

GOVERNANCE COMMITTEE

27 MARCH 2018

REPORT OF THE MONITORING OFFICER

GENERAL DATA PROTECTION REGULATION – IMPLEMENTATION UPDATE

1.0 PURPOSE OF REPORT

1.1 The purpose of this report is to advise Members of the current state of preparations to implement the EU General Data Protection Regulation (GDPR).

2.0 RECOMMENDATIONS

It is recommended that:

2.1 **The contents of the report be noted.**

3.0 KEY ISSUES

3.1 There are a number of key tasks, in relation to categories supplied by the Information Commissioner's Office, which are required to be completed by data controller organisations. The following table sets out the current state of the Council's preparations.

	Task	Completed Items	Remaining Items
1	Awareness	Monthly Corporate Messenger articles started from September 2017. ACTNOW training sessions completed	Remaining months' Corporate Messenger articles to be circulated. A new MIKE module to replace the existing data protection module to be prepared
2	Information held	Information Asset Register draft close to finalisation	Information Asset Register draft to be finalised
3	Privacy Notices	Privacy notices drafted	Privacy notices to be finalised and website data protection page wording to be amended
4	Subject Access	Draft document set completed; Information Governance & Risk Policy, Clear Desk Policy, CCTV Protocol, Parkside Information Incident procedure ready for Monitoring Officer approval	Monitoring Officer to approve, following consideration by Management Team. The Council's ICT provider to update the ICT policy set with GDPR wording.
5	Direct Access to Records	Software updates being supplied by software suppliers.	Software updates to be implemented by MBC staff with ICT provider assistance
6	Erasure	Software updates being	Software updates to be

		supplied by software suppliers.	implemented by MBC staff with ICT provider assistance
7	Consent	Review of consent processes flowcharts complete including draft IHMS	Privacy notices to be finalised and website data protection page wording to be amended, to enable consent processes to
8	Children	Children's services are within the remit of Leicestershire County Council, and Melton BC does not have any children-specific services within the meaning of GDPR	
9	Breaches	The Parkside Information Incident documentation has been updated to allow for GDPR. The other policies have also been updated or replaced, and are to be approved by the Monitoring Officer	The ICT provider to update ICT policy set with GDPR wording.
10	Impact Assessments and data protection 'by design'	The draft document set, including a worked example has now been made available for project consultation documentation	
11	Data Protection Officer (DPO) post	The GDPR DPO role forms part of the new Legal & Democratic Service, in accordance with the new Council structure that has been agreed.	The new GDPR DPO to be selected and appointed, and an appropriate senior officer to be deputised to act for the Council in the interim as required
12	Record keeping	The ICO's Documentation of Processing document template is virtually complete. The LGA's LG Inform Plus system to provide new retention guidance	The ICO's Documentation of Processing document to be finalised. The LGA's LG Inform Plus new retention guidance to be made available to staff and the public via the website
13	Elected Members and notification	Elected Members will be able to use the Council's GDPR Data Protection Officer for advice. Notification will be replaced by a new national fees structure, which will take effect from the next date that notification fees are due.	A description of Elected Members' data processing should be determined for the ICO's Documentation of Processing template
14	Security of processing	The security of ICT infrastructure and systems remains a requirement under GDPR as it was under DPA 1998	To be confirmed with ICT
15	Profiling	The Council does not operate	

		automated profiling within the meaning of GDPR	
16	Contracts	The Council's Legal Services have identified new clause wordings for GDPR, and the Council has received guidance from the Crown Commercial Service	The Council's Legal Services are to finalise the new contract clause wording for GDPR. Existing contracts continuing beyond the implementation date in May 2018 which will need amending will be amended as required

3.2 Following the Council's approval of the structure changes, the GDPR Data Protection Officer duties will be undertaken by the Principal Solicitor in the Legal & Democratic Service. The Chief Executive as Head of Paid Service will ensure that the duties are discharged in the interim by an appropriate officer until the post is permanently filled.

4.0 POLICY AND CORPORATE IMPLICATIONS

4.1 The completion of the remaining tasks by the implementation deadline of 25 May 2018 should forestall any implications for Council policy or corporate requirements.

