

<b>SUBJECT:</b>	<b>GENERAL DATA PROTECTION REGULATION (DATA PROTECTION) POLICY</b>
<b>DIRECTORATE:</b>	<b>CHIEF EXECUTIVE &amp; TOWN CLERK</b>
<b>REPORT AUTHOR:</b>	<b>INFORMATION GOVERNANCE OFFICER &amp; LEGAL &amp; DEMOCRATIC SERVICES MANAGER</b>

## **1. Purpose of Report**

- 1.1 To seek approval of the General Data Protection Regulation & Data Protection Policy.

## **2. Executive Summary**

- 2.1 Data protection is critical to the Council to ensure that the data which is received, processed, retained and shared is protected in accordance with the legal framework.
- 2.2 The Data Protection Act 1988 will be replaced by a new Data Protection Act 2018 which will implement the EU General Data Protection Regulation (GDPR) into UK law by 25 May 2018.
- 2.3 The Council needs to have a policy to enable the council to be compliant with the new legal framework and the information governance team need to roll out the policy in order to increase awareness of the GDPR to officers' and councillors. Therefore members of the public can be confident that the organisation are aware of their responsibilities of the new legal framework.

## **3. Background**

- 3.1 Many of the GDPR's main concepts and principles are much the same as those in the current Data Protection Act, however, there are new elements, which include increased access rights for individuals, to include developments in new technology, tighter time limits for reporting breaches and increased fines for breaching data protection legislation and associated powers of the Information Commissioner's Officer.
- 3.2 Therefore as part of the action plan for this Vision 2020 project and to ensure the council is ready for the implementation of the new Regulation, the council needs to revise its Data Protection Policy.
- 3.3 The Information Governance team has therefore prepared the attached Policy to comply with the incoming Data Protection Act and GDPR.

## **4 The Data Protection Principles**

- 4.1 The GDPR states that anyone processing personal data must apply the six data protection principles. These principles are legally enforceable. The following will

therefore apply after 25 May 2018, and are broadly similar to the current Data Protection Act.

**1. *Lawfulness, fairness and transparency principle: processed fairly, lawfully and in a transparent manner in relation to individuals;***

Lawfully requires in particular that personal data not be processed unless at least one Lawful Bases has been met. For special category data this also requires at least one further Condition to be met, in addition to the Lawful Basis. See the Definitions section below for a list of the Lawful Bases and additional Conditions for processing special category data

**2. *Purpose limitation principle: collected for specified, explicit and legitimate purposes and not further processed in a manner incompatible with those processes;***

Further processes for archiving purposes in the public interest, scientific or historical research or statistical purposes is not considered to be incompatible with the initial purpose.

**3. *Data minimisation principle: adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;***

**4. *Accuracy principle :accurate and where necessary kept up to date;***

Every step must be taken to ensure personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay.

**5. *Storage limitation principle: kept in a form which permits identification of the data subjects for no longer than necessary for the purposes for which the personal data are processed;***

Personal data may only be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes subject to technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals.

**6. *Integrity and confidentiality principle: processed in a manner the 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;***

The GDPR also introduces a further ***Accountability Principle*** which requires the council as Controller be responsible for, and be able to demonstrate, compliance with the above principles.

4.2 The policy addresses the above changes.

## 5 Policy Scrutiny Committee

5.1 The Policy is due to go to the Policy Scrutiny Committee on 20 March 2018 and the minutes will be tabled at the meeting.

## 6 Strategic Priorities

6.1 This Strategy does not directly relate to one of the main strategic priorities, however it does assist to make the Council fit for purpose and ensure access to information Polices such as Data Protection continue to promote transparency.

## 7. Organisational Impacts

7.1 Finance

No implications arising from this report.

7.2 Legal Implications

As outlined in the report.

## 8. Risk Implications

8.1 The Council must implement a policy in order to comply with the GDPR and the new Data Protection Act 2018.

## 9. Recommendation

9.1 To approve the policy.

**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?** 1

**List of Background Papers:** None

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