



CABINET – 18TH OCTOBER 2017

SUBJECT: DATA PROTECTION REFORM

REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES AND SECTION 151 OFFICER

- 1.1 The attached report, which informed Members of the requirements of upcoming data protection reform and corporate action to address these requirements, was considered by the Policy and Resources Scrutiny Committee on 3rd October 2017. Members were also asked to consider the updates to the Council's Information Risk Management Policy, prior to its presentation to Cabinet.
- 1.2 Officers explained that the UK government recently presented a draft Data Protection Bill to the House of Lords to replace the Data Protection Act 1998 and provide a comprehensive legal framework for data protection in the UK, supplementing the requirements of the General Data Protection Regulation (GDPR) which will be directly applicable in the UK from 25th May 2018. The Bill is scheduled for consideration at a second reading on 10th October 2017.
- 1.3 Members were advised of the key impacts of data protection reform as set out in the report. The changes will mean a greater requirement for accountability and Privacy by Design, and the Council will now have to evidence that they are complying with data protection requirements. There are also greater rights for data subjects, including rights to know what the Council will do with their data, and tighter reporting timescales, including mandatory breach reporting within 72 hours. Members were also referred to the Council's Information Risk Management Policy appended to the report, which has been updated to cover new data protection requirements, and incorporates a number of changes, such as promoting the use of Privacy Impact Assessments when necessary, and frequency of reports on Service Area Information Risk Registers to the Senior Information Risk Owner (SIRO) changing from quarterly to six monthly.
- 1.4 During the course of the ensuing debate, Members queried the implications of the data protection requirements on staff workloads. It was explained that the Corporate Information Governance Unit are working with South Wales Information Forum to share the preparatory workload where possible, and Information Governance Stewards across each service area are also undertaking preparatory work specific to their Service Area. The volume of preparatory work is a challenge, but the highest risks are being prioritised. Existing all-staff training will be relaunched on an annual basis to promote awareness of data protection requirements, so by the time the new law is in place staff should be fully aware of their responsibilities. Maintaining evidence of accountability when handling personal data needs to be embedded, but the Council are developing methods of simplifying the creation and maintenance of this evidence so that staff can focus on service delivery. It was confirmed that the situation will be monitored whilst the new requirements are embedded into normal working practices.
- 1.5 Discussion also took place regarding the data protection responsibilities of Members, and Officers outlined details of the training provided to them (including annual Information Governance training) and of the support that is available from the Corporate Information Governance Unit.

1.6 Following consideration of the report, and in noting the requirements of upcoming data protection reform and corporate action to address these requirements, the Policy and Resources Scrutiny Committee unanimously recommended to Cabinet that for the reasons contained therein:-

- (i) the requirements of upcoming data protection reform and corporate action to address these requirements be noted;
- (ii) the revised Information Risk Management Policy appended to the report be approved.

1.7 Members are asked to consider the recommendations.

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Appendices:

Appendix 1 Report to Policy and Resources Scrutiny Committee on 3rd October 2017 - Agenda Item 8