



East Dean & Friston

Parish Council

Date: 7th June 2018

Title: Report Item 8 – General Data Protection Regulation

By: K Larkin (Parish Clerk)

Purpose: To provide an update on compliance with the new regulation (effective from 25 May 2018), and actions now required

Recommendations: a) To note the report
b) To note the audit of data held by EDFPC (Annex A)
c) To adopt the draft Data Protection Policy (Annex B)
d) To adopt the draft Privacy Notice (Annex C)

The GDPR is now law. Here is a summary of EDFPC's compliance to date, following the twelve point action plan set out by the Information Commissioner:

- 1. The Data Controller is the council as a corporation.** Responsibility for safeguarding the personal data of individuals who come into contact with the council is shared by all members as well as the clerk. It is particularly important that data held on mobile devices such as tablets should be password protected or encrypted.
- 2. Information the council holds –** the data audit is complete and a copy in spreadsheet form is being circulated with this report as Annex A. Several points to note include (a) for activities that are undertaken by virtue of being a town/parish council you may not have to gain consent to keep personal information; (b) the council's email circulation list, for which consent is required, has been completely revised on the new 'opt in' basis and has halved in length; (c) the council's archives are extensive and it will be some time before the work of removing everything that should no longer be kept can be completed. This is particularly true of paper records. However, priority has been given to disposing of the most obviously personal items, such as CVs supplied by previous councillors or employees.
- 3. Individual's rights –** the council needs to finally approve a Data Protection Policy. A draft policy is attached as Annex B. It uses a draft prepared by the SLCC.
- 4. Communicating privacy information –** councils are being advised to have privacy notices to give to people whose consent is required for the holding of their information. There are many drafts on offer but they can be very daunting for a non-specialist reader. The Information Commissioner's website says it is better to provide information in a range of ways, tailored to the individual, bearing in mind what they already know and

whether the use you intend to make of their information is predictable. If it is not, that is when fuller information becomes necessary. The council will no doubt follow this advice. In addition, I attach a brief and clear privacy notice for general use on the website – see Annex C.

5. **Lawful basis for processing personal data** – this is now fully documented in the Data Audit Schedule (see paragraph 2 above)
6. **Subject access requests** – the SLCC has drafted a form for internal office use providing a checklist of the points to investigate and record if an individual asks for a copy of all the data held on them.
7. **Consent** – the SLCC has also drafted a ‘Consent to Hold Contact Information’ form, for use in those rare cases where it is proposed that personal information be shared with another organisation. The form is useful for the checklist it provides for assessing whether the sharing is justified and whether the form is therefore relevant.
8. **Data breaches** – there is an SLCC approved procedure to be followed in the event of a complaint about a data breach.
9. **Children** – it is unlikely that the council will hold data relating to children, but if the need arose then specialist advice should be obtained.
10. **Data Protection Impact Assessment** – one more SLCC draft shows how to risk assess new projects etc. for their data protection impacts. This is probably beyond the scope of a small council, but is mentioned for the sake of completeness.
11. **Data Protection Officer** - In the final stages of the passage of the legislation through parliament, parish councils were exempted from the requirement to appoint a Data Protection Officer, due to the low sensitivity of the types of personal data typically controlled and processed by a parish council. However, it might be regarded as good practice to have a DPO. The SLCC says: ‘A member of staff can be a DPO provided they have no conflict of interest and meet the other criteria for the position’. Further advice is awaited, and the council has already resolved to keep this under review. In the meantime, two members of the SLCC Advice Team have completed the Certificate in Data Protection and are able to supply members with ‘timely, accurate and professionally indemnified advice’.
12. **International** - organisations which operate in more than one EU member state must find out who is their lead supervisory authority in each jurisdiction (obviously not applicable to EDFPC).