

SUBJECT: INFORMATION MANAGEMENT POLICIES

DIRECTORATE: CHIEF EXECUTIVE & TOWN CLERK

**REPORT AUTHOR: DATA PROTECTION OFFICER &
LEGAL & DEMOCRATIC SERVICES MANAGER**

1. Purpose of Report

- 1.1 To seek approval of the Information Management Policies required in accordance with the EU General Data Protection Regulation and the Data Protection Act 2018.

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- 2.2 The Data Protection Act 1988 has been replaced by a new Data Protection Act 2018 (DPA). The Information Commissioners' Office (ICO) state that;

'The new DPA aims to modernise data protection laws and to ensure they are effective in the years to come'.

The EU General Data Protection Regulation (GDPR) became directly applicable from the 25th May 2018, although the new DPA supplements the GDPR and both need to be read side by side.

- 2.3 The Council needs to have policies to enable the Council to be compliant with the new legal framework and the information governance team need to roll out the policies 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 DPA and the GDPR's main concepts and principles are much the same as those in the previous 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 ensure all its policies are in place.

- 3.3 The information governance team prepared the General Data Protection Regulation & Data Protection Policy which went to Executive in March so that it would be in place from 25th May. This policy has been distributed to all staff through the Netconsent system which required them to review the policy by 25th May to ensure they were all aware of it. The Policy went to Policy Scrutiny Committee due to timings, however the preference is that these policies come through this Committee given its role in respect of data protection issues, as outlined in the terms of reference.
- 3.4 A summary sheet in relation to the GDPR and DPA has also been prepared for staff and uploaded into Netconsent for all to access.
- 3.5 The Information Management Policies are attached for consideration and are as follows:-

Appendix A The General Data Protection Regulation and Data Protection Policy

Appendix B The General Data Protection and Data Protection Policy Summary Sheet

Appendix C Information Governance Policy

Appendix D Legal Responsibilities Policy

Appendix E Information Sharing Policy

Appendix F Data Quality Policy

Appendix G Data Protection Breach Management Policy

Appendix H Freedom of Information Policy & Environmental Information Regulations Policy

Appendix I Records Management Policy

Appendix J Retention and Disposal Policy

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. These are broadly similar to the previous 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 basis has been met. For sensitive 'special category data' this also requires at least one further condition to be met, in addition to the lawful basis.

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. This is 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 that 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 proposed policies address the above changes.

4.3 It is proposed that an article is put on City People regarding the revised policies if Executive approval is granted. This will also then be placed on Netconsent to ensure that all staff are aware that the policies have been reviewed. Each person will be asked to confirm that they have read the article so are aware of the content and access to all policies. Members will receive training on the new GDPR soon which will include reference to the policies. Any members not able to attend will receive the relevant information as well.

5 **Audit Committee**

5.1 The Policies were considered by Audit Committee on 19 July 2018, and the minute relating to this will be tabled. Audit Committee are the overarching Committee with responsibility for information management.

6 Strategic Priorities

- 6.1 These policies do not directly relate to one of the main strategic priorities, however do assist to make the Council fit for purpose and the intention is to publish these information governance Policies on the website to 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.

7.3 Equality Diversity & Human Rights

There are no specific impacts in respect of these in this report and therefore a Equality Impact Assessment has not been carried out.

8. Risk Implications

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

9. Recommendation

- 9.1 To consider and approve the attached policies.

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? 10

List of Background Papers: None

Lead Officer: Sally Brooks, Data Protection Officer
Telephone (01522) 873765