

1 **Professional Support • Expert Advice • Flexible Service • Pragmatic Approach**

People & Development Solutions Designed for the Local Council Sector

2 **General Data Protection Regulations (GDPR)**

What does it mean for Town and Parish Councils?

3 **GDPR - Key terms****Recap**

- 'Personal data'
any information relating to an identified or identifiable natural person
- 'data controller'
Says how and why the personal data is processed - usually decided by the Council (or could be a sub committee)
- 'data processor'
acts on the data controllers behalf
- 'data subject'
individual to whom the personal data relates -usually the Elector or EMPLOYEE

4 **But does this REALLY apply to us?**

- Yes!
- The times where privacy was an afterthought are gone forever.
 - These new principles require that you integrate privacy requirements in the design of new services and that you process the minimum amount of personal data necessary to achieve a purpose.
- Organisations that handle sensitive data must hire a data protection officer this requirement is also in place for any public authorities

5 **So what is New?**

- Fair processing notice
 - These are required already under the DPA – Do you have one???
 - The new ones under the GDPR will require more information
- Data Subjects' rights are strengthened
- Data breach notification
 - It will be mandatory to notify ICO within 72 hours. You will need a process for this
 - This is a particular risk for small Councils, given how data is disseminated
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6 **How does this effect a Parish Council**

- 2 core strands
 - Provision of Council Services
 - Employment of staff, even if only 1 employee
 - As always, there is a choice to do nothing but the fines are significant and more importantly the preparation time to deal with a claim is also very significant

7 **Employment Data**

- Employment data is likely to comprise:
 - Medical records
 - contract of employment
 - emails sent/received
 - data on web browsing activity

- CCTV recording of employee arriving at work
- key card access logs
- Email from an employee 'Sorry, I can't come to work today as my daughter has chicken pox.'

8 **Consent**

- Giving of consent for processing personal data
- Consent must be freely given, specific, informed and unambiguous
- Onus on employer to show employee gave consent
- Consent in an employment contract requires separate signature box
- Must be informed of right to withdraw consent

9 **Information on Data**

- Organisations are required to provide a privacy notice (sometimes called "fair processing information"):
 - purposes for which data is processed
 - any further information needed to ensure processing is fair
 - Must cover employees as well
- All information provided must be concise, transparent, easily accessible and given in plain language (Article 12)

10

New duties for controllers and processors

- Data Controllers:
 - Demonstrate compliance
 - Data protection by design
- Data processors:
 - Contractual regulation
 - Documented Instructions
 - Increased liability

11 **Data Subject Rights**

- Data subject access rights - broadly similar but employers need to provide additional information:
 - Envisaged period of storage
 - Details of delete it, freeze it, correct it rights
 - Safeguard applied on third country transfer
- Additional rights -delete it, freeze it, correct it
- Compliance period – 40 days down to 'without undue delay and within one month unless...'
- Fees – there are no more fees

12 **Delete it, freeze, correct it!**

- As well as DSR, an individual has a package of rights including:
 - The right to erasure (to be forgotten) (Article 17)
 - The right to rectification(Article 16)

- The right to restriction of processing (Article 18)
- The right to object to processing (Article 21)

13 

Data Protection Officers

- The main roles of a DPO:
 - Advise data controllers/processors of legal obligations
 - Monitor compliance
 - Be responsible for implementation of policies - data protection by design
 - Be point of contact for regulator

14 

Personal Data Breaches

- A personal data breach is a breach of security leading to the accidental or unlawful destruction, loss, alteration or unauthorised disclosure of personal data (Article 33)
- Notification of breach - timeframes and scope
- Records

15 

Other issues to think about

- CCTV
- Recording Meetings
- Emails for Council Business

16 

Email Addresses

- You should have a separate email address for Council Communication, as should each Councillor
- If people are allowed to use their personal emails there is confusion about who 'owns' the data and also makes data FOI requests difficult to respond to.

17 

Email Addresses cont.....

- We suggest a ".gov.uk" address. These can be obtained from Sue Ramage at HALC
 - Benefits as some organisations give discounts
- If not at least a professional email address eg "councilnameclerk@gmail.co.uk"
- Clerk who look after more than 1 Council should have a separate address for each Council

18 

What should You do now?

- Plan! – 5 months away but make a start
- Ensure you are currently complying with current data protection requirements as a minimum
- You should have a DP policy – check it's up to date. There is a sample one on the HALC website

19 

What should You do now? Cont..

- Clear records:
 - systems in place
 - Ensure you are complying with your current policy

- Ensure you set up separate email addresses for the Council as a whole (Clerk) and also for individual Councillors
- Decide who will have the key roles
- Seek advice and training – we are running a number of GDPR courses
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