

<b>Report on</b>	Data Protection legislative Update for Members
<b>Date of Meeting</b>	4 April 2019
<b>Reporting Officer</b>	Barry O'Hagan
<b>Contact Officer</b>	same

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

<b>1.0</b>	<b>Purpose of Report</b>
1.1	To provide Members with an update on recent legislative changes to Personal Data Protection Legislations that potentially impacts members
<b>2.0</b>	<b>Background</b>
2.1	<i>New legislation from ICO becomes law from the 1<sup>st</sup> April affecting who is liable for data protection registration fees.</i>
<b>3.0</b>	<b>Main Report</b>
3.1	<p>Data controllers must pay an annual data protection fee unless they are only processing personal data for one or more of the exempt purposes.</p> <p>On 1 April 2019, the <i>Data Protection (Charges and Information) (Amendment) Regulations 2019</i> (the 2019 amendments) will come into force. These will add a new exemption.</p> <p>The new exemption will exempt the processing of personal data by:</p> <ul style="list-style-type: none"> <li>• members of the House of Lords,</li> <li>• elected representatives,</li> <li>• prospective representatives,</li> </ul> <p>('the three groups') and those acting on their instructions, where that processing is in connection with the discharge of the functions of the member of the House of Lords/elected representative or in connection with any activity where the (main) purpose is the future election of the prospective representative.</p> <p><b>Is all processing of personal data undertaken by people in the three groups exempt?</b></p> <p>No. For the processing to fall within the new exemption, it must be undertaken by people within the three groups – or by someone on their behalf – where the main purpose of that processing is in connection with their functions as members of the</p>

	<p>House of Lords, their functions as elected representatives or any activity where the sole or principal purpose is their future election.</p> <p>As such, if any member of the three groups also processes personal data for any other non-exempt purpose, for example as a business owner, or if they have CCTV at their offices for crime prevention purposes, then as that processing is not exempt, they must pay the data protection fee in respect of it.</p> <p><b>What advice should we give to members of the three groups if their registration expires after 1 April?</b></p> <p>If they are <b>only</b> processing personal data in connection with their functions as members of the House of Lords, in connection with their functions as elected representatives or in connection with any activity where the sole or principal purpose is their future election, then they will not need to renew their registration/pay the data protection fee.</p> <p>If, however, they also process personal data for any other non-exempt purpose, for example as a business owner, or if they have CCTV at their offices for crime prevention purposes, then as that processing is not exempt, they must renew their registration/pay the data protection fee in respect of that processing.</p>
<b>4.0</b>	<b>Other Considerations</b>
<b>4.1</b>	<p><b>Financial, Human Resources &amp; Risk Implications:</b></p> <p><b>Financial:</b> Members will no longer be liable for the annual data protection registration fee potentially as a result of the exemption.</p> <p><b>Risk Management:</b> The legislation still requires members to manage personal data they process in line with the Data Protection Act 2018 and they can be found liable for breaches as before.</p> <p><b>Screening &amp; Impact Assessments:</b> No Applicable</p>
<b>4.2</b>	<p><b>Equality &amp; Good Relations Implications:</b> Not applicable currently</p> <p><b>Rural Needs Implications:</b> Not applicable currently</p> <p><b>Recommendation(s)</b></p>
<b>5.0</b>	<p>That Members note the above report and advice for their consideration in handling personal data matters.</p>
<b>5.1</b>	<p><b>Documents Attached &amp; References</b></p> <p>Amendment Legislation (2 pages)</p>