

Report on	New Data Protection Policy Adoption
Date of Meeting	6 th September 2018
Reporting Officer	Barry O'Hagan
Contact Officer	Barry O'Hagan

Is this report restricted for confidential business?	Yes	
If 'Yes', confirm below the exempt information category relied upon	No	X

1.0	Purpose of Report
1.1	To seek approval of the adoption policy of a new Data Protection Policy
2.0	Background
2.1	The introduction of The Data Protection Act 2018 (as a result of GDPR EU regulations) has necessitated the review and adoption of a policy that reflects the new legislative requirements placed on the Council to protect personal data.
3.0	Main Report
3.1	<p>The new legislation and policy supersedes the previous legislation and policy. The new legislation become effective on 25th May 2018. The policy aims to</p> <ul style="list-style-type: none"> i. To provide assurance to our employees and public that we seek to protect the information we hold and used it for legitimate purposes. ii. To replace the existing Policy and ensure Council meets the requirements of the General Data Protection Act 2018 iii. To ensure that all appropriate staff are properly trained, kept fully informed of their obligations under the Data Protection Act 2018, and that they are aware of their personal data protection liabilities, setting out the standards expected by the Council in relation to processing of personal data and safeguarding individuals' rights and freedoms. <p>Policy Objectives:</p> <ul style="list-style-type: none"> i. To ensure the protection of personal and sensitive information of staff and our customers. ii. To ensure all staff across the Council are aware of, and understand the importance of, data protection and confidentiality. iii. To assist the Council to comply with all requirements of the DPA. iv. To ensure procedures are in place across the Council for staff, contractors and members regarding disclosure of personal information.

- v. To increase the awareness of data subjects to the amount of personal data processed and stored by the Council about them and advise them of their rights under the data protection legislation.
- vi. To ensure all staff receive appropriate data protection training, with regular updates or when significant data protection guidance changes.

In summary the policy defines the key principles

- Process personal data fairly and lawfully.
- Process the data for the specific and lawful purpose for which it collected that data and not further process the data in a manner incompatible with this purpose.
- Ensure that the data is adequate, relevant and not excessive in relation to the purpose for which it is processed.
- Keep personal data accurate and, where necessary, up to date.
- Only keep personal data for as long as is necessary.
- Process personal data in accordance with the rights of the data subject under the legislation.
- Put appropriate technical and organisational measures in place against unauthorised or unlawful processing of personal data, and against accidental loss or destruction of data.
- Ensure that no personal data is transferred to a country or a territory outside the European Economic Area (EEA) unless that country or territory ensures adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

The Council has defined the reasons why and how we process personal data and we should only hold personal information based on the following reasons.

- Where it involves the exercise of a public function – i.e. most activities of most government, local government and other public bodies.
- Where it is *necessary* in connection with a contract between the Council and the individual.
- Where it is *necessary* because of a legal obligation.
- Where it is *necessary* in our legitimate interests, as long as these are not outweighed by the interests of the individual.
- Where it is *necessary* in an emergency, to protect an individual's 'vital interests'.
- Consent from the individual (or someone authorised to consent on their behalf).

	The reminder of the policy details specific areas arounds rights, procedural processes e.g. in the event of breaches and the roles and responsibilities for staff and management.
4.0	Other Considerations
4.1	Financial, Human Resources & Risk Implications
	Financial: There will be no significant additional financial pressures caused by the introduction of the legislation and the policy. There are potentially significant fines for breaches of the legislation.
	Human: Council, has undertaken a program m of training staff on personal Data Protection,
	Risk Management: The potential for a breach of personal data has been identified as a corporate risk that requires regular monitoring, controls and mechanisms to treat the evolving risks presented.
4.2	Screening & Impact Assessments
	Equality & Good Relations Implications: An equality and good relations impact assessment has been completed and approved by the Director of Finance. The outcome of the screening has screened this policy out. A copy of the assessment is attached for information.
	Rural Needs Implications: The policy has been subjected to a rural needs impact assessment and this policy has considered the assessment during the policy development. A copy of the rural needs assessment is attached for information.
5.0	Recommendation(s)
5.1	Council approve the adoption of the Data Protection policy
6.0	Documents Attached & References
	Equality and Good relations Assessment Rural Needs Assessment Data Protection Policy