
Report To:	Policy and Resources Committee	Date:	21 May 2019
Report By:	Head of Legal & Property Services	Report No:	LP/076/19
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Subject:	General Data Protection Regulation Update		

1.0 PURPOSE

1.1 The purpose of this report is to provide the Policy and Resources Committee with its annual update on the implementation of the General Data Protection Regulation (GDPR) within the Council.

2.0 SUMMARY

2.1 GDPR came into effect on 25 May 2018. This is the first annual update report to the Committee following upon its decision in May 2018 to review regularly progress on GDPR implementation with the Council.

2.2 Since the GDPR implementation date of 25 May 2018, the Information Governance Team has continued to lead the Council's GDPR preparations, assisted by the GDPR Working Group (which is made up of representatives from each Council service known as GDPR Champions). The majority of actions within the GDPR Implementation Plan, as reported to the Committee on 22 May 2018, are now complete. In recognition of there being a need for further ongoing actions to be implemented after 25 May 2018, a GDPR Post Implementation Plan has been established and it is being progressed. A summary of the GDPR Post Implementation Action Plan is provided in the **Appendix**.

2.3 GDPR implementation has progressed well. The main completed actions of note are as follows:-

- The GDPR Implementation Training Programme is complete and further training will be provided to services and Elected Members on a needs basis;
- Guidance has been issued with the Information Asset Register (IAR) and the IAR is in the final stages of completion;
- The Information Sharing Protocol consisting of Data Sharing Agreement (DSA) templates has been completed which will assist services updating their DSAs;
- A register of DSAs has been created;
- The main Service Privacy Notices are completed and available on the Council's website;
- Data Protection Impact Assessment (DPIA) Guidance and Template is complete and available on ICON;
- The completion rate of the mandatory e-learning module stands at 2,604 out of approximately 3,000 relevant staff (87%).

2.4 The GDPR Implementation Group will continue to meet to progress the Post Implementation Plan.

3.0 RECOMMENDATIONS

3.1 It is recommended that the Committee notes the contents of this report.

Gerard Malone
Head of Legal & Property Services

4.0 BACKGROUND

- 4.1 The GDPR sets out requirements on how organisations need to handle personal data. It has enhanced the rights of individuals whose data is held (known as data subjects) and gives individuals more control over what happens to their data.
- 4.2 It also allows for financial penalties to be imposed on any organisation that breaches those rights or does not comply with the 'accountability principle'. This means that data controllers and data processors i.e. organisations and certain individuals – including Councils and Councillors, need to have technical and organisational measures in place to protect the data they hold from loss and unauthorised access, and to ensure that the rights of data subjects are protected.

5.0 GDPR IMPLEMENTATION PLAN PROGRESS

- 5.1 The Information Governance Team (IGT) continues to lead the Council's implementation of GDPR, assisted by the GDPR Implementation Group (which is itself made up of representatives from each Council service who are known as GDPR Champions).
- 5.2 The GDPR Implementation Group meets once every two months. A summary of the GDPR Post Implementation Plan has been provided in the **Appendix**.
- 5.3 Training
- 5.4 The IGT have been implementing an extensive programme of training. Since the previous update to the Committee, training which has been completed includes:
- GDPR Training for Managers, 22 May 2018;
 - GDPR Training for Customer Services, 23 May 2018;
 - GDPR Refresher for Elected Members, 22 August 2018;
 - Data Breach Training for HSCP, Team Leaders and above, 28 August 2018;
 - Data Protection Impact Assessment (DPIA) Training, 28 September 2018;
 - Data Breach Training for HSCP Admin. 28 and 29 November 2018;
 - DPIA Training, 16 January 2019;
 - GDPR Training for any outstanding Managers, 30 January 2019.
- 5.5 Training will continue to be monitored by the IGT and the GDPR Implementation Group and further training will be provided on a needs basis.
- 5.6 GDPR training and awareness has been incorporated into a GDPR specific e-learning module which is mandatory for all employees who have access to a computer and process personal data. The completion rates of the GDPR e-learning module stands at 2,604 (87%) out of approximately 3,000 relevant employees.
- 5.7 Information Asset Register
- 5.8 The Information Asset Register (IAR) is a database which holds details of all the information assets held within the Council, including personal data. The GDPR compliant IAR is in the final stages of completion.
- 5.9 Data Sharing Agreements
- 5.10 The Council requires to have the appropriate Data Sharing Agreements in place with relevant parties. In order to assist with this task, the Council's Information Sharing Protocol has been updated and amended to reflect the provisions of GDPR. This updated Information Sharing Protocol is considered in a separate report on the agenda.
- 5.11 Privacy Notices
- 5.12 Privacy Notices inform individuals how the Council will be using their data and are a key requirement of the transparency principle of GDPR. Privacy Notice Guidance and a Template have been issued to the GDPR Champions. To date 46 Service Privacy Notices have been completed and are

available on the Council's website. All services should be commended for finalising their Privacy Notices in such a short time frame.

5.13 Data Breaches

5.14 From the period 25 May 2018 to 25 April 2019 the Council had 66 data breaches, of which 6 have been reported to the ICO due to their nature and severity. The ICO is satisfied with the Council's approach in managing these data breaches in terms of its Data Breach Management Protocol and has taken no further action. Regular updates have been provided to the Corporate Management Team regarding data breaches and appropriate training and guidance provided to relevant services.

