPLICATIONS (e.g. CRIME AND DISORDER, EQUALITIES, COUNCIL PLAN, ENVIRONMENTAL, RISK etc.)

6.1 As outlined above.

7. OUTCOMES OF INTEGRATED IMPACT ASSESSMENT (IF APPLICABLE)

7.1 N/A

8. OUTCOMES OF CONSULTATION AND CONFLICTS OF INTERESTS DECLARED

8.1 Consultation has taken place with relevant officers.

9. RECOMMENDATION

9.1 That the Cabinet Member notes the council's progress and arrangements for complying with relevant data protection regulations.

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Background Papers used in the preparation of this report

ICO Guidance
DPA/GDPR Legislation