GENERAL DATA PROTECTION REGULATIONS – “GDPR”

With 80 others at the Shirehall I attended a seminar on 8th November on the GDPR given by Robert Montgomery, the Head of the Audit and Governance Team at Telford and Wrekin Council.

The GDPR is a new raft of legislation which is replacing the Data Protection Act of 1998, the latter being out of date due to all the new technologies by which data can be processed and transmitted. It also has some new categories relating to sensitive personal data (criminal offences, sexual orientation etc).

The GDPR is a vast piece of complicated legislation – it has 11 chapters which contain 99 main articles, plus sub-clauses and recitals – and it is coming in to force on the 25th May 2018 by which time we are all expected to have implemented the requirements of the Act, understand it and are ready to go.

It is a creature of the Department of Digital, Culture Media and Sport and will be overseen by an Information Commissioner, who logically operates from an Information Commissioner’s Office – “ICO”. The Act applies to all public authorities, which includes parish councils.

Any public authority which becomes aware of having committed a breach of the GDPR must immediately report it to the ICO: failure to report a breach can lead to a fine. Equally a breach of the GDPR can lead to a fine. These fines are not nominal. Under the DPA 1998 Telford and Wrekin were fined £78,000 for one breach: the fines proposed by the GDPR can reach in to the millions, so this is something we have to take seriously.

During a two hour seminar obviously only the surface of the GDPR was skimmed. I am sending off for a booklet Mr Montgomery recommended produced by *Act Now Training* dealing with the GDPR and hopefully will get a better understanding of what is involved when I get that.

Basically, as I understand it, the following steps have to be taken by 15th May 2018:

The parish council has to nominate a co-ordinator who will be called the Data Protection Officer – DPO.

The DPO must have expert knowledge of Data Protection law and must carry out an annual audit of the parish council’s data protection system.

The DPO must set up all the procedures and system needed to comply with the GDPR, and must be able to demonstrate that they have:

* Expert knowledge of the GDPR
* Have organised staff training
* Have produced policies and procedures relating to GDPR
* Have carried out a data protection risk assessment
* Have adapted their IT with the necessary fire-walls, encryption and password etc to ensure data protection
* Have set up and maintained an Information Asset Register

Mr Montgomery was asked if the Clerk can be the DPO.

He responded there is no prohibition in the GDPR on the Clerk being the DPO, but the Clerk must have expert knowledge of data protection law, must have the ability to undertake GDPR tasks – and must ensure that their other work does not bring them into a conflict of interest situation with the GDPR requirements. He felt it is better for the DPO position to be outsourced to someone who has the necessary knowledge.

He was asked to suggest who might take this on. He responded that there will be many people touting to take on the DPO role: indeed a whole new industry will spring up. He and Telford and Wrekin Council are offering both training – at £42.50 per hour – and also are establishing a DPO service for local schools and they are willing to receive expressions of interest from parish councils.

 **He quoted £2,000 to set up all the necessary systems, and then £1,000 pa. to operate as DPO.**

SALC are actively negotiating with the government to have a more proportionate set of regulations for parish councils and other small bodies but their response is not encouraging – see attached letter from Andrew Elliott.

All this means we are going to have to build a substantial figure in to our 2018/2019 Precept budget to deal with all this. I am not convinced a self-help guide will crack it.

Jean de Rusett

14.11.17