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<b>PART B:</b>	<b>RECOMMENDATIONS TO COUNCIL</b>
<b>REPORT TO:</b>	<b>POLICY AND RESOURCES COMMITTEE</b>
<b>DATE:</b>	<b>15 MARCH 2018</b>
<b>REPORT OF THE:</b>	<b>RESOURCES AND ENABLING SERVICES LEAD (S151) PETER JOHNSON</b>
<b>TITLE OF REPORT:</b>	<b>GDPR POLICY UPDATE</b>
<b>WARDS AFFECTED:</b>	<b>ALL</b>

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## **EXECUTIVE SUMMARY**

### **1.0 PURPOSE OF REPORT**

1.1 This report seeks approval for new information governance policies to reflect the requirements of the General Data Protection Regulation (GDPR) and the Data Protection Bill which is due to pass into law this year.

### **2.0 RECOMMENDATION(S)**

2.1 That Council is recommended to approve:

- (i) The new information governance policies attached as Annex 3 of the report;
- (ii) Delegation of any subsequent updates required to reflect the emerging guidance on the new laws from the Information Commissioner to the Resources and Enabling Services Lead (s151) as the Council's designated Senior Information Risk Owner (SIRO), in consultation with the Corporate Information Governance Group (CIGG).

### **3.0 REASON FOR RECOMMENDATION(S)**

3.1 To ensure that the Council's policies are compliant with new legal requirements and to provide the flexibility to update them easily as guidance evolves.

### **4.0 SIGNIFICANT RISKS**

4.1 If the Council's policies are not updated to reflect the requirements of the new laws, there is an increased risk that the Council will breach them and incur the financial penalties and reputational damage associated.

## **5.0 POLICY CONTEXT AND CONSULTATION**

- 5.1 The recommendations link into the Council's priorities on Customers & Communities, through designing services with the customers at their heart and ensuring customer satisfaction, through processing their data properly, and One Ryedale, through utilising the Council's information assets to support the delivery of priorities.
- 5.2 The recommendations support the Council's values of Respect, through treating the personal data of customers and staff with respect, and of Openness, through being open and honest in telling data subjects how their data will be used.

## **REPORT**

### **6.0 REPORT DETAILS**

- 6.1 The General Data Protection Regulation (GDPR), which takes effect in May 2018, will become the primary data protection legislation for all EU states, in the UK superseding the Data Protection Act 1998. The UK Data Protection Bill, which is currently going through Parliament, seeks to ensure the UK can demonstrate an adequate level of privacy protection, in order to promote continuing trade (and also crime prevention and security cooperation) with the EU after Brexit. A full briefing note on these pieces of legislation is attached as Annex 1 of the report.
- 6.2 The Council has been working with Veritau Ltd, its internal audit provider, to prepare for the changes in legislation, as they employ a number of information governance specialists. Veritau Ltd have produced an action plan, which is attached as Annex 2 of the report, to set out the work that needs to be undertaken and to monitor progress. This work is on track to be completed ahead of the GDPR go live date of 25 May 2018.
- 6.3 As part of the preparatory work, Veritau Ltd have drafted new information governance policies, in consultation with the Council's Corporate Information Governance Group (CIGG). These consist of an Information Governance Strategy and Policy along with an Information Access and Information Rights Policy and a Personal Privacy Policy. Additionally the Information Security Incident Management Policy, which forms part of the Council's information security policies, has been replaced. The remainder of the policies indicated in the chart at the start of Annex 3 remain unchanged. A number of old policies, which are not shown in the chart, are now superseded by the new documents and changes to legislation and will therefore be deleted.
- 6.4 The new policies fully reflect the changes in the new legislation. However guidance around the more practical matters of implementing the legislation will be provided by the Information Commissioner's Office and is likely, based on experience to date, to evolve in a slower, more piecemeal manner. Therefore approval of delegated powers is requested to ensure that Officers can update the policies if and when required, in the light of the emerging guidance, without needing to come back to Full Council for approval.

### **7.0 IMPLICATIONS**

- 7.1 The following implications have been identified:
- a) Financial  
There are no financial implications directly relating to the approval of the revised

policies. However significant financial penalties can be incurred if the Council is found to be in breach of the new legal requirements.

- b) Legal  
Approval of the revised policies ensures they reflect the requirements of the GDPR and the Data Protection Bill.
- c) Other (Equalities, Staffing, Planning, Health & Safety, Environmental, Crime & Disorder)  
None.

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**Background Papers:**

None

**Background Papers are available for inspection at:**

Not applicable