

	<h2>Constitution &amp; General Purposes Committee</h2> <h3>Tuesday 24 July 2018</h3>
<p><b>Title</b></p>	<p>Members' Information Management Policy and guidance on GDPR</p>
<p><b>Report of</b></p>	<p>Data Protection Officer</p>
<p><b>Wards</b></p>	<p>All</p>
<p><b>Status</b></p>	<p>Public</p>
<p><b>Urgent</b></p>	<p>No</p>
<p><b>Key</b></p>	<p>No</p>
<p><b>Enclosures</b></p>	<p>Appendix 1 - Members' Information Management Policy Appendix 2 - Members' Information Management Toolkit.</p>
<p><b>Officer Contact Details</b></p>	<p>Victoria Blyth – Information Strategy Manager &amp; Interim Data Protection Officer <a href="mailto:victoria.blyth@barnet.gov.uk">victoria.blyth@barnet.gov.uk</a> 0208 359 2015</p>

### Summary

The General Data Protection Regulation (GDPR) and the Data Protection Act 2018 became law on 25 May 2018 and govern the processing of personal data. Elected Members have three roles in relation to data protection legislation and are personally responsible for their compliance with the law.

This report provides a new Members' Information Management Policy and Toolkit and makes recommendations for guidance to be provided to Members on their responsibilities.

### Officers Recommendations

1. That the committee approves the new Members' Information Management Policy and the Members' Information Management Toolkit.
2. That the Data Protection Officer be instructed to publish the policy and toolkit to the council's intranet and website under the information management policy framework.

**3. That the Data Protection Officer be authorised to make minor changes as necessary to the policy and toolkit following any formal guidance or case law.**

**4. That the Data Protection Officer be instructed to produce guidance for Members on their obligations for key areas of compliance such as privacy notices.**

## **1. WHY THIS REPORT IS NEEDED**

- 1.1 The General Data Protection Regulation (GDPR) and the Data Protection Act 2018 (DPA 2018) became law on 25 May 2018 and govern the processing of personal data.
- 1.2 These legislative changes require council policy and processes to be amended. Due to the nature of how the legislation affects the roles of elected Members, the council has a separate policy for Members on their data protection responsibilities. The Members' Information Management Policy has been updated into a Members' Information Management Policy and a Members' Information Management Toolkit, in line with changes to the council's information management policy framework.
- 1.3 Members act in three roles for data protection purposes and have legal responsibilities of their own. The council wishes to support Members by highlighting the key requirements.

## **2. REASONS FOR RECOMMENDATIONS**

- 2.1 New legislation requires amendment to existing policies and processes.
- 2.2 The council wishes to support Members in those areas where they are personally responsible for compliance with the law.

## **3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED**

- 3.1 The council must have a policy that details the obligations on Members where they are working under the responsibility of the council. Whilst the council does not have to provide guidance to Members where they are personally responsible under the legislation, it chooses to do so as a supportive measure.

## **4. POST DECISION IMPLEMENTATION**

- 4.1 Publication on the council intranet and website of the new Members' Information Management Policy and Members' Information Management Toolkit.
- 4.2 Communications to Members and staff on the new policy documents.

- 4.3 Production, publication on the intranet, and communication to Members of guidance on their key obligations under GDPR, including privacy notices.

## **5. IMPLICATIONS OF DECISION**

### **5.1 Corporate Priorities and Performance**

- 5.1.1 The council's corporate plan addendum for 2018/19 has the priority for Policy & Resources Committee of creating a culture of transparency and accountability for personal information and covers our compliance with obligations under data protection legislation. Additionally, data protection is an obligation that underlies all council services.

- 5.1.2 Ensuring that Members understand their responsibilities under data protection legislation meets the corporate plan objective, and additionally supports Members in areas where they are personally responsible under the legislation.

### **5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)**

- 5.2.1 No additional resources are required for this work.
- 5.2.2 Failure to comply with data protection legislation carries a significant potential fine.

### **5.3 Social Value**

- 5.3.1 There is clear benefit to individuals that the council and Members process personal data in compliance with the law.

### **5.4 Legal and Constitutional References**

- 5.4.1 The role of Data Protection Officer (DPO) is a statutory post. The DPO has an obligation to act in an independent manner to oversee council data processing activities, provide suitable advice to the organisation, and assure the organisation of its compliance with the GDPR and DPA 2018.
- 5.4.2 The council accesses the Public Services Network (PSN), which allows the council secure contact with government agencies such as the Department for Work and Pensions (DWP). The PSN requires the council to meet their requirements in areas such as information security to remain on the network. These policy documents cover some of the requirements relating to this requirement.
- 5.4.3 In accordance with Council's Constitution, Article 7 the terms of reference for the Constitution and General Purposes Committee includes information as specified in the Members Information Management Policy.

### **5.5 Risk Management**

- 5.5.1 The recommendations in this report are designed to achieve compliance with legislation and lower the risk of council and Members non-compliance in the

processing of personal data. Failure to maintain policy documents and a framework of compliance would lead to non-compliance with legislation and potential investigation and action by the supervisory authority, the Information Commissioner.

## **5.6 Equalities and Diversity**

5.6.1 None specific.

## **5.7 Corporate Parenting**

5.7.1 None specific.

## **5.8 Consultation and Engagement**

5.8.1 None specific.

## **5.8 Insight**

5.8.1 None specific.

## **6. BACKGROUND PAPERS**

6.1 None