

Information/Discussion Paper

Audit Committee

10 January 2018

General Data Protection Regulations (GDPR) Progress Update

This note contains the information to keep Members informed of matters relating to the work of the Committee. No decisions from Members are required.

1 Introduction

- 1.1 Data protection law is changing from 25th May 2018. The current legislation has been in place for twenty years since before the use of the internet, emails and cloud storage services.
- 1.2 The new Regulation will enhance the rights of data subjects and give them more control over what happens to their data. The law allows larger financial penalties (up to £17million) to be imposed on any organisation that breaches those rights or does not comply with the accountability principle.
- 1.3 The implication is that the council needs to be able to demonstrate compliance with the GDPR and the new Data Protection Bill currently going through Parliament. The council also needs to have the necessary technical and organisational measures in place to protect data from mishandling, unauthorised access etc. and ensure protection of the rights and freedoms of data subjects.
- 1.4 Three core sections form the body of this report, they are:-
 - Section 2 introduces the each subject that the project work will investigate and take action.
 - Section 3 provides an update of progress to 20th December 2017.
 - Section 4 describes the resources available currently for Members.

2 Summary of the requirements and deadlines

- 2.1 Awareness raising – The project needs to make sure that decision makers and key people in the organisation are aware that the law is changing to the GDPR. Implementing the GDPR could have significant resource implications, especially for complex organisations.
- 2.2 Information audit - The project will document what personal data the council holds, where it came from, how it is processed and whom the council shares that information.
- 2.3 Service action planning – The project will organise a review of current privacy notices and put a plan in place for making any necessary changes in time for GDPR implementation. When the council collects personal data it currently has to give people certain information, such as identity and how the council intends to use their information. A privacy notice is the most common method to communicate this information. Under the GDPR there are some additional

things that the council will have to tell people, the project work aims to ensure that the new criteria are included in the new privacy notices.

- 2.4 Service implementation - This part of the delivery carries forward the gaps identified in the data audit and addresses each individual aspect, for example, a service manager updating the privacy notice shown on the council's public website.
- 2.5 Operational roles – The council should designate someone to take responsibility for data protection compliance. Work to assess where this role will sit within the council's structure and governance arrangements. It is most important that someone in the council takes proper responsibility for data protection compliance and has the knowledge, support and authority to carry out their role effectively. Policy creation and update – The Data protection policy, Acceptable use policy and the CCTV policy will be updated by Publica and forwarded to the appropriate council body to approve.
- 2.6 Guidance creation and update – The Publica lead has committed to the production of following guidance: -
 - Data Protection - Breach Guidance
 - Information Protection and Document Handling Guidance
 - Cloud Usage Guidance
 - Encryption Guidance
 - Clear Desk and Clear Screen Guidance
 - Remote working policyWhen the guidance is ready and accepted, the project will disseminate the new information across the organisation; the target audience will be Service Manager, Members and Client Officers.
- 2.7 New and modified corporate processes – The project work streams will check the procedures to ensure they cover all the rights individuals have, including how to delete personal data or provide data electronically and in a commonly used format. The following are typical processes that will be assessed:-
 - Privacy impact assessments,
 - Subject access requests,
 - Data Portability
 - Erasure of data
 - Rectification of data
 - Restricting data processing where data is in correct or unlawful
 - Retention of data
- 2.8 Data processors / sharers compliance – This work stream is focused on providing the council's Client Officers appropriate guidance to allow them to ensure that organisations that process data on behalf of the council are compliant.
- 2.9 South West Audit Partnership (SWAP) Initial audit – The purpose of this audit is to gain a baseline position of the organisation at present and to clearly identify risks at an early stage.
- 2.10 SWAP (External) – The purpose of this audit is to check and verify that the project work has been effective, identify any risks and ultimately provide assurance that the council is compliant.
- 2.11 Member training – The package has been developed by One Legal. The planned training date is the 30th of January 2018. The training will be

embedded into the Member induction. It is essential that all members are trained and are able to comply with the regulation.

- 2.12 Officer training – The training delivery will follow on from the Member training and will be conveyed to all officers during March and April 2018. It is essential that all Officers are trained and are able to comply with the regulation.

2.13 Regulation comes into effect 25th May 2018

3 Progress Update

- 3.1 Awareness raising - The Council has carried out training with Service Managers and keeps SLT up to date on the progress of the project through regular reports.
- 3.2 Information Audit - The project has carried out an information audit across the organisation. The GDPR requires a maintained record of the organisations processing activities; the audit has provided the information required to enable the council to comply with this requirement.
- 3.3 Service action planning - Each Service area has developed an action plan for their area. Each action plan feeds into the Council Action to assist the council to be GDPR compliant by 25th May 2018
- 3.4 Service implementation – Early sampling of the service plans have shown that there is a critical dependency on Publica IT services to complete remedial work with system suppliers in good time. Publica are currently engaging with suppliers.
- 3.5 Data Protection Officer - The project has also made a decision in principal to appoint a Data Protection Officer from One Legal. Shirin Wotherspoon, Head of Law (Commercial) will present a paper to the projects leadership team on the 10th January 2018. The paper outlines the functions, responsibilities and costs of the Data Protection Officer role.
- 3.6 Guidance creation and update – This work is in progress and originally scheduled to complete by end of January 2018. Checkpoint reports indicate that this work stream is experiencing problems meeting the original commitment. Publica have raised that the work is behind schedule due to staff departure and expected to complete in early February. This situation will be monitored.
- 3.7 New and modified corporate processes - Work has been started by the Customer Relations team, initial reports indicate that work is ahead of schedule, the current date for completion is the 29th March 2018.
- 3.8 Data processors / sharers compliance – As advised by One Legal, work will not start until March 18.
- 3.9 SWAP Initial audit – SWAP have completed the fieldwork and compiled a report as scheduled. The report identified areas of risk flagged as red; the report has been reviewed accepted by the projects leadership team.
- 3.10 SWAP External audit – A second audit is scheduled to commence on the 16 April 2018.
- 3.11 Member training – Invitations have been sent to all members, the current response at time of writing is - 13 definite yes, 2 no and 7 tentative, 18 haven't replied.

3.12 Officer Training – Development of “All staff” training will begin in January 2018.

4 Support and advice is currently available to members

- 4.1 Member training session – A training package, developed by One Legal is ready for delivery to all members on the 30th January 2018.
- 4.2 Resources from the Information commissioner. The Information commissioners website has dedicated resource for local government at this URL <https://ico.org.uk/for-organisations/local-government/>
- 4.3 Councillor registration with Information Commissioner – Failure to register when required to do so will become a criminal offence, the project team can provide a data sheet the covers the subject in detail for councillors who process personal data.

5. Key points timeline

- Member Training 30th January 2018
- Policy approval processes March 2018
- All officer training delivery 1st March to 27 April 2018
- SWAP produce draft audit 16th April to 4th May 2018
- Project status report to Executive board 16th April 2018.
- General Data Protection Regulations effective 25th May 2018

Background Papers	n/a
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Accountability	Cabinet Member Corporate Services