

**WEST OXFORDSHIRE DISTRICT COUNCIL**  
**FINANCE AND MANAGEMENT OVERVIEW AND SCRUTINY COMMITTEE:**  
**WEDNESDAY 3 OCTOBER 2018**

**GENERAL DATA PROTECTION REGULATION (GDPR) UPDATE**  
**REPORT OF GROUP MANAGER, BUSINESS SUPPORT SERVICES**

**(Contact: Tony Oladejo, Tel: (01993) 861194)**

**1. PURPOSE**

To provide the Committee with an update on actions being undertaken as part of the Council's implementation of the new legislation relating to data protection and information security management.

**2. RECOMMENDATIONS**

- (a) That the report be noted; and
- (b) That regular progress reports be submitted in relation to the progress being made against the agreed Action Plan.

**3. BACKGROUND**

- 3.1. The General Data Protection Regulation (GDPR) is the new data protection framework for the EU and was adopted in the UK on the 25<sup>th</sup> May 2018. It replaced all current data protection legislation, including the Data Protection Act 1998 (DPA), although the data protection principles within the GDPR are similar to those in the DPA.
- 3.2. GDPR will still apply to the UK on leaving the EU, regardless of Brexit. The Information Commissioners Office (ICO) has been issuing regular updates on GDPR compliance.

**Key Measures Impacting on the Council**

- 3.3. There are significantly higher maximum penalties for serious data breaches – up to £17m or 4% of turnover (up from the previous maximum of £500,000).
- 3.4. There are enhanced rights for individuals, including:
  - The right to be informed
  - The right to erasure (the 'right to be forgotten') individuals will have a right to have their data erased/deleted where there is no compelling reason for its continued processing
  - The right to data portability (data can be transferred to other organisations)
  - The right to object – individuals have the right to object to the processing of their data under specific circumstances.
- 3.5. There are higher standards for ensuring consent from individuals for the use of their data, including the need for explicit consent. (ICO guidance suggests public bodies should avoid using consent as a basis for processing where other means are available).
- 3.6. The requirement on the Council to report serious data breaches within 72 hours.
- 3.7. The expansion of Data Protection Impact Assessments (Privacy Impact Assessments - DPIAs) to make the inclusion of data protection controls at the design stage of all new projects involving the processing of personal data mandatory. In addition to projects, DPIAs will be required for new contracts and significant changes in processes.

3.8. The need for Data controllers to be able to demonstrate compliance with the principles of GDPR as opposed to retrospectively giving evidence when asked.

#### **4. PROGRESS AGAINST THE GDPR ACTION PLAN**

4.1. In January 2017, the GDPR Action Plan was approved and set out the specific tasks and deadlines required to meet the requirements of the new Data Protection Legislation .

4.2. Good progress has been made to date in achieving our compliance with the Data Protection Legislation, which has been outlined in the [Appendix](#).

#### **5. RISKS AND ISSUES**

5.1. The key risk associated with the new legislation is non-compliance and whilst there are no specific deadlines regarding the implementation of specific actions there is an expectation by the ICO that progress is continually made and relevant processes implemented / reviewed.

5.2. Following a recent situation that arose from staff not realising that they needed to get authorisation from an Officers with Dual Employment contracts following the transfer to Publica, appropriate processes have been revised to ensure that this does not happen in the future. At no point was the Council Data at risk, however we log and monitor potential incidents like this and make necessary changes accordingly.

