

SUBJECT:	PROPOSED CHANGES TO THE DELEGATION & JOINT COMMITTEE AGREEMENT TO INCORPORATE THE GENERAL DATA PROTECTION REGULATION / DATA PROTECTION ACT 2018
DIRECTORATE:	CHIEF EXECUTIVE AND TOWN CLERK
REPORT AUTHOR:	SALLY BROOKS, DATA PROTECTION OFFICER & BECKY SCOTT LEGAL & DEMOCRATIC SERVICES MANAGER

1. Purpose of Report

- 1.1 To propose amendments to the Delegation & Joint Committee Agreement to reflect changes in the legal framework relating to data protection.

2. Executive Summary

- 2.1 To implement the changes required by the implementation of the Data Protection Act 2018 (DPA) on the shared service for Revenues & Benefits Service for North Kesteven District Council (NKDC) and the City of Lincoln Council (CLC)

3 Background

- 3.1 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.
- 3.2 The Data Protection Act 1988 will, at the time of writing the report, be replaced by a new DPA 2018 which will incorporate the EU General Data Protection Regulation (GDPR) into UK law which came into force on the 25 May 2018.
- 3.3 The Council needs to ensure that its joint working arrangements where personal data is be shared are compliant with the new legal framework.
- 3.4 The report seeks to amend the Delegation & Joint Committee Agreement to incorporate the standard clauses issued by the Crown Commercial Service.

4 Proposed changes

- 4.1 The Crown Commercial Service has released template clauses to be issued to suppliers of services who process personal data on behalf of an organisation. These have been adapted to reflect the relationship between NKDC and CLC.

- 4.2 The Data Protection Officers appointed by each Council have reviewed this document, and have agreed that both organisations are Joint Controllers of data for the purposes of the legal framework. The fact that personal data is being shared between them in order to deliver the Revenues & Benefits Service means that there needs to be appropriate organisational and technical controls in place to ensure that both organisations comply with the requirements.
- 4.3 The proposed amendments are contained in the Agreement attached at Appendix 1, containing the standard clauses in its Appendix A for consideration.

5. Strategic Priorities

- 5.1 This Strategy does not directly relate to one of the main strategic priorities of the CLC, however it does assist to make the Council's Revenues & Benefits Service fit for purpose by ensuring the legal framework is outlined between the Councils.

6. Organisational Impacts

6.1 Finance

There are no financial implications arising from this report

6.2 Legal Implications

As outlined in the report.

6.3 Equality, Diversity & Human Rights (including the outcome of the EA attached, if required).

The equality/Human Rights implications have been considered and there are no relevant issues to be taken into account.

7. Risk Implications

8. Recommendation

- 8.1 Members are requested to consider the proposed amendments to the Delegation & Joint Committee Agreement attached at Appendix 1 (with associated Appendix A) and approve the proposals.

Is this a key decision? Yes / No

Do the exempt information categories apply? Yes / No

Does Rule 15 of the Scrutiny Procedure Rules (call-in and urgency) apply? Yes / No

How many appendices does the report contain?

Appendix 1 and associated Appendix A

List of Background Papers:

None

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