


## REPORT TO AUDIT AND RISK ASSURANCE COMMITTEE

22 February 2018

<b>Subject:</b>	General Data Protection Regulations (GDPR) - Update
<b>Director:</b> <i>(Insert all that apply from drop down choice).</i>	Director - Monitoring Officer - Surjit Tour
<b>Contribution towards Vision 2030:</b> <i>(Insert all that apply from drop down choice).</i>	
<b>Contact Officer(s):</b> <i>(Enter the name, position and email address for each officer).</i>	Stuart Taylor – Governance Services Manager ( <a href="mailto:stuart_taylor@sandwell.gov.uk">stuart_taylor@sandwell.gov.uk</a> )

### DECISION RECOMMENDATIONS

#### **That Audit and Risk Assurance Committee:**

1. Notes the Council's current position in relation to implementing the General Data Protection Regulation (GDPR).

#### **1 PURPOSE OF THE REPORT**

- 1.1 This report sets out the Council's current position in relation to implementing General Data Protection Regulation ("GDPR") across the Council.

#### **2 IMPLICATIONS FOR SANDWELL'S VISION**

- 2.1 GDPR is a legal requirement that all bodies in the UK must implement by the deadline of 25<sup>th</sup> May 2018.
- 2.2 Implementing GDPR relates directly to Ambition 10 - Sandwell now has a national reputation for getting things done, where all local partners are focused on what really matters in people's lives and communities.

### **3 BACKGROUND AND MAIN CONSIDERATIONS**

- 3.1 GDPR is a European regulation that comes into force on 25<sup>th</sup> May 2018. It is a direct replacement for the Data Protection Act 1998. The primary changes from the new legislation are:
- Fine Structure (goes from £500,000 to a maximum of 20,000,000 Euros)
  - Several new requirements are introduced (right of erasure, changes in time frames, etc.).
  - Enhanced privacy notices are required – in effect we are required to inform the client/customer at the point of collection: exactly what the Council is collecting; why it is being collected; the powers (statute), if applicable, covering the collection; who we share it with and how long we keep the information.
  - Instead of implied consent explicit consent is now required.
- 3.2 GDPR impacts all bodies within the UK, private and public, as well as placing requirements onto elected representatives. A briefing paper will be provided to all Councillors (no later than Mid-March), in line with the timescales for issuing guidance to the wider Council workforce.

### **4 THE CURRENT POSITION**

- 4.1 The Council is currently in the process of reviewing all its processes to assess the changes required to ensure that the Council is compliant on the 25<sup>th</sup> May 2018.
- 4.2 Appendix 1 sets out the main steps undertaken to date and required to be undertaken to ensure the council is compliant.
- 4.3 The Council has appointed numerous officer champions across the Council to undertake and complete the Information Flow Maps. These will highlight how information is collected, processed, shared and retained. This is vital data as this will inform the enhanced privacy notices that are required under GDPR.
- 4.4 The Council also has established an Information Governance Board (chaired by the Council's Monitoring Officer), that oversees the GDPR project to ensure that progress is being made in the correct direction and in a timely manner. The Board, reports through to the Corporate Governance Board who will feedback to the Executive Management Team as and when required.

4.5 The further information on the approach to implementing GDPR and the governance framework is detailed in Appendix 1 to this report.

## **5 CONSULTATION (CUSTOMERS AND OTHER STAKEHOLDERS)**

5.1 Not required as GDPR is a statutory requirement to implement.

## **6 ALTERNATIVE OPTIONS**

6.1 There are no alternative options available.

## **7 STRATEGIC RESOURCE IMPLICATIONS**

7.1 Failure to fully implement the requirements of GDPR could lead to direct action from the Information Commissioner's Office, who under GDPR have the power to issue monetary penalties of up to 20,000,000 Euros.

## **8 LEGAL AND GOVERNANCE CONSIDERATIONS**

8.1 GDPR is a legal requirement for the Council to implement.

## **9 EQUALITY IMPACT ASSESSMENT**

9.1 Any changes required to ensure compliance with GDPR will address any Equality Act implications arising.

## **10 DATA PROTECTION IMPACT ASSESSMENT**

10.1 This report does not directly impact upon the processing of personal data and as such a Data Protection Impact Assessment is not required.

## **11 CRIME AND DISORDER AND RISK ASSESSMENT**

11.1 In compliance with the council's corporate risk management strategy, as part of the project's governance arrangements, a project risk register has been developed.

11.2 The register which is maintained by the project team and includes the risks that have been identified to ensure the successful delivery of this project.

11.3 The risk register is reviewed on an ongoing basis and is periodically reported to the Information Governance Board where progress against mitigating actions is monitored.

11.2 The register is used to inform the assessment of the strategic risk, which as at February 2018 is assessed as red.

## **12 SUSTAINABILITY OF PROPOSALS**

12.1 Not applicable

## **13 HEALTH AND WELLBEING IMPLICATIONS (INCLUDING SOCIAL VALUE)**

13.1 Not applicable

## **14 IMPACT ON ANY COUNCIL MANAGED PROPERTY OR LAND**

14.1 Not applicable

## **15 CONCLUSIONS AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS**

15.1 The implementation of GDPR across the council is ongoing and a challenging project. There is a governance framework in place and key officers throughout the council engaged in its delivery.

15.2 The timetable for delivery is a challenge, however at this time the project is on track for delivery.

15.3 The committee is requested to note the challenges of the GDPR project, the progress and actions undertaken to date and to be taken.

15.4 A further update will be provided to the committee at its next meeting in March 2018.

## **16 BACKGROUND PAPERS**

16.1 General Data Protection Regulation

## **17 APPENDICES:**

Appendix 1 – GDPR Project Position Statement

**Surjit Tour**  
**Director – Monitoring Officer**