

New General Data Protection Regulations (GDPR) 2018

Background

New regulations come into force on the 25th May 2018. This updates the 1998 Data Protection Act to take full account electronic communications. Personal data is any information about living individuals by which they could be recognised. The regulations lay out 6 principles for keeping and processing personal data to ensure it is .

- processed lawfully, fairly, and in a transparent manner
- collated specified, explicit and legitimate purposes
- accurate and kept up to date: inaccurate data shall be erased or rectified without delay

Council Responsibilities for Data Protection

The Council is classified as the Data Controller and is registered with the Information Commissioners Office (ICO) as such. It must be able to demonstrate that it follows the principles of data protection.

Both employees and Council Members have to ensure that all personal data is only collected on a need to know basis for a specific purpose, that individuals know how their data will be used and that they consent to that use, that data is kept securely and deleted when no longer needed.

Implications for the Council of new regulations

The Council already complies with these general principles under current regulation. However the new regulations impose a number of new obligations

1. Appoint a Data Protection Officer – an employee or external appointment with expert knowledge of GDPR to help the Council to check its compliance and make any changes needed, ongoing monitoring and key contact
2. Issue Privacy Notices when collecting data
3. Report Breaches e.g. lost memory stick containing personal information or passing on data without consent
4. Work with Data Processors – a clear contract to ensure they keep data secure, e.g. payroll services who process employee personal data

The Council will need to start working towards compliance now. There are significant fines for failure to comply though the ICO will try to work with an organisation to ensure compliance or issue warnings before fines are imposed.

Next actions

In order to work towards full compliance the following actions are recommended

- Clerk to attend Calc Training March
- Councillors to receive GDPR guidance on Councillors use of personal data
- Budget for increase in ICO registration fee and for appointment of a DPO
- Clerk to bring a report to the next meeting with further actions

A. Cade , Clerk.

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