

Committee: Governance, Audit and Performance Committee

Date:

Thursday, 26 July 2018

Title: General Data Protection Regulation (GDPR) Compliance Progress Report

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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) and the UK's Data Protection Act 2018 (DPA 2018) which come into force on 25 May 2018.

Recommendations

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
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 and

	DPA 2018 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) and the UK’s Data Protection Act 2018 (DPA 2108) came into force on 25 May 2018.
7. GDPR and DPA 2018 have replaced the Data Protection Act 1998.
8. The Council established a GDPR Project Team to undertake a programme of work to review the actions needed to work towards the Council’s compliance with GDPR and DPA 2018 at 25 May 2018 and continuing compliance thereafter.
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 from 01 August 2017 and a GDPR Compliance Officer in post from 13 November 2017.

Work Programme

10. The GDPR Project Plan included the actions needed to address the twelve steps identified by the Information Commissioner that organisations should take to ensure GDPR compliance.
11. GDPR Project Team meets monthly to review progress on its Project Plan; regular updates are also reported to the Corporate and Senior Management Teams. At its 03 June 2018 meeting, it was decided to continue to meet for at least the next six months but to revise the composition of the Project Team going forward to include Senior Managers from the service areas that process the highest volume of personal and sensitive data. All of the Corporate and

Senior Management Teams will be included in the circulation of Project Team agendas and minutes from meetings and able to attend if they so wish.

12. 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

13. As of 25 May 2018, 48 out of the 54 tasks on the Project Plan had been completed; work is in progress on the remaining 6 tasks.
14. On-going compliance work from 25 May 2018 includes work on contract variations and data sharing agreements; further work on data held on systems; compilation of the Council's Information Asset Register & Record of Processing Activities and review and updating of the Council's Retention Policy and Schedules.
15. The Council's overarching Privacy Notice and Service Specific Privacy Notices have been published on the Council's website.
16. The Council's current data protection policies and procedures have been revised and updated and where necessary new policies and procedures produced.
17. A compulsory GDPR training programme for all staff has been implemented and the programme of GDPR awareness for staff continues through the GDPR intranet page and news-letters.
18. Arrangements have been made for all UDC Councillors to have access to the Local Government Association's GDPR training course for councillors.
19. Under the GDPR, it is mandatory for the Council as a public authority to appoint a Data Protection Officer (DPO). The current interim arrangement continues with the Audit Manager appointed to the designated DPO role working with the GDPR Compliance Officer on day to day DPO tasks continues. This arrangement will be reviewed once the level DPO work after 25 May 2018 can be assessed.

Risk Analysis

20.

Risk	Likelihood	Impact	Mitigating actions
The Information Commissioner can impose sanctions on the Council if it fails to	1 The Council did not achieve full compliance by	3 Data breaches due to non-compliance will be subject	Action is being taken to towards ensuring the Council is in a position to demonstrate

show its compliance with GDPR from 25 May 2018	25 May 2018, however it can demonstrate the work it has undertaken towards full compliance	to sanctions varying in severity from warnings, reprimands, corrective orders to fines of up to €20m	continuing GDPR Compliance from 25 May 2018
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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.