5.15 Data Protection Impact Assessments (DPIAs)

5.16 DPIAs are mandatory where the processing of personal data may result in a high risk to the rights and freedoms of individuals, for example, the introduction of a new CCTV system, open floor working environment, a new IT system for HSCP.

5.17 The DPIA Guidance and Template was approved by the Policy and Resources Committee on 26 March 2019 and is now available on ICON for all employees.

5.18 Elected Members

5.19 GDPR implementation also has implications for Elected Members as they are individual data controllers in their own right in relation to information processed as part of their constituency work. The IGT has provided training to Elected Members and issued Guidance. The IGT will continue to provide all necessary support to Elected Members throughout the implementation phase and beyond.

5.20 Summary

5.21 The Council's GDPR Post Implementation Plan continues to progress well. All data protection policies and procedures continue to be reviewed and updated as necessary. All services are giving the appropriate focus and attention to how they are managing the implications of the GDPR and data protection in their day to day roles. It is important that this continues to ensure that the Council meets its obligations under the GDPR. The IGT will continue to support services in this rapidly developing area of law.

6.0 IMPLICATIONS

Finance

6.1 Financial Implications:

One off Costs

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report £000	Virement From	Other Comments
Information Governance	Training and Systems	2019/20	68		

Annually Recurring Costs/ (Savings)

Cost Centre	Budget Heading	With Effect from	Annual Net Impact £000	Virement From (If Applicable)	Other Comments
N/A					

Legal

- 6.2 The Council requires to take the steps as identified in this report to comply with the General Data Protection Regulation.

Human Resources

- 6.3 HR are providing assistance by monitoring the completion rates of the GDPR specific e-learning module. HR will also be providing assistance by facilitating the launch of the Data Breach and the Data Protection Impact Assessment e-learning modules.

Equalities

- 6.4 Not Applicable

Repopulation

- 6.5 Not Applicable

7.0 CONSULTATIONS

- 7.1 Not Applicable

8.0 LIST OF BACKGROUND PAPERS

- 8.1 ICO's guidance "Preparing for the Data Protection Regulation – 12 steps to take now" – <https://ico.org.uk/media/1624219/preparing-for-the-gdpr-12-steps.pdf>

Policy and Resources Committee – 22 May 2018 – <https://www.inverclyde.gov.uk/meetings/meeting/2061>

Summary GDPR Post Implementation Plan

Code	Task	Led By	Due By	Status
Accountability and Governance				
1.1	GDPR should be incorporated on each Service's risk register .	Information Governance Team/ Audit	September 2018	Green - Complete
Training Needs				
2.1	Managers GDPR Training	IGT	22 nd May 2018	Green - Complete
2.2	Customer Services GDPR Training	IGT	23 rd May 2018	Green - Complete
2.3	Elected Members re-fresher training scheduled	Information Governance Team	22 nd August 2018	Green - Complete
2.4	Data Breach Training for HSCP Team Leader and above staff	Information Governance Team	28 th August 2018	Green - Complete
2.5	Data Protection Impact Assessment Training	IGT	28 th September 2018	Green - Complete
2.6	Data Breach Training for HSCP Admin staff	IGT	28 th and 29 th November 2018	Green - Complete
2.7	Data Protection Impact Assessment Training	Information Governance Team	16 th January 2019	Green - Complete
2.8	Training for Managers unable to attend previous dates.	Information Governance Team	31 st January 2019	Green - Complete
2.9	Data Breach Training for Education Staff	Information Governance Team	June 2019	Green – On Track
2.10	Data Breach e-learning module to be developed	Information Governance Team/HR	June 2019	Green – On Track
2.11	Data Protection Impact Assessment e-learning module to be developed.	Information Governance Team/HR	June 2019	Green – On Track
Information that the Council Holds				
3.1	Information Asset Register (IAR) – Guidance with GDPR Champions and in final stages of completion.	Information Governance Team/ GDPR Champions	May 2019	Green – On Track
3.2	Set up system which will allow service to maintain the IAR .	Information Governance/ICT	July 2019	Green – In Progress

Third Party Management				
4.1	All Services to identify any data sharing agreements/data processor agreements and send to Information Governance Team	Information Governance Team/ GDPR Champions	Ongoing	Green – On Track
4.2	Create DSA repository and share with GDPR Champions	IGT	Ongoing	Green – On Track
4.3	Ensure contracts are GDPR compliant	Procurement/ GDPR Champions/ICT/ Legal/ Information Governance	Ongoing	Green – On Track
Communicating Privacy Information				
5.1	Review of Privacy page website to make it more user friendly.	Information Governance	End of August 2018	Green – Complete
5.2	Creating awareness of Privacy Notice – letters, emails, telephone, forms, etc.	Information Governance/ GDPR Champions	Ongoing action	Green – On Track
Data Protection Impact Assessment (DPIA)				
6.1	DPIA Guidance created and approved	Information Governance	March 2019	Green – Complete
6.2	Committee report templates to be revised and updated to include reference to DPIA	Information Governance	May 2019	Green – On Track
Review Policies and Procedures				
7.1	Data Protection Policy currently under review	Legal & Property Services	June 2019	Amber – In Progress

7.2	Update Information Sharing Protocol	Legal & Property Services	March 2019	Green – Complete
7.3	Review Subject Access Request Policy	Legal & Property Services	July 2019	Amber – In Progress
7.4	Review Retention and Disposal of Electronic and Paper Records	Information Governance	December 2019	Amber – Not started