
Cyngor Cymuned Llandyfaelog Community Council

Cadeirydd/Chairman: Janet Knott

Clerc/Clerk: Arfon Davies

Reform of Data Protection Legislation – General Data Protection Regulation and Data Protection Bill

Further to my report in February 2018, members will recall that the General Data Protection Regulation (GDPR) comes into force on 25th May 2018.

The Information Commissioner accepts that Councils face a large amount of work to implement all the requirements that arise from the GDPR. They are looking to councils to demonstrate that they are committed to making progress towards embedding the right processes and procedures and have reassured Councils that if they have a positive attitude to finding practical solutions to some of the challenges of implementation, they will find a pragmatic, fair and proportionate regulator.

An update for members on progress with implementation is as follows:

1. **Information held** – An information audit of the personal data held (where it came from and who it is shared with) has been undertaken.
2. **Policies** – The following policies are attached for Council approval
 - **Information and Data Protection Policy**
 - **Management of Removable Media Policy**
 - **Document Retention Policy**
 - **Social Media Policy**
3. **Privacy Notices and consent** - The Council General Privacy Notice and Privacy Notice for staff*, councillors and Role Holders have been reviewed and are attached for Council approval.
4. **Consent** – The Council has reviewed how it seeks, records and manages consent for data collection. The Privacy Notice documentation above, when approved, will be circulated to all third parties on whom the Council holds information along with staff and members. Attached to the notice will be the consent form for completion (this is also attached for Council approval).
5. **Data breaches** – The Council is to ensure that the right procedures are in place to detect, report and investigate any personal data breach. This is currently under review.
6. **Subject Access requests** – The Council is to update its procedures and plan how it will administer requests to take account of the new rules. This is currently under review.
7. **Data Protection by Design and Data Protection Impact Assessments** – The GDPR makes the provision of Privacy Impact Assessments (PIA's) mandatory in certain circumstances it also makes Data Protection by Design a legal requirement. The Council therefore is required to assess the situations where it will be necessary to conduct a PIA. This will be reviewed wherever new processes are under consideration to confirm whether a PIA is required.

- 8. Data Protection Officers** – The Council is required to formally designate a Data Protection Officer, this individual will have wide ranging responsibilities and could be an internal or external appointment. The NALC advice currently is that this role can not in most circumstances be held by the Clerk. Further advice is awaited on this matter. The Information Commissioner is working closely with the National Association of Local Councils (NALC) and the Society of Local Council Clerks (SLCC) to consider alternative solutions to the specific issue of appointing DPOs. In the meantime, it is proposed to appoint the Clerk as Data Protection Officer for the interim period. This will ensure the Council meets its obligations to appoint an individual to the role while the detail is awaited.

I will continue to update the Council on progress with this work along with providing draft policies when available.

Recommendation

- That the report and actions undertaken be noted.
- That the policy and other documentation be approved.
- That the Clerk be appointed interim Data Protection Officer

Arfon Davies
Clerk
24th April 2018