

**15 January 2018**

**Policy, Projects and Resources Committee**

**Preparation for General Data Protection Regulation - GDPR**

**Report of:** Gary Cordes - Information Governance Lawyer

**Wards Affected:** All

**This report is:** Public

**1. Executive Summary**

- 1.1 Members may be aware that on 25 May 2018, the General Data Protection Regulation (GDPR) will replace the Data Protection Act 1998. To that end there is a Data Protection Bill 2017 currently before Parliament and this will effectively adopt GDPR when enacted in due course. The Council has therefore commenced work on its strategy for introducing GDPR compliant measures in time for the new law coming into effect in May 2018.

**2. Recommendation(s)**

- 2.1 **That the attached compliance action plan, along with the attached project plan, be approved to enable officers to roll out effective GDPR compliance across the Council by 25 May 2018.**

**3. Introduction and Background**

- 3.1 Until 25 May 2018, all staff and Members of local authorities must continue to comply with the Data Protection Act 1998 (the Act) which requires individuals' personal data we hold to be processed securely, with severe penalties for non-compliance. For this purpose, as part of the Council's general review of information governance, Members will recall having approved a new suite of Data Protection policies in 2017.
- 3.2 All staff have been engaged to complete an online data protection training module based on these policies, during November and December 2017. This training module will also be made available to all Members during January 2018.

- 3.3 However, Members may be aware that on 25 May 2018, the General Data Protection Regulation (GDPR) will replace the Data Protection Act 1998. To that end there is a Data Protection Bill 2017 currently before Parliament and this will effectively adopt GDPR when enacted in due course. The Council has therefore commenced work on its strategy for introducing GDPR compliant measures in time for the new law coming into effect in May 2018.

#### **4. Issues, Options and Analysis of Options**

- 4.1 The main issue is achieving effective buy-in from all staff across the Council. To this end, the Chief Executive has recently published on the Council's intranet a message to all staff explaining GDPR is coming and that all staff need to cooperate with actions as directed by the GDPR senior officer steering group, established to oversee the project. GDPR is a statutory requirement so the only available option is to adopt the new legislation.

#### **5. Reasons for Recommendation**

- 5.1 Members approval of the appended compliance action plan, to be read alongside the Project Plan, is sought to enable officers to take all necessary measures to ensure BBC is compliant with GDPR when it becomes law on 25 May 2018, so enabling the Council to continue to keep related business risk to a minimum. Members will appreciate this is a complex, council wide project so that some dates for action/completion under the Project Plan are subject to change for operational reasons. This will NOT affect the overall projected completion date of 25 May 2018. Specific work flows will be developed following receipt of council-wide responses to a questionnaire to be sent out to all departments around end of January 2018, along with guidance notes and other documents designed to capture all information necessary to ensure compliance in all areas in due course. Specific GDPR training will be put in place for both officers and Members to complete over the coming months. Members of this committee will receive a further update from officers on GDPR at their meeting, now re-scheduled for 12 March 2018.

#### **6. Consultation**

- 6.1 No consultation is required in advance of submission of this report to Committee.

#### **7. References to Corporate Plan 2016-2019**

- 7.1 With regard to the priority: 'Community and Health' this report supports businesses, safeguards public safety and enhances standards locally through risk-based regulatory compliance with the Data Protection Act 1998 and the forthcoming GDPR.

## **8. Implications**

- 8.1 Risk of up to £0.5m fine for non compliance with DPA will increase to a maximum of £18m under GDPR with associated financial consequences; reputational harm to Council.
- 8.2 Currently the additional resources required for the implementation of GDPR by May 2018, consists of an Information Governance Lawyer and is being funded from the Council's Reserves due to the transformational activity.

### **Legal Implications**

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- 8.3 Legal issues and implications are set out in the body of this report and appendices.

## **9. Background Papers**

- 9.1 None

## **10. Appendices to this report**

Appendix A - GDPR Briefing Note & Compliance Action Plan

Appendix B - GDPR Project Plan

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