

SOUTH HOLLAND DISTRICT COUNCIL

Report of: Mark Stinson, Assistant Director – Governance

To: Policy Development Panel Tuesday, 16th November 2021

(Author: Kirsty Porter, Information Governance Officer)

Subject Data Protection Policy

Purpose: To note the revised Data Protection Policy

Recommendation(s):

- 1) That the recommended revisions to the Data Protection Policy be noted, and;
- 2) That, as in line with the delegation agreed at Cabinet on 29 May 2018, the Data Protection Officer make amendments to the Policy and Procedures so far as is necessary to reflect legislative changes, emerging guidance and to incorporate links to other relevant documents.

1.0 BACKGROUND

1.1 The Data Protection Policy was approved by Cabinet on the 29th May 2018, as follows:

1. That the new draft Data Protection Policy, Data Security Breach Procedure and Response Procedures for Data Subject Requests be approved and adopted.

2. That the Shared Executive Manager and Data Protection Officer be authorised to make amendments to the Policy and Procedures so far as is necessary to reflect legislative changes, emerging guidance and to incorporate links to other relevant documents.

The Author has been appointed as Deputy Data Protection Officer in the Data Protection Officer's absence.

2.0 OPTIONS

2.1 That the recommended revisions to the Data Protection Policy be noted; and

2.2 That, as in line with the delegation agreed at Cabinet on 29 May 2018, the Data Protection Officer make amendments to the Policy and Procedures so far as is necessary to reflect legislative changes, emerging guidance and to incorporate links to other relevant documents..

2.3 Do Nothing

3.0 REASONS FOR RECOMMENDATION(S)

- 3.1 To ensure that the Council retains an updated fit-for-purpose Policy to assist in compliance with Data Protection

4.0 EXPECTED BENEFITS

- 4.1 Data Protection legislation places a duty on all data controllers and data processors to deal with personal data in a lawful and diligent manner. By reviewing and keeping the Data Protection Policy up to date the Authority is compliant with this requirement.

5.0 IMPLICATIONS

In preparing this report, the report author has considered the likely implications of the decision - particularly in terms of Carbon Footprint / Environmental Issues; Constitutional & Legal; Contracts; Corporate Priorities; Crime & Disorder; Data Protection; Equality & Diversity/Human Rights; Financial; Health & Wellbeing; Reputation; Risk Management; Safeguarding; Staffing; Stakeholders/Consultation/Timescales; Transformation Programme; Other. Where the report author considers that there may be implications under one or more of these headings, these are identified below.

5.1 Constitutional & Legal

- 5.1.1 Data Protection compliance is a legal requirement. Constitutionally, final approval of the Policy sits with the Cabinet, however approval was provided (as outlined at 1.1) for the Data Protection Officer to make amendments

5.2 Contracts

- 5.2.1 Data Protection places obligation on Data Controllers to impose data protection obligations on contractors

5.3 Corporate Priorities

- 5.3.1 Our Council: Continue to ensure that our regulatory and statutory services remain fully compliant with all current and emerging legislation

5.4 Data Protection

- 5.4.1 Explicit in this report

5.5 Equality and Diversity / Human Rights

- 5.5.1 Data Protection Policy confirms compliance with the legislation, which is to protect and represent everyone's human rights and freedoms

5.6 Financial

- 5.6.1 Adoption of the Policy does not of itself have any financial implications. Clearly, compliance with data protection does have financial implications.

5.7 Reputation

- 5.7.1 A clear Data Protection Policy supports the Council with protecting its reputation

5.8 Risk Management

- 5.8.1 Having a robust Policy and associated procedures helps the Council to evidence

compliance (the 'accountability principle' under UK GDPR). This, together with proper use of the policy and procedures, will ensure that our data practices improve, and our level of risk reduces.

5.9 Stakeholders / Constitution / Timescales

5.9.1 Data Protection compliance is a legal requirement. This policy is due for review and as part of this process, the PDP has requested sight of the Policy for consideration.

6.0 WARDS/COMMUNITIES AFFECTED

6.1 All

7.0 ACRONYMS

7.1 UK GDPR – UK General Data Protection Regulation

Background papers:-

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Key Decision: N

Exempt Decision: N

This report refers to a Mandatory Service

Appendices attached to this report:

Appendix A Data Protection Policy

Appendix B Data Security Breach Procedure

Appendix C Response procedures for data subject requests under GDPR