

Minutes of the Budget and Corporate Scrutiny Management Board

**22nd November, 2017 at 2.30pm
at Sandwell Council House, Oldbury**

Present: Councillor P Hughes (Chair);
Councillors Edis, E M Giles and Hickey.

Apology: Councillor Underhill.

In attendance: D Carter (Executive Director – Resources);
S Taylor (Governance Services Manager);
S Sprung (Service Improvement Lead Officer).

8/17 Minutes

Resolved that the minutes of the meeting held on 15th September, 2017 be approved as a correct record.

9/17 General Data Protection Regulation

The Scrutiny Management Board received an update on the General Data Protection Regulation (most commonly known as GDPR) and the work underway within the Council to ensure compliance. GDPR was developed and introduced by the European Union, with input from member states, and had been designed to unify approaches to data protection and data use across the Union as well as update legislation to reflect modern technology that had been developed since data protection laws were first made. The Regulations would be enforceable from 25th May, 2018.

GDPR covered personal data and applied to all bodies in the UK, including elected representatives. The Regulations would be enforced in the UK by the Information Commissioner's Office.

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From the comments and questions by members of the Board, the following responses were made and issues highlighted:-

- although Great Britain had voted in a referendum to leave the European Union, there was a Data Protection Bill currently progressing through Parliament. The Bill was largely based on the GDPR and would replace the Regulations once the UK left the Union;
- GDPR did not prevent data sharing, but it was vital that consent was gained from the individuals' whose data it was. It was not enough to use blanket approvals for all potential data sharing instances; approval had to be sought explicitly for each way the authority might wish to share and use that data beyond its original purpose. Individuals could give or withhold consent for each different way and purpose as they wished and they could change this at any time;
- the fine structure under the Regulations had changed from the Data Protection Act 1998. Currently, for breaches of the Act the maximum fine was £500,000 however under GDPR this would increase to approximately £17million. Although levied by the Information Commissioner's Office, the fines were retained by the Treasury;
- the Information Commissioner's Office would consider the steps taken to mitigate risk of data loss when deciding the level of fine to issue. For example, software being up to date, antivirus systems being fully operational or appropriate procedures and equipment in place for transporting data. This meant that the Information Commissioner would consider a lack of up to date software or insecure practices in place to be an indication the authority was not acting responsibly, thereby increasing the likelihood and severity of any fines;
- the Regulations introduced a statutory role of Data Protection Officer. Discussions were being held within the Council as to how to best satisfy this requirement;
- the Council had created an Information Governance Board, with input from nominated 'champions' across all directorates. This Board would drive and co-ordinate work across the Council to prepare for GDPR.
- work was underway to identify information flows across the Council. This would help ensure that the ways in which data was collected, processed, stored and shared within the Council was fully understood, allowing for appropriate changes to be made to be compliant with the requirements of the Regulations.

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The Board thanked the Governance Services Manager for attending the meeting.

Resolved that the Director – Monitoring Officer:-

- (1) investigate and deliver appropriate methods of briefing elected members on the General Data Protection Regulations and its impact;
- (2) provide an update report to the Budget and Corporate Scrutiny Management Board on activity to ensure preparedness within the authority for the General Data Protection Regulations.

10/17 Measuring Impact

The Scrutiny Management Board received the end of year performance indicators relating to the Council's Scorecard.

It was noted that the long-term Vision for the borough was now in place and arrangements for measuring impact to support the Vision and its underpinning ambitions, were currently being developed. Members asked that the Chairs of the Scrutiny Boards be kept informed throughout this development process.

Resolved:-

- (1) that the end of year performance reports for the Council's former Scorecard be received;
- (2) that the Chairs of Scrutiny Boards be kept informed during development of the revised arrangements to measure impact.

11/17 Overview and Scrutiny Update

The Scrutiny Management Board received an update on the work of the Scrutiny Boards since its last meeting. The Board Chairs in attendance gave additional verbal updates on recent and forthcoming work, including that of working groups.

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The Chair requested that the Council's Scrutiny Officers look at ways of linking in the work of Scrutiny locally with that being done at the West Midlands Combined Authority level.

An update on previously agreed scrutiny recommendations was also received. It was noted that future tracking and monitoring reports would ensure linkages with the Ambitions for Sandwell were clearly indicated.

(Meeting ended at 4.07pm)

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