

STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

Cabinet

8 October 2019

TITLE:	Data Protection Policy
PORTFOLIO HOLDER:	Councillor Tony Hall - Portfolio Holder for Customer Services
CONTACT OFFICER:	David Smith - Principal Officer Communities & Partnerships
WARDS INVOLVED:	(All Wards)

Appendices Attached – Data Protection Policy

- 1. Reason for the Report**
 - 1.1 To update the Council's Data Protection Policy in light of recent legislative changes.
- 2. Recommendation**
 - 2.1 That the Cabinet notes and approves the Council's revised Data Protection Policy.
- 3. Executive Summary**
 - 3.1 The Council last updated its Data Protection Policy in March 2017. Since this date, there have been a number of legislative changes that require the Council's policy to be updated, details of which are included at paragraph 7.3 of the report.
- 4. How this report links to Corporate Priorities**
 - 4.1 The policy supports the achievement of all of the Council's Corporate Priorities.
- 5. Alternative Options**
 - 5.1 None identified. The Council is required to adopt a Data Protection Policy that reflects current legislation.

6. Implications

6.1 Community Safety - (Crime and Disorder Act 1998)

The data protection policy would apply to the processing of community safety-related information.

6.2 Workforce

All staff members will be expected to operate under the policy in a manner that is compatible with the requirements of the Data Protection Act 2018.

6.3 Equality and Diversity/Equality Impact Assessment

Not applicable.

6.4 Financial Considerations

There will be an ongoing requirement for training officers and Elected Members but these costs will be met from existing budgets.

6.5 Legal

The policy seeks to ensure that the Council is compliant with the Data Protection Act 2018 and General Data Protection Regulation (GDPR) (EU 2016/679).

6.6 Sustainability

No specific implications.

6.7 Internal and External Consultation

N/A

6.8 Risk Assessment

Non-compliance with data protection principles can lead to poor decision making, inefficient business processes, inconvenience or harm to residents and others, reputational damage to the Authority, or enforcement action by the Information Commissioner's Office.

Mark Trillo

Executive Director (People) and Monitoring Officer

Web Links and Background Papers

Contact details

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7. Detail

7.1 The Council last updated its Data Protection Policy in March 2017. Since then, there have been some key changes to the UK's data protection legislation, including:

- The Data Protection Act 2018 receiving Royal Assent on 23 May 2018;
- Implementation of the General Data Protection Regulation 2018 on 25 May 2018; and
- Removal of the previous requirement for elected members to notify the ICO and pay a charge on 1 April 2019.

7.2 The Council's Data Protection Policy has been updated to reflect these changes and is attached as an appendix to the report.

7.3 The Council has also introduced or updated a number of processes and systems to support the delivery of the new policy. These include:

- Introducing a new system for responding to requests for access to personal data;
- Identification of a Data Protection Officer;
- Updating the Council's Privacy Notices and advice for councillors;
- Requiring each service to develop and maintain an information asset register;
- Incorporating privacy impact assessments within the Council's project management system;
- Providing training for Elected Members and Officers;
- Providing Service Managers with a checklist for complying with data protection legislation;
- Reviewing contractors and ensuring that appropriate measures are in place to ensure that any data processed on behalf of the Council is done so appropriately;
- Providing a Data Protection Toolkit for Elected Members.