

Management Committee

19 September 2017

Information Governance

For Decision

Portfolio Holder

Cllr J Cant

Senior Leadership Team Contact:

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Statutory Authority

The General Data Protection Regulation (GDPR)

Purpose of Report

- 1 The purpose of this report is to provide a high level summary of the progress towards compliance against the new General Data Protection Regulations (GDPR) which comes into effect in May 2018.

Recommendations

- 2 That Management Committee
 - a) note progress being made in order to comply with the requirement to the new General Data Protection Regulations
 - b) set aside £50,000 from the reserves set aside for once off projects to fund data preparation work.

Reason for Decision

- 3 To ensure that the Council complies with the new regulations.

Background and Reason Decision Needed

- 4 In May 2018, a new legal framework defining how Personal Data is processed will be introduced. This framework sets out requirements for organisations and individuals who process personal data to ensure adequate measures are in place for safeguarding information in their care. Major advances in technology since the Data Protection Act was introduced have necessitated the revision of Personal Data regulations and the General Data Protection Regulation is aimed at being more relevant to present day technological challenges.

- 5 This report sets out a high level summary of the work being undertaken and highlights some of the key risk areas that need to be prioritised on our compliance journey.
- 6 Good progress has been made on key tasks, e.g. completion of the Information Asset Register, Data Protection training for selected members of staff, an awareness campaign through team meetings etc., but more work needs to be done to ensure overall compliance is achieved.

Summary of actions completed so far

- In January 2017, a presentation was made to the Corporate Leadership Team (CLT) making them aware of the pending changes in Data Protection legislation. This is one of the Information Commissioner's requirements for obtaining decision makers' buy in.
 - The identification and nomination of Information Asset Management Roles across the organisation has now been completed.
 - Data retention rules have been streamlined across the 3 authorities. An updated and combined retention schedule has been published.
 - There has been Data Protection training for officers who regularly handle personal data.
 - Production and launch of new Information Governance framework documents across the organisation.
 - Regular and active communication activities promoting Information governance principles using blogs, newsletters and other DCP communication channels.
 - Reviewing and updating content on the Information Governance Intranet.
 - New database implemented for recording and monitoring information requests such as Freedom of Information Regulations (FOIs) Environmental Information Regulations (EIRs) and Subject Access Requests (SARs).
 - Cyber security campaign launched to promote cyber awareness across the partnership.
 - Compiling a corporate Information Asset Register.
- 7 Although there has been good progress made there are a number of further actions that need to be completed before May 2018 when the General Data Protection Regulations (GDPR) is introduced. The new legal framework introduces very severe financial penalties for non-compliance. A number of factors will be taken into account when determining the fine, for example:

- The organisational and technical measures in place at the time of a breach and whether these were sufficient to combat the risk;
- Evidence of staff training including organisational policies on data protection;
- The nature of personal data compromised and access control mechanisms in place etc.

8 Given the limited time frame and resources available, a risk based approach can be adopted to prioritise areas with high risk activities such as those that routinely process sensitive personal data. Some of the key actions to be undertaken by May 2018 include:-

- Appointment of a dedicated Data Protection Officer to lead the overall compliance program which is a new mandatory requirement of the new legal framework. This will be addressed as part of the current work on restructuring of the Information Services team.
- Conduct Data Protection impact assessments for high-risk activities, (this will require data flow mapping to understand the movement of personal data within and outside DCP).
- In-depth training on General Data Protection Regulations (GDPR) for corporate resources and knowledgeable service leads which requires a once off budget.
- Establish and document the legal basis for processing personal data in all services and update privacy notices in line with new legislation.
- Review current consent mechanisms and establish ways of recording consent in accordance with the new legislation. This will have to be done for all individual processes where consent is relied upon as the basis for processing personal data.
- Conduct Information Risk Assessment for information held in storage. There is a particular issue with old planning data which needs to be scanned and digitised. Progress is being made on this but the costs of doing this are significantly higher than expected and require further resources in order to be completed.
- Establish breach management processes and procedures to ensure all breaches are detected, reported and investigated effectively. The General Data Protection Regulations (GDPR) makes it mandatory to notify affected individuals and report all personal data breaches to the Information Commissioners Office (ICO) within 72 hours.
- Developing mechanisms for encrypting personal data in different systems where personal data is held.

- Implementing secure mechanisms for transferring personal data e.g. through the Dorset Information Sharing Charter (DISC) and any other parties with whom such information is shared.

Given the above, further once off funding of £50,000 is required in order that we can implement the necessary changes to comply with the new regulations. This is funding for an external contractor to weed and digitise microfiche records. We will not be able to meet the requirements of the GDPR unless this work is undertaken. It is also of benefit to the ongoing Land Charges improvement project. Some funding towards this is already available from within budget, but having undergone a procurement exercise; the additional money will be required to fully fund the work.

Implications

Corporate Plan

9 None directly

Financial

10 Funding of £50,000 from the reserves set aside for once off projects is required in order to comply with the new regulations. There is currently £255,623 that is not yet allocated to a scheme and therefore could be available to support this request. There is another report on this agenda also requesting to use this funding. As reserves are a once off source of funding, once they are allocated to a project, they cannot be used to support other projects or schemes. Spending the reserves will result in a loss of investment income of approximately £2,000.

Equalities

11 None directly

Environmental

12 None directly

Economic Development

13 None directly

Risk Management (including Health & Safety)

14 There are several financial penalties for non-compliance with the new regulations. A risk based approach is being undertaken across services to ensure resources are focused upon the highest risk areas.

Human Resources

15 None directly

Consultation and Engagement

16 There have been various briefings and engagements with key staff who are impacted by the new requirement and further engagement is planned.

Appendices

17 None

Background Papers

18 Various reports and briefings including guidance from the Information Commissioners Office.

Footnote

19 Issues relating to financial, environmental, economic and equalities implications have been considered and any information relevant to the decision is included within the report.

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