5.0 FINANCIAL AND OTHER RESOURCE IMPLICATIONS

5.1 There should be no specific implications for resources not already planned in relation to the new corporate structure. Paragraph 10 of the Crown Commercial Service's Guidance of December 2017 specifically states that suppliers of services should regard the costs of GDPR compliance as arising from the requirements of doing business in the European Union, and that these costs are not attributable to the United Kingdom public sector. The Council should not therefore be charged for software compliance costs in relation to software updates to systems. Issues relating to the requirement to replace the Council's Customer Relationship Management (CRM) system are discussed at point 9.0 below.

6.0 LEGAL IMPLICATIONS/POWERS

6.1 There are no particular requirements arising from this report, as completion of implementation tasks by the deadline will forestall any such implications.

7.0 COMMUNITY SAFETY

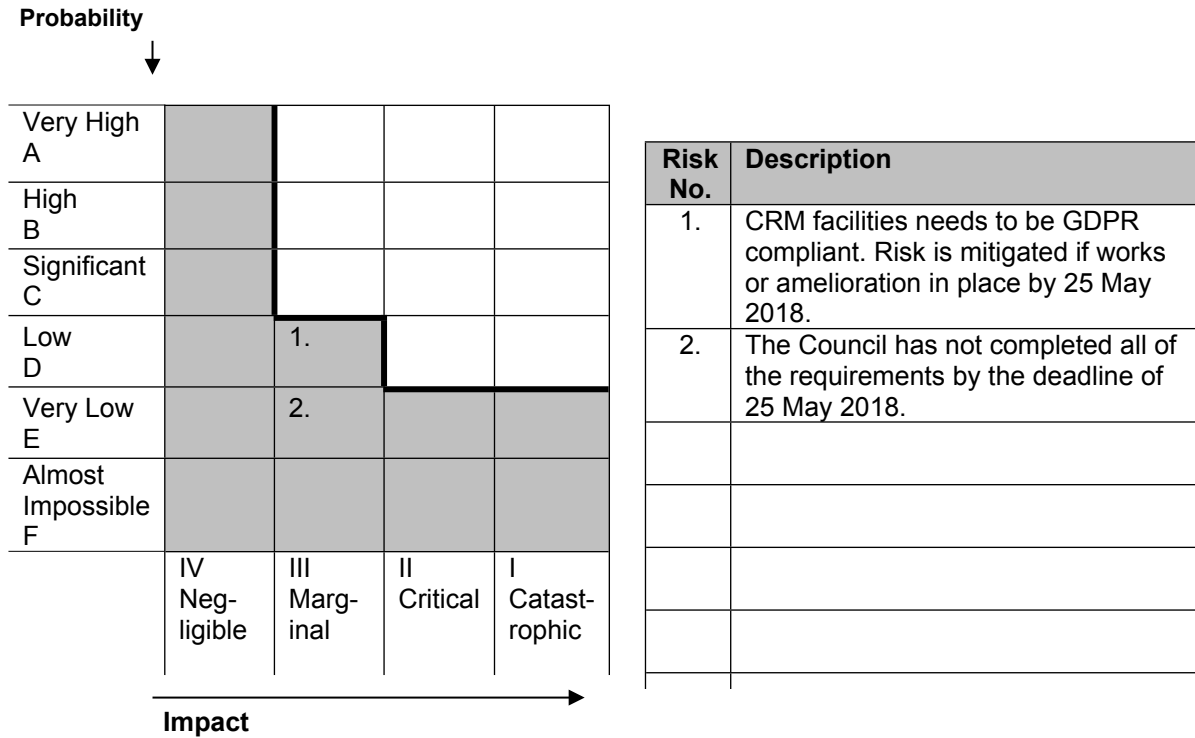
7.1 There are no implications arising from this report.

8.0 EQUALITIES

8.1 Any change to process or procedure that requires an Equality Impact Assessment will receive one. It is likely that the revised policy documents and processes may not require an EIA, as they merely translate into Melton's policy set and processes the legislative requirements which themselves have already been made compatible with the ECHR rights incorporated into UK law by the Human Rights Act 1998.

9.0 RISKS

9.1 There is one specific risk issue arising from this report, in relation to the requirement to replace the Council’s CRM system, and to ensure that the current CRM facilities are compliant in the interim.



10.(CLIMATE CHANGE

10.1There are no implications arising from this report.

11.(CONSULTATION

11.1The Trade Unions have been advised of the consideration of making certain elements of Council Officer training compulsory.

12.(WARDS AFFECTED

12.1All.

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Date: 15.03.2018

Appendices : None

Background Papers: None

Reference : X : Committees\Gov Cttee