

General Data Protection Regulation (GDPR)

Report from the Parish Clerk

for the Parish Council meeting 9 April 2018

Having recently attended a training seminar on the above topic, this report summarises the information given at this seminar and details the actions which the PC will need to make in order to comply with GDPR. Although GDPR does not come into force until **25 May 2018**, we are being encouraged by the ICO (Information Commissioner's Office) (www.ico.co.uk) to put into place all the things which the Regulation will expect us to do ahead of this date. GDPR is an EU law which the UK Government have confirmed will apply to this country. Our Government will be passing its own legislation on the matter next year.

What is GDPR? (General Data Protection Regulation)

This replaces the Data Protection Act of 1998. It is a Regulation which affects all authorities which collect personal data. We collect and use personal data for a number of reasons, the PC is expected to have all of its members and staff trained to understand the implications of the Regulation. It is ultimately the responsibility of the **Parish Council, as the Data Controller**, to ensure that things are done correctly.

Things which need to be done – recognising the roles

The Data Controller (the Parish Council) must appoint a **Data Protection Officer (DPO)**. This will need to be someone who is familiar with the workings of the Council as well as GDPR and with no conflict of interest in determining the purpose or manner of processing personal information. The DPO cannot be a councillor. The DPO could be the Clerk of this PC or the Clerk from another PC or someone from an outside organisation offering this service. The appointment will need to be minuted, and if it is the Clerk it will need to be included in the Job Description and Contract of Employment. We will also need to amend our Standing Orders at their next review (certainly before May 2018) to include an Order which recognises the Council as the Data Controller and the DPO. The Order should also say that all Parish Councillors and staff should be trained in GDPR.

Additional work for the DPO

The DPO will need to prepare an 'Information Audit' of personal information held. This audit must detail not only the information held, but the reason for it being held along with other information. The DPO must also issue Privacy Notices to people whose personal

information is held by the Council. The DPO will need to include GDPR in the Council's Risk Management Schedule and undertake assessments of projects which might pose considerable risk in respect of data protection. The DPO will also need to present to the Council a GDPR Policy for adoption. This Policy is considered to be one of the core policies of the Council.

Councillors will appreciate that this will have a considerable impact on the duties of the Clerk / DPO and this impact should be considered when we set our budget for the year 2018/19.

There remains an obligation on all members of the Council to be trained in this matter. Understanding the implications of this Regulation is one of the best ways of avoiding breaches in respect of personal data which could be costly for the council, time consuming for the DPO/Clerk as well as a risk to reputation.

Recommendation: The Council sets up a Working Party or a series of meetings to programme the requirements as detailed above with a view to presenting this at the next PC meeting on **14 May 2018**.