

GREAT BEALINGS PARISH COUNCIL

DATA PROTECTION

Paper by the Clerk

14th May 2018

The General Data Protection Regulations (GDPR) become effective on 25th May 2018. The Data Protection Act of 1998 will be repealed. The GDPR provides new rules, rights and obligations relating to hard copy and electronic management and use of personal data. The new rules apply to both data controllers and data processors.

- **Personal data** means information about a living individual which can be used to identify them, e.g. name, address, email address, telephone number
- The **data controller** is the organisation which decides how and why data is collected, i.e. the Parish Council.
- The **data processor** is the person using the data i.e the Clerk and all Councillors.

Two Councillors and the Clerk recently attended a briefing session by the Data Protection Officer (DPO) of SCDC who was much more relaxed about the implications than other training providers. She confirmed that there has been a recent and welcome decision by the Government that Town and Parish Councils do not **have** to appoint a DPO. However, SALC recommend that to continue to do so would be best practice – and someone has to be responsible for the implementation of the rules. Additional enforcement powers and fines have been created, and if a data breach occurs which risks the rights and freedoms of an individual, data **controllers** are required to notify the Information Commissioner within 72 hours of the breach taking place.

The Clerk and Councillors will need to be mindful of the need for tighter controls over emails and data-sharing. In particular it may be necessary to anonymise personal data and ensure that it is only processed where lawful to do so. Ideally, all Councillors should have a separate email address solely for PC business, which can be password protected. However, the SCDC DPO has stated she does not consider this to be essential, however it would be good practice to store all PC emails in a separate folder which can be password protected. The PC laptop at the Clerk's home must be completely password protected.

Examples of personal data breaches include

- Emails and attachments being sent to the wrong person, or several people – check thoroughly before clicking 'send'
- The wrong people being copied in to emails – use BCC where necessary
- Equipment theft

If there is no risk of harm to an individual e.g. some low risk data, such as an email address, has been inadvertently released, then this type of breach would not need to be reported to the ICO. Unauthorised access to data that could be used to steal someone's identity such as banking details must be reported. A DPO is not personally responsible in case of data breach, data protection compliance is the responsibility of the data controller.

The following actions must be worked through within the next few weeks. They will not all be completed by 25th May, but this is acceptable providing the PC has a plan in place.

- **Data Audit** – a review of all personal data held
- **Information Asset Register** – to record this information
- **Privacy Notice** – a document explaining how personal data will be used and what rights individuals have. This must be published on the website.
- **Subject Access Request** form (SAR)– so that individuals can ask what data is held on them. Any such request must be complied with within one calendar month.
- **Consent Form** – individuals whose personal data is held must give consent for it to be used e.g. groups like the Neighbourhood Plan working party. Evidence of consent must be retained. In some cases a simple email request will be sufficient.
- **Check Insurance Policy**- Officers, Councillors and the Council must be insured against personal financial loss resulting from a data protection breach
- **Data Retention Policy** – this must be prepared and documented
- **Disclaimer Notice** – a notice must be prepared to appear at the end of all emails sent to individuals

Clearly there is much to do. If the PC decides to appoint the Clerk as their DPO, it must be realised that these duties, certainly in the short term, cannot be undertaken within the contracted weekly four hours. SCDC can provide a set of prepared templates that PCs can use and adapt for their own needs. This pack cost £25 and it is recommended that this pack is purchased

Actions for tonight's meeting:

- The PC must minute its decision regarding a DPO, and that initial training has taken place.
- Make a decision as to how these duties will be accommodated
- Record that all Councillors will need to develop their own knowledge in this area and will be provided with guidance to support this.
- Make a decision on the purchase of the pack from SCDC

Dee Knights
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