

SUBJECT:	REQUEST TO ADD A NEW POST ONTO THE COUNCIL'S ESTABLISHMENT – DATA PROTECTION OFFICER
DIRECTORATE:	CHIEF EXECUTIVE AND TOWN CLERK
REPORT AUTHOR:	MATT SMITH, BUSINESS DEVELOPMENT AND IT MANAGER

1. Purpose of Report

- 1.1 To seek approval for a permanent Data Protection Officer post to be added onto the Council's establishment as part of the Business Development and IT (BDIT) team.

2. Executive Summary

- 2.1 The Executive is requested to approve the addition of a permanent Data Protection Officer post to the Council's establishment as part of its BDIT team.
- 2.2 The costs associated with this post will be met from within the existing service budget.
- 2.3 The content of this report will be shared with Trade Unions at the HR/Trade Union meeting held on 15 February 2018. Any feedback will be reported prior to the committee.

3. Background

- 3.1 A Data Protection Officer post is required for councils in the General Data Protection Regulation (GDPR). This will replace the Data Protection Act 1998 in May 2018. Preparations are underway by the GDPR internal group to prepare for the implementation of this new legislation and part of this is to ensure that the council has the right resources.
- 3.2 Tasks required to be undertaken by the DPO under the GDPR are as follows:-
- Inform and advise the council (and any employees who process personal data) of the obligations under the GDPR and any other EU and national data protection law;
 - Monitor the council's compliance with the GDPR and any other EU and national data protection law
 - Monitor the council's compliance with their own data protection policies including the assignment of responsibilities, awareness training and training of staff involved in processing operations and the related audits;
 - Provide advice on the completion of data protection impact assessments and prior consultation with the supervisory authority; and
 - Cooperate with the supervisory authority (the Information Commissioner's Office – the ICO) and act as the point of contact for the ICO.

3.3 Tasks outlined in guidance include:-

Inviting the DPO to participate regularly in meetings of senior and middle management.

- Including the DPO in all decisions which have data protection implications, in particular, providing the DPO with all relevant information to allow him/her to consider the issue and provide adequate advice.
- Affording due weight to the opinion of the DPO.
- Immediately contacting a DPO once a data breach or other data protection incident has occurred

3.4 By having the post, it will ensure that the council is compliant with the GDPR and will be able to demonstrate that it takes data privacy seriously for individuals and will make it less likely that the council will breach the legal framework and thus avoid fines and reputational damage.

4. Organisational Impacts

4.1 Finance

4.1.1 The cost of the additional post over the current MTFS (assuming the post starts 1 April 2018) is as follows:

	2018/19	2019/20	2021/22	2021/22	2022/23
Gross Pay (£)	27,578	29,027	29,607	30,199	30,805
NI (£)	2,105	2,270	2,316	2,362	2,409
Superannuation (£)	4,412	4,644	4,737	4,832	4,928
Total (£)	34,095	35,941	36,660	37,393	38,142

4.1.2 The additional post will be funded from within the existing service budgets. In addition, the Information Governance Officer post is a fixed term and therefore will end on 25/04/2018.

4.2 Legal /Equality & Diversity

4.2.1 As outlined above and there are no Equality and Diversity implications arising from this report.

5. Risk Implications

5.1 (i) Options Explored

None.

5.2 (ii) Key risks associated with the preferred approach

None.

6. Recommendation

6.1 That a permanent Data Protection Officer post be added to the Council's establishment.

Is this a key decision?

No

Do the exempt information categories apply?

No

Does Rule 15 of the Scrutiny Procedure Rules (call-in and urgency) apply?

No

How many appendices does the report contain?

None

List of Background Papers:

None

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