

**REPORT FROM: CORPORATE DIRECTOR**

**TO: POLICY AND RESOURCES COMMITTEE**

**DATE: 24<sup>th</sup> JULY, 2018**

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## **GENERAL DATA PROTECTION REGULATION (GDPR)**

### **PURPOSE OF REPORT:**

To report for information the new requirements and the measures taken to ensure compliance.

1. The GDPR is the EU General Data Protection Regulation which replaced the Data Protection Directive 1995 across the EU Member States from, in the case of the UK, 25<sup>th</sup> May, 2018. The Government has confirmed that the UK's decision to leave the EU will not affect the introduction and implementation of the GDPR.
2. Many of the GDPR's main concepts and principles are much the same as those in the Data Protection Act 1998 (itself now being replaced by the Data Protection Act 2018 which supplements the GDPR).
3. In essence it updates data protection laws making them fit for the digital age and covering cyber security as well as giving people more control over the use of their personal data. It has broader scope, strengthens rights, imposes extra requirements and has higher penalties.
4. It affects all Council services and now applies to paper records as well as computerised records.
5. We are confident that we have been complying with the previous legislation and therefore our approach will, generally speaking, remain valid under the GDPR and it has been used as the starting point to build on.
6. Corporate awareness of the impact of the new regulations is essential. A central theme is that there is now a clear accountability principle and it is essential that we can demonstrate how we are complying and are able to satisfy the Information Commissioner as to this should the need arise. Management Team has overseen implementation via a small working group of senior staff led by the Chief Financial Officer.
7. It has been necessary to audit and document all the information we hold, in particular to identify the lawful basis for processing it. In the main this is because it is in pursuance of a

statutory function but there are some instances where we have to demonstrate consent on the part of the individual through positive opt in.

8. We have had to review the periods for which we retain classes of data, ensuring they are no longer than legally and practically necessary.
9. Because of the size and nature of a local authority we have been required to appoint a Data Protection Officer who is the Head of Legal Services. His role is to provide advice to service area staff and to keep abreast of further developments including decisions and guidance issued by the Information Commissioner.
10. We have updated our privacy notice and have also introduced a specific notice relating to elections and electoral registration in accordance with advice from the Electoral Commission. These are set out on the website and can be read here [LINK](#)
11. We have developed a clear policy on how we will deal with any data breaches, including setting out the procedures for detection and investigation and for reporting to the Information Commissioner and individuals affected.
12. We are reviewing our contractual and other arrangements with third parties, in particular Liberata, who control and process information on our behalf.
13. Individuals have new defined legal rights regarding the data we hold on them – to be informed, to have access, to rectification of errors, to erasure, to restrict processing, to take it with them and to object.
14. An individual's right to request details of the data we hold on them across the organization has been enhanced and our procedures for dealing with such requests have been updated accordingly. For example, we now have only a month rather than 40 days to deal with them. Such requests are free of charge and it remains to be seen what numbers of these we will receive and the implications for workloads.
15. Virtually all our staff handle data and it is essential that they have a working knowledge of the legal requirements and our procedures. Everyone is now required to complete satisfactorily a suite of online training modules and these will be regularly refreshed.
16. The working group mentioned in paragraph 6 above will be developed into a standing Information Governance with representation from all service areas. Its role will be to monitor our compliance and respond to further developments.
17. A related issue is the requirement on individual councilors arising out of the new legislation e.g., on registering with the Information Commissioner. Further work is being done on this and guidance will be issued as soon as possible.