

SOUTH STAFFORDSHIRE COUNCIL

STANDARDS AND RESOURCES COMMITTEE – 8 JUNE 2023

DATA PROTECTION POLICY UPDATE

REPORT OF DIRECTOR LEGAL AND GOVERNANCE

PART A – SUMMARY REPORT

1.0 SUMMARY OF PROPOSALS

- 1.1 The Council's Data Protection Policy has been reviewed and refreshed to ensure it remains up to date and fit for purpose. The report also provides an update with regard to data protection compliance matters.

2. RECOMMENDATIONS

It is recommended that:

- 2.1 Members consider and comment on the refreshed policy attached as Appendix 1.
- 2.2 Members note the proposed approach to ensure compliance with requirements as set out in paragraphs 4.4 and 4.6 of the report.

3.0 SUMMARY IMPACT ASSESSMENT

POLICY/COMMUNITY IMPACT	Do these proposals contribute to specific Council Plan objectives?	
	Yes	Having an effective and efficient Council underpins the delivery of the Council Plan.
	Has an Equality Impact Assessment (EqIA) been completed?	
	No	No significant changes to the policy so no implications that have not been considered previously.
SCRUTINY POWERS APPLICABLE	Report to Standards and Resources Committee	
KEY DECISION	No	
TARGET DATE	27 January 2022	
FINANCIAL IMPACT	Yes	One off costs of £8,100 for External Consultancy have been identified as being required to ensure identified actions are carried out. Corresponding in-year savings have been identified in budget monitoring to ensure that this level of

		expenditure has no adverse impact on the projected level General Fund balances of the Council at the year end.
LEGAL ISSUES	No	There are no direct legal implications arising from this report. Compliance with the data protection legislation is a legal requirement.
OTHER IMPACTS, RISKS & OPPORTUNITIES	No	
IMPACT ON SPECIFIC WARDS	No	

4.0 BACKGROUND

- 4.1 The General Data Protection Regulation (GDPR) was introduced with effect from 25 May 2018. Members received a previous report on the preparation work undertaken at that time to ensure the Council was compliant and update reports in May 2019 and September 2020. This report seeks to update Members on actions taken and proposals to ensure the Council remains compliant. The Council's Data Protection Policy has also been reviewed and refreshed to ensure it is up to date and fit for purpose.
- 4.2 When the GDPR was introduced, the Council's Data Protection Policy was updated and revised to reflect the new requirements. This policy has been reviewed and refreshed. No significant changes were required as the policy was found to be fit for purpose. The policy can be seen at Appendix 1. Member approval is sought.
- 4.3 The Council's Internal Audit Service recently carried out an audit of the Council's position with regard to data protection. It is pleasing to note that substantial assurance was given by the audit. The audit found that the Council's data retention policies and procedures were sound and that appropriate data sharing agreements were in place where necessary, along with revised contractual provisions. There were some actions recommended as a result of the audit to further strengthen the Council's position and build on the good work undertaken to date. These are summarised below.
- 4.4 It is recommended that the information mapping exercise that was undertaken in 2018 in preparation for the change in the law should be refreshed. Records of information held, known as a Record of Processing Activities (RoPA) should be renewed for each service area and a central record maintained. Prior to the audit commencing, an additional resource in the form of a data protection specialist solicitor, had been commissioned to review the Council's compliance position. It is proposed that this specialist continues the work in this area to ensure the Council's compliance position is further strengthened and the audit recommendations are fully implemented.
- 4.5 The second audit recommendation was around refreshing of the Council's Policy. This has been undertaken and the revised policy as attached for approval as set out above.
- 4.6 The final audit recommendation was that regular reviews of information held are undertaken within service areas. This requirement will be communicated to service managers as part of the wider communications undertaken in respect of data protection

compliance including publicising the renewed policy.

- 4.7 Further training will be provided to officers and members on data protection to ensure compliance. Regular reminders on data protection are also given in the Council's News Round-Up to ensure awareness is maintained.

5.0 IMPACT ASSESSMENT – ADDITIONAL INFORMATION

None

6.0 PREVIOUS MINUTES

Standards and Resources Committee 22.03.18, 23.05.19, 24.09.20.

7.0 BACKGROUND PAPERS

Internal Audit Report

Report prepared by Lorraine Fowkes – Director of Legal and Governance (Data Protection Officer)