

REPORT TO PICKMERE PARISH COUNCIL

10th April 2018

AGENDA ITEM 9.1 – General Data Protection Regulation

1. Introduction

1.1 As previously reported to your Council in November 2017, the GDPR comes into force on 25th May 2018. A copy of that report is attached as background. This report updates your Council as to the current situation.

2. Report

2.1 Since November 2018 your Clerk has attended 3 general training/introductory sessions on GDPR, and your Chair and Cllr Bold one such session, in an effort to understand the implications of the Regulation for the operation of the Parish Council. However, it has become clear that the ICO (Information Commissioner's Office) – which is responsible for the implementation of the Regulation nationally – has not appreciated the potential implications for very small councils, and these are still being worked through by the Society for Local Council Clerks (SLCC) and by the County Associations, including CHALC.

2.2 In this context there is a further meeting involving CHALC and the ICO on 12th April, and following from that, CHALC are holding a further training session on 18th April, which your Clerk and Chair hope to attend.

2.3 It is hoped therefore that at your next meeting, on 1st May, it will be possible to provide a more definitive report as to what is required, including drafts of the various notices/disclaimers that will need to be used by the Parish Council in its handling of personal data.

2.4 The initial stage is to establish a 'data map' of the personal data that the PC holds, together with the formal justification for the holding of such data under the provisions of the Regulation, and the action that is needed to deal with/regulate the holding of such data. Initial thoughts as to the categories of such data were suggested in the attached November report. I attach now a first draft of a data map based on our current understanding; this will be refined and completed following the training session on 18th April and in time for your 1st May meeting. However, should any member be aware of any personal data held by them as part of their councillor role, or held by the Parish Council as a whole, and not included in this draft map, then please inform your clerk.

2.5 Other actions will be necessary following your 1st May meeting, including the appointment of a Data Protection Officer (DPO). This role is described in the attached November report. It is still not totally clear whether the Clerk can legally fulfil such a role or not (though the advice seems to be moving toward the view that it will be possible); hopefully this will be clarified before your May meeting. Several elements may be dealt with before then, as follows.

2.6 As previously mentioned it is considered that the Council should replace the two existing small filing cabinets located at the Village Hall with a new lockable four drawer cabinet. Secondly, it is desirable that all Councillors' personal computers/tablets/phones which access Council email traffic, should:

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Clerk to Parish Council

- Be protected by satisfactory anti-virus and firewall software;
- Be password-protected.

Thirdly, it would be desirable if all Councillors used the xxxxx@pickmereparishcouncil.com email address when dealing with Parish Council matters.

2.7 Lest there be overwhelming fear of the implications of this Regulation coming into force in late May in a context where detailed advice is still being sought on how parish councils have to react to it, it may be a little comforting to know that your Clerk has been informally advised that provided that small councils are seen to be doing their best to accept the requirements of the legislation and adapt their processes to it, then it is most unlikely that the ICO will adopt a heavy-handed approach to such bodies if everything is not in place by 25th May. Other organisations (such as, most topically, Facebook, but also e.g. major supermarket chains and other large organisations) will be more likely the initial targets of any action from the ICO should their processes not comply with the Regulation.

2.8 Finally, it is pointed out that, though there is no requirement to register with the ICO under the GDPR, there will be a new 'data protection fee' which data controllers will be legally required to pay. The amount has not yet been finalised but will vary with the size of organisation etc. A further implication is the need to ensure that all members of the organisation, in this case all parish councillors, should have reasonable knowledge of the provisions and their implications. This may mean that your Council's training budget for 2018/9 may have to be exceeded to accommodate training sessions for all members.

3. Recommendation

3.1 That members note the report, and:

- Authorise the purchase of a 4-drawer lockable filing cabinet;
- Individually consider the need to password-protect and provide anti-virus and firewall protection to any electronic devices accessing Parish Council emails and other items potentially incorporating personal data relating to the PC;
- Seek to make arrangements to use their Parish Council email address for Parish Council business.