

# Briefing Note

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## General Data Protection Regulation 2018 June 2018

### **1.0 Background**

1.1 The Data Protection Bill 2018 became the Data Protection Act on 25 May 2018. The Information Commissioner has stated publicly that the date is a starting point from which public bodies should begin their process of compliance. This Briefing Note will update councillors on the progress that this parish council is making towards compliance and set out a timetable for achieving the adoption of the Act.

1.2 At the time of writing, the Act is less than one month old, and there are very few absolutes to inform public bodies in the detail of what they need to have in place. CALC, along with a range of other local government groups, have published guidance as to what is needed to be done. This council has followed their templates, and it is the opinion of the writer that this parish council complies with the spirit of the GDPR and can show evidence of having a plan in place to become fully compliant within a three month timescale.

### **2.0 Current Situation**

2.1 The part of the GDPR that is most visible is the General Privacy Notice (based on a template from the National Association of Local Councils) and is a statement from the council describing how it acquires, stores, protects and uses personal data. The GPN was published on the front page of the parish council's website on 7 May 2018, and sets out:

- What is meant by Personal Data
- How the parish council may share it
- What the data may consist of
- What the GDPR says about the legal use of this data
- How it may be used by the council
- How long the data may be held for
- What a resident's rights are to know what data is held
- How to obtain it
- How to have it removed
- How to complain

The Notice is written in broad terms to cover all foreseeable situations, and gives residents the clearest indication that the council recognises its responsibilities under the DPA.

2.2 Personal data which the council holds can only be held with the knowledge and consent of the user. The most usual way of contacting the council is by email, and so any enquiries made by email through the council's website are alerted to the need to share information with other people. Using the webform in this way obtains explicit consent from the enquirer. Similarly, when unsolicited emails are received into the parish council's mailbox that need referral to a third party, it is now the practice to respond immediately asking for permission to share their contact details. The Clerk's email signature references the GDPR.

2.3 Councillors have already received their own Privacy Notice, setting out how their personal data is stored and managed. This was emailed out on 25 May 2018.

### **3.0 Forward Plan**

3.1 As part of preparations to publish the GPN, the clerk has carried out an audit of the data the parish council holds. This is an essential part of a wider plan to ensure full compliance with the GDPR. However, in order to demonstrate compliance, a number of new processes, procedures and policies will need to be scrutinised by councillors in their public meeting, and then adopted as part of its wider governance.

These documents are currently:

- Retentions Policy (how long various data may be held for and disposed of)
- Data Asset Register (that lists data held and its secure storage)
- Acceptable Use Policy (for staff and councillors using council supplied email addresses and those using their own electronic devices)
- General Privacy Policy (in use but requires endorsement)
- Privacy Notice (for staff and councillors)
- Reporting Breaches (policy procedure for receiving notification of breaches and assessing their importance)

3.2 The parish council is supplying dedicated email boxes for elected members to prevent the crossover between personal and council information. Councillors will be advised on the correct wording for their email signature to comply with the GDPR, and will be reminded that using their personal email boxes for council business may be subject to Freedom of Information requests.

3.3 CALC has produced two self-assessment templates that can be used by the council to measure its compliance. The first, the Internal Control Data Audit, is recommended to be carried out quarterly, reported back at the public meeting and minuted. This Audit may advise changes in practice and policies as the GDPR is used and examples of good and bad practice emerge. This council is already compliant with 90% of the items listed (subject to the adoption of new policies listed in 3.1 above)

The second template is advised as part of the Annual Audit and Risk Management Assessment. There are 6 items that the council's data operations are assessed against, graded as red amber or green. At the time of writing, none of the council's procedures are flagged up as red.

#### **4.0 Learning & Development**

4.1 Currently, there are no training packages available for councillors. Cornwall Council may be able to provide GDPR training for elected members later in the summer. Until then, councillors are encouraged to read around the subject, and engage fully in the process of assessing the draft policies that will be presented to them.

4.2 Clerk has produced a set of Frequently Asked Questions drawn from a range of sources.

4.3 Induction training for new councillors will include a section on the GDPR and its practical application.

#### **5.0 Recommendations**

5.1 That councillors agree a schedule of assessing draft policies, and attendance at appropriate specialist training.