

# BRIDGEND COUNTY BOROUGH COUNCIL

## REPORT TO CABINET

23 OCTOBER 2018

### REPORT OF THE HEAD OF LEGAL AND REGULATORY SERVICES

#### DATA PROTECTION POLICY AND DISCLOSURE OF SPECIAL CATEGORIES OF PERSONAL DATA - ELECTED MEMBERS PROTOCOL

#### 1. Purpose of Report

- 1.1 To provide Cabinet with the updated Data Protection Policy for approval which has been informally reviewed by the Information Commissioner's Office (ICO).
- 1.2 To note the Disclosure of Special Categories of Personal Data - Elected Members Protocol.

#### 2. Connection to Corporate Improvement Plan / Other Corporate Priority

- 2.1 This report assists in the achievement of the following Corporate Priority:
  - Smarter use of resources – ensuring that all its resources (financial, physical, human and technological) are used as effectively and efficiently as possible and support the development of resources throughout the community that can help deliver the Council's priorities.

#### 3. Background

- 3.1 The Data Protection Act 2018 updates data protection laws in the UK, supplementing the General Data Protection Regulation (GDPR) as well as extending data protection laws to areas which are not covered by the GDPR. It is intended to provide a comprehensive package to protect personal data.

#### 4. Current situation / proposal

##### Data Protection Policy

- 4.1 On 24<sup>th</sup> April 2018 Cabinet received a report on the provisions of the General Data Protection Regulation and the Data Protection Act 2018 which came into force in May 2018.
- 4.2 As part of the implementation of the new Data Protection Act the Authority has reviewed all of its data protection procedures and policies to ensure that they are fit for purpose. The updated Data Protection Policy which has recently been informally reviewed by the Information Commissioner's Office is attached as **Appendix 1**.

## **Disclosure of Special Categories of Personal Data – Elected Members Protocol**

4.3 Elected Members will also have regular access to the personal information of the residents they represent. They are likely to have three different roles:

- (1) they represent residents of their ward, for example, in dealing with complaints;
- (2) they act as a member of the council, for example, as a cabinet member or member of a committee; and
- (3) they may represent a political party, particularly at election time.

Depending on the role the Elected Member has at any one time, the Authority may be able to disclose personal information to them. In doing so, it will often be necessary to restrict the use of any personal information provided for specific purposes. A protocol has been drafted for members to follow (**Appendix 2**).

4.3 The documents will be published on the intranet and website once approved. They will also be communicated to all staff and Elected Members of the Council.

### **5. Effect upon Policy Framework & Procedure Rules**

5.1 The Data Protection Policy will be amended accordingly.

### **6. Equality Impact Assessment**

6.1 There are no equality implications arising from this report.

### **7. Well-being of Future Generations (Wales) Act 2015 Implications**

7.1 The well-being goals identified in the Act were considered in the preparation of this report. It is considered that there will be no significant or unacceptable impacts upon the achievement of well-being goals/objectives as a result of this report.

### **8. Financial Implications**

8.1 There are no direct financial implications arising from the report. However, it should be noted that the new regime does include potentially much more severe penalties for data breaches and increased requirements to notify non-compliance to the ICO.

### **9. Recommendation**

9.1 Cabinet is recommended to:

- Approve the updated Data Protection Policy attached as **Appendix 1**;
- Note the Disclosure of Special Categories of Personal Data - Elected Members Protocol attached as **Appendix 2**.

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**Background Documents**  
None