

TEWKESBURY BOROUGH COUNCIL

Report to:	Audit & Governance Committee
Date of Meeting:	19 July 2023
Subject:	Data Protection Officer Annual Report
Report of:	Director: Corporate Resources (Data Protection Officer)
Head of Service/Director:	Executive Director: Resources and S151 (Senior Information Risk Owner)
Lead Member:	Lead Member for Corporate Governance
Number of Appendices:	1

Executive Summary:

This report provides the Committee with the Data Protection Officer's assessment of the Council's general activity during 2022/23 to ensure broad compliance with the Data Protection Act 2018 and the UK General Data Protection Regulation (GDPR). The role of the Data Protection Officer is to monitor compliance by the Data Controller of GDPR legislation. It is a statutory role fulfilled by the Director: Corporate Resources. The Data Controller (the Council) has a duty to comply with GDPR legislation. A Single Point of Contact (SPoC) for GDPR supports service areas in maintaining operational compliance with legislation and has developed and oversees the action plan attached at Appendix 1.

Recommendation:

To receive the annual report on the actions undertaken during the year and to CONSIDER the action plan, attached at Appendix 1, to further improve the council's GDPR arrangements.

Financial Implications:

None arising directly from this report.

Legal Implications:

The authority has a duty to ensure compliance with its data protection obligations. Failure to comply could result in action from the Information Commissioner's Office (ICO) that can include enforcement notices, prosecutions and fines.

Environmental and Sustainability Implications:

None arising directly from this report.

Resource Implications (including impact on equalities):

None arising directly from this report.

Safeguarding Implications:

None arising directly from this report.

Impact on the Customer:

It is good practice that the Data Protection Officer (DPO) provides annual assurance on the adequacy of the Council's data protection arrangements. This helps demonstrate to customers, as well as employees, suppliers and other third parties, that they can have trust in engaging with the Council and feel confident that their personal data will be safe.

1.0 INTRODUCTION

- 1.1** The Data Protection Act 2018 (DPA) and UK General Data Protection Regulation (GDPR) came into effect on 25 May 2018. The Council must comply with all relevant legislation and maintain good practices to protect the personal data held. A significant amount of work was undertaken prior to this date to ensure the Council was broadly compliant and this work is ongoing to maintain compliance. The Council has an approved Data Protection Policy that provides guidance to ensure that all personal data is lawfully processed by the council and meets the seven key principles of the regulation.
- 1.2** The Council's policy details the roles and responsibilities to oversee compliance which are as follows:
- Senior Information Risk Owner (SIRO) – to ensure that information assets are appropriately managed. Oversees and is responsible for the whole information governance framework and the risks associated with it. This role is fulfilled by the Executive Director: Resources and S151.
 - Data Protection Officer (DPO) – to undertake the statutory role by monitoring compliance and by providing training, advice and assistance to the SIRO. This role is fulfilled by the Director: Corporate Resources.
 - GDPR Single Point of Contact (SPoC) – acts as the single point of contact for customers, staff, Members and the DPO in relation to personal data. Oversees delivery of the GDPR action plan, providing advice and support to information asset owners. This role is fulfilled by the Information Governance Officer.
 - Information Asset Owners (IAO) – each operational manager has been designated as the IAO for their service. It is their responsibility to ensure their services are compliant with data protection legislation.
- 1.3** An internal Information Governance and Security Board meets on a regular basis to oversee Data Protection and GDPR related activity. One key objective of the Board is to oversee delivery of the GDPR action plan. The action plan can be found at Appendix 1

2.0 GDPR WORK UNDERTAKEN IN THE YEAR

2.1 It is good practice that the DPO, as the compliance monitoring officer, provides assurance to the Audit and Governance Committee as to the broad compliance with GDPR and any action that has been taken over the last year to strengthen arrangements. In terms of the key actions undertaken during the year, these include:

- A review of the Council's Data Protection Policy. An updated Policy was presented to Audit and Governance Committee on 23 March 2023 and subsequently approved by Executive Committee on 7 June 2023. The Policy will now be subject to ongoing annual review.
- A new system, built on the Liberty Create platform, has been developed to manage data requests. This follows a similar process to the existing Freedom of Information Request system and has created efficiencies in responding to these requests.
- Redaction software has been rolled out to appropriate officers to assist with ensuring that personal data is sufficiently protected when responding to requests for information.
- An information governance structure chart has been produced to identify key roles and responsibilities across the organisation e.g., Senior Information Risk Owner, Data Protection Officer etc.
- Data Protection training has been delivered to Members as part of their induction programme. To meet ongoing training requirements, provision for online annual refresher training is in place for all staff and Members.

3.0 LOOKING FORWARD

3.1 The action plan is a comprehensive document, providing an excellent platform to enhance the Council's arrangements. Key actions moving forward include:

- Develop a data retention project plan to address the key risks associated with data retention and put in place effective measures to ensure that the data held by the Council is necessary and proportionate.
- To keep a watching brief on The Data Protection and Digital Bill and assess any potential changes that this may bring to data protection requirements.
- Review privacy notices to ensure that they are up to date and are in place for all activities that involve the collection of personal data.
- Ensure the intranet is a good source of GDPR information for staff and Members, that this is up-to-date with all relevant information and promotes data protection awareness.

4.0 DATA PROTECTION OFFICER ANNUAL CONCLUSION

4.1 Ensuring compliance with Data Protection requirements is a continuous process requiring continual development and learning. The support of the GDPR Single Point of Contact (SPoC) has been invaluable in assisting both the Senior Information Risk Owner and the Data Protection Officer in securing and monitoring the Council's development and compliance. The SPoC role is carried out by the Information Governance Officer, who has recently been appointed to the Head of Audit and Governance. Following a recruitment process, a new appointment was made to the Information Governance Officer role with the successful candidate due to start with the Council in September 2023. This will provide the resource to continue to move the GDPR action plan forward.

4.2 It is pleasing to report that during the year there have been a low number of data breaches recorded, none of which were categorised as high risk, and therefore the Council has not been required to notify the Information Commissioner of any breaches. Nevertheless, it is important that the Council's arrangements are continually reviewed and that the GDPR action plan attached at Appendix 1 is delivered in order to secure the council's continued compliance.

5.0 CONSULTATION

5.1 None

6.0 ASSOCIATED RISKS

6.1 Ongoing compliance monitoring and implementation of the GDPR action plan aims to mitigate the following risks:

- Accidental or deliberate breach of data protection requirements.
- Potential sanctions against the council or individuals imposed by the ICO.
- Council reputational damage.

7.0 MONITORING

7.1 Progress on delivering the GDPR action plan is monitored by an internal Information Governance and Security Board. This Board includes the Data Protection Officer and Senior Information Risk Owner, supported by officers from Audit and Governance, ICT and Business Transformation. Internal Audit also provides additional assurance where appropriate through the delivery of the Internal Audit Plan.

8.0 RELEVANT COUNCIL PLAN PRIORITIES/COUNCIL POLICIES/STRATEGIES

8.1 Data Protection Policy 2023.

Background Papers: None

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Appendices: Appendix 1 – GDPR Action Plan