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Date: 19 September 2018

Background Papers:  
None

## General Data Protection Regulation Compliance – Progress to Date

No	Action	Who	By When	Expected Outcome	Actual Outcome	Comments	Status
1	Ensure all employees undertake Data Protection Awareness on-line learning	ICT Audit & Compliance Team / DPO	December 2018	All employees trained on basic data protection and training records updated.	88% employees trained in Nov 17, target of 95%	Follow-up DPA 2018 training to commence Nov 18	In progress
2	GDPR training workshops to be provide to elected members and senior officers	ICT Audit & Compliance Team / DPO	December 2018	All managers and elected members are aware of the impact of the new legislation	60% Councillors trained to date	Councillor training commenced June 18 at CDC & WODC FODDC. Regular refresher sessions will be scheduled in.	In progress
3	GDPR training workshop to be provided to Publica Non-Executive Directors	ICT Audit & Compliance Team / DPO	December 2018	All Board Members are aware of the impact of the new legislation		GDPR training to be delivered at Nov 18 meeting	In progress
4	Data Protection Officer (DPO) Appointment	ICT Audit & Compliance Manager	May 2018	DPO is statutory GDPR requirement. Board and Cabinet approval required		Shared DPO formally appointed at all partner & Publica	Completed
5	Produce new GDPR –Data Protection Policy to be approved by Board and Members	DPO	May 2018	New policy which mirrors duties in General Data Protection Regulation.		Policy reviewed & completed approved by Board & members	Completed

No	Action	Who	By When	Expected Outcome	Actual Outcome	Comments	Status
6	Updating of Data Breach reporting procedures	DPO	May 2018	Formal procedure in place for all employees to work to		Breach Procedures completed and available to all staff on corporate website	Completed
7	Data Breach Register in place and monitored	DPO	Quarterly	Central register to be used to provide an update on all Data breaches		Register established	On-going
8	Update subject access request (SAR) information and procedures.	DPO	May 2018	Compliant with new regulation from go live date		SAR available to public on all corporate website sites	Completed
9	Update all existing Publica and partner Council ICT User Policies and relevant data security guidance.	ICT Audit & Compliance Manager	May 2018	ICT Policies & guidance's comply with Information assurance requirements		ICT Polices are now available to all staff	Completed
10	Public Sector Network (PSN) Compliance for partner Councils	ICT	June 2018	The PSN compliance demonstrates the Councils have met the Government Information assurance		Publica achieved the Public Services Network (PSN) Connection compliance for all partner Councils	Completed
11	Update intranet and website to reflect GDPR & IT security requirements	DPO	On-going	Staff and public fully aware of GDPR requirements		Promote more good practise guidance	In progress

No	Action	Who	By When	Expected Outcome	Actual Outcome	Comments	Status
12	Updated all Privacy Notices from Data Audit review	DPO	December 2018	Revised guidance for those collecting personal data. All services to have reviewed and amended forms, verbal scripts etc, including new systems such as Benefits Portal. Consent fully covered on Privacy Notices.		ICT & Digital Transformation Service Privacy Notices are now draft	In progress
13	Deliver training in the form of a workshop to key staff on data protection Privacy Impact Assessments (PIA's).	DPO	November / December 2018	Revised PIA procedures drafted (Sept 18) Managers equipped with the correct paper work to undertake PIA's		Revised PIA's procedures to be uploaded on Portal	In progress
14	Produce Register of Processing Activities (RoPA) for Publica & partner Councils	DPO	May 2018	Maintenance of all processing activities which involve personal data		RoPA available on corporate website	Completed
15	Retention & security checks should be conducted to ensure data is secure (both physically and virtually) and is not being kept longer than is necessary	DPO	May 2019	Service Action Plans to be agreed by Service Managers. Personal data not being stored electronically or hard copy longer than is necessary.	Record Management checks have commenced and guidance	Quarterly monitoring of progress by DPO	In progress

No	Action	Who	By When	Expected Outcome	Actual Outcome	Comments	Status
16	Review current contracts and rewrite Data Sharing Agreements for compliance with GDPR	DPO & Legal team	On-going Action	All contracts (including employment) & Data sharing agreement comply with GDPR /DPA legislation		Quarterly monitoring of progress by DPO	In Progress
17	Review of Consent requirement as a basis for processing information	DPO	On-going Action	Revising Consent procedures in Publica & Council Communication & Marketing teams for compliance with GDPR		Quarterly monitoring of progress by DPO	In Progress
18	ICO Registrations Review for the Partner Councils & Publica	DPO	Quarterly	Reduction on our ICO registration fees from July 18	ICO registration opportunity cost savings totalling <u>£11,360</u> identified	Registrations review updated & savings agreed with ICO	Completed