

Committee:	Governance, Audit & Performance Committee	Date:	17 May 2018
Title:	General Data Protection Regulation (GDPR) Compliance Progress Report		
Author:	Sheila Bronson, GDPR Project Lead Officer 01799 510610	Item for decision:	No

Summary

1. To provide an update to the Governance, Audit & Performance Committee details of work being undertaken by the Council's towards compliance with the EU General Data Protection Regulation (GDPR) which come into force on 25 May 2018.

Recommendation

2. That the General Data Protection Regulation (GDPR) Compliance Progress Report be noted.

Financial Implications

3. None

Background Papers

4. None

Impact

- 5.

Communication/Consultation	An officer Project Team has been set up with representation from all departments. A communication strategy is be a key part of implementing the GDPR.
Community Safety	none
Equalities	None direct, although the need to protect sensitive personal data may be more significant for groups with one or more protected characteristics.
Health and Safety	none
Human Rights/Legal Implications	The Council is under a legal obligation to comply with the terms of the GDPR when they take effect on 25 May 2018. Penalties

	can be imposed, and reputational damage suffered, if it does not. Non-compliance may also lead to an infringement of the rights of individuals, in particular their “Article 8” right to respect for their private life and home.
Sustainability	none
Ward-specific impacts	none
Workforce/Workplace	All Council employees need to be aware of data protection requirements and to carry out their work in a compliant manner. This is particularly important for employees who have access to sensitive personal information about members of the public.

Situation

6. The EU General Data Protection Regulation (GDPR) come into force on 25 May 2018.
7. GDPR will replace the Data Protection Act 1998, and will be supplemented by the Data Protection Bill 2018 currently progressing through Parliament.
8. The Council has established a GDPR Project Team to undertake a programme of work to review the Council’s current level of compliance and the actions needed to ensure gaps in compliance are rectified by 25 May 2018.
9. Two temporary posts (12 months) have been created to oversee the GDPR compliance work; with the Internal Audit Manager appointed as GDPR Lead Officer and a GDPR Compliance Officer in post from 13 November 2017.

Work Programme

10. The Information Commissioner has published guidance on the twelve principal steps that organisations should take to ensure GDPR compliance and form the basis of the Council’s work towards this.
11. The GDPR Project Plan includes the actions needed to address the twelve steps identified by the Information Commissioner and is kept under review and adapted as further guidance becomes available and as the Data Protection Bill proceeds through Parliament.
12. GDPR Project Team meets monthly to review progress on its Project Plan; regular updates are also reported to the Corporate and Senior Management Teams.

13. A GDPR Compliance Progress Report will continue to be brought to future meetings of this committee during the lifetime of the GDPR Project. A copy of the current Project Plan is available to Members on request.

Progress to date

14. A Council wide data mapping and flowcharting exercise and Data Protection Impact Assessments (DPIA) have been completed for all of the Council's services where personal data is collected. This has identified the risk areas where action is required to ensure compliance and service managers are working to reduce the risks.
15. The Council's overarching Privacy Notice and Service Specific Privacy Notices have been drafted and will shortly be available on a new Data Protection page on the Council's website.
16. The Council's current data protection policies and procedures have been revised and being updated and where necessary new policies and procedures drafted. These policies and procedures will shortly be available on a new Data Protection page on the Council's website.
17. The programme of GDPR awareness for staff continues through the GDPR intranet page and news-letters. Compulsory GDPR training for all staff will soon be launched to familiarise them with the procedures and policies. The Local Government Association is developing an e-learning GDPR training course for councillors and it is planned to make this available to all of the Council's Members.
18. Under the GDPR, it is mandatory for the Council as a public authority to appoint a Data Protection Officer (DPO). As an interim arrangement, the Audit Manager has been appointed to the designated DPO role working with the GDPR Compliance Officer on day to day DPO tasks. This arrangement will be reviewed once the level DPO work after 25 May 2018 can be assessed.

Risk Analysis

19.

Risk	Likelihood	Impact	Mitigating actions
The Information Commissioner can impose sanctions on the Council if it fails to show its compliance with GDPR from 25 May 2018	1 The Council may not achieve full compliance by 25 May 2018	3 Data breaches due to non-compliance will be subject to sanctions varying in severity from warnings, reprimands, corrective orders	Action is being taken to towards ensuring the Council is in a position to demonstrate GDPR Compliance by 25 May 2018

		to fines of up to €20m	
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1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.