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| SUBJECT: | General Data Protection Regulation Policy (GDPR) |
| MEETING: | ICMD |
| DATE: | 9th May 2018 |
| DIVISION/WARDS AFFECTED: | All areas |

1. PURPOSE:

To seek member approval to a revised Data Protection Policy, GDPR Policy. The existing Data Protection Policy has been revised to reflect the additional requirements around personal data as set out in the new General Data Protection Regulations (GDPR) which come into effect from May 25th 2018.

2. RECOMMENDATIONS:

The Cabinet Member with portfolio responsibility for data protection approve the revised Data Protection Policy (GDPR Policy) attached in readiness for May 25th 2018 when the new regulations come into force.

3. KEY ISSUES:

3.1 On May 25th 2018 the new GDPR regulations come into force superseding the current Data Protection requirements as outlined in the DP Act 1988. The GDPR principles, although largely similar to the Data Protection Act, have now changed with greater emphasis being placed on accountability, the expansion of individual rights over their data, data processing and security.

3.2 The ICO have set out a “12 Steps to reach compliance” document which Monmouthshire County Council have actively been working towards:

- Awareness
- Information Audit
- Communicating Privacy Information
- Individual Rights
- Legal Basis
- Consent
- Children
- Data Breaches
- Data Protection by Design and Data Protection Impact Assessment
- Data Protection Office
- International

3.3 The Council has identified the extent of the work that needs to be undertaken to fully comply with the new regulations and has given priority to ensuring that all privacy notices, data privacy

impact assessments, are in place for May 25th and areas where significant work is needed to ensure that information held on our systems is fully compliant have an action plan to address.

The revision of the existing Data Protection Policy to reflect the new regulations is another step towards compliance

4. OPTIONS APPRAISAL

Compliance with the GDPR is mandatory as of May 25th 2018.

5. EVALUATION CRITERIA

An evaluation assessment has been included at Appendix A for future evaluation of whether the decision has been successfully implemented. The decision will come back to this committee in 12 months for review.

6. REASONS:

GDPR comes into force on May 25th 2018 and therefore the current Data Protection Policy needs to be revised to take account of the new responsibilities identified in the new regulations.

7. RESOURCE IMPLICATIONS:

There are no resource implications associated with the revision of the policy, however there will be costs associated with the implementation of the policy including:

The cost of registering data controllers with the ICO has also increased. Previously costs were £35 or £500 for organisations turning over £25.9M and more than 249 members of staff or a public authority with over 249 employees.

New fees under GDPR:

Tier 1 – micro organisations now £40 (maximum turnover of £632,000 in financial year **or** no more than 10 members of staff)

Tier 2 – small and medium organisations now £60 (maximum turnover of £36 million in financial year **or** no more than 250 members of staff)

Tier 3 – large organisations £2900

- Some systems may need to be adapted to meet the needs and functionality required for GDPR – these will be determined as we move forward with implementation of the new regulations across the authority. Where possible costs will be absorbed and if necessary identified as and reported for necessary approval.

8. WELLBEING OF FUTURE GENERATIONS IMPLICATIONS (INCORPORATING EQUALITIES, SUSTAINABILITY, SAFEGUARDING AND CORPORATE PARENTING):

Every effort will be made to communicate changes to data privacy policies with all individuals including the provision to translate into Welsh medium where required/ further information on request.

9. CONSULTEES:

IGG – Information Governance Group
SIRO – Senior Information Risk Officer
Internal Audit

10. BACKGROUND PAPERS:

Not applicable

11. AUTHOR (S):

Annette Evans Customer Relations Manager and Acting Data Protection Officer,
Rachel Trusler Freedom of Information and Data Protection Support Officer in consultation with
Tracey Harry Head of People and Senior Information Risk Officer (SIRO) and Internal Audit.

12. CONTACT DETAILS:

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Evaluation Criteria – Cabinet, Individual Cabinet Member Decisions & Council

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|--------------------------------|--|
| Title of Report: | |
| Date decision was made: | |
| Report Author: | |

What will happen as a result of this decision being approved by Cabinet or Council?

The desired outcome of the decision is for Monmouthshire County Council to adopt and implement the General Data Protection Regulation GDPR Policy
12 month appraisal

Was the desired outcome achieved? What has changed as a result of the decision? Have things improved overall as a result of the decision being taken?

What benchmarks and/or criteria will you use to determine whether the decision has been successfully implemented?

Think about what you will use to assess whether the decision has had a positive or negative effect:

Has there been an increase/decrease in the number of users

Individuals will have more information on their data privacy and individual rights, this will be readily available on, but not limited to the Monmouthshire County Council public website and updated accordingly.

12 month appraisal

Paint a picture of what has happened since the decision was implemented. Give an overview of how you fared against the criteria. What worked well, what didn't work well. The reasons why you might not have achieved the desired level of outcome. Detail the positive outcomes as a direct result of the decision. If something didn't work, why didn't it work and how has that effected implementation.

What is the estimate cost of implementing this decision or, if the decision is designed to save money, what is the proposed saving that the decision will achieve?

On undertaking preparations for the GDPR, there may be costs involved in updating systems with functionality to undertake actions required by individual rights if upheld (e.g. the right erasure)

Registration with the ICO is increasing brackets are £40, £60 and approx. £2,900 dependant on size and application criteria. Visit www.ico.org.uk for further information

12 month appraisal

Give an overview of whether the decision was implemented within the budget set out in the report or whether the desired amount of savings was realised. If not, give a brief overview of the reasons why and what the actual costs/savings were.

Any other comments

I accept/I do not accept the recommendation made above

Signed: [Signed by Chief Officer / Head of Service / Chief Executive]

Date: Insert Date