

REPORT OF DAP Partnership Manager
To: Audit & Governance Committee
Subject: Readiness for the updated Data Protection Regulations (2018)
Date: 24th November 2017 **Reference:**

PURPOSE OF REPORT: To advise the Audit & Governance Committee of the readiness of the Council to meet the requirements of the updated Data Protection Regulations (2018).

1. INTRODUCTION

The proposed Data Protection Regulations will come in to force on the 25th May 2018. These new regulations encompass the General Data Protection Regulations (GDPR), which are the new EU data rules, extending the scope of the EU data protection law to all foreign companies processing data of EU residents. The new regulations provide for a harmonization of the data protection regulations throughout the EU, thereby making it easier for non-European companies to comply with these regulations; however, this comes at the cost of a strict data protection compliance regime with severe penalties, including financial penalties of up to 4% turnover.

The Information Commissioner continues to work on guidance to assist organisations (data controllers). This guidance has included a “readiness self-assessment” checklist that provides an assessment of the key areas that organisations need to address to be ready to achieve full compliance.

Although there are a number of changes from the previous act, overall it is expected that if organisations fully complied with previous legislation, then the journey to meet the new regulations should be reasonably straight forward.

The key changes set out in the new regulations are as follows:-

- The right to be forgotten - Data subjects can request for all of their data to be erased
- Guaranteed data portability - Individuals can request their personal data for transfer
- Data breach reporting - Businesses have 72 hours to report personal data breaches
- Consent management - Companies must get explicit consent from people for their data, which can be withdrawn
- Increased accountability - Roles and responsibilities around personal data are now required in organisations
- Fines, penalties and lawsuits - Companies are liable to huge fines if they breach the GDPR, as well as personal legal action
- Storing data responsibly - Businesses must know what data they hold, why it is needed and are required to protect it
- Working with third parties - Companies must manage the risks involved in transferring data to third parties
- Data protection officer (DPO) - The DPO is responsible for ensuring compliance within companies

At Torridge, the lead officer for preparing the Council for the new regulations is the Senior Solicitor & Monitoring Officer.

2. REPORT



The attached report is a self assessment, prepared by the Senior Solicitor & Monitoring Officer, setting out the areas that require further action. The actions have allocated to key officers and expected timescales have been recorded against them (see Appendix A).

Members of the Committee will note that, by and large, actions are underway to ensure that the Council is ready for the new regulations.

Internal Audit will continue to monitor the delivery of the action plan, to ensure that the new regulations can be met by the May timescale.

3. IMPLICATIONS

Legal Implications

Compliance with the (expected) Data Protection Regulations 2018.

Financial Implications

None

Human Resources Implications

None

Sustainability Implications

None

Equality/Diversity

None

Risk Management

The internal auditor provides members with assurance on compliance with ICT controls and the wider Data Protection Regulations.

Compliance with Policies and Strategies

None

Ward Member and Lead Member Views

Not consulted in advance of meeting.

4. CONCLUSIONS

Overall the self assessment provides good assurance that the council has identified the key action it needs to take to prepare for the new Data Protection Regulations and that actions are on track to be completed by May 2018.

5. RECOMMENDATIONS

Committee are asked to note:

The progress being made to ensure that the Council meets the requirements of the new Data Protection Regulations.



SUPPORTING INFORMATION

Consultations: Jenny Wallace, Head of Paid Service
Steve Hearse, Statutory Finance Officer

Contact Officer: Chris Dobbs, Service Improvement Officer

Background Papers: General Data Protection Regulations (GDPR)

