SUBJECT: Data Protection and GDPR OFFICER FOR SCHOOLS **MEETING:** CABINET INDIVIDUAL MEMBER DECISIONS **DATE:** 30th January 2019 **DIVISION/WARDS AFFECTED:** NONE

PURPOSE:

1.1 The purpose of this report is to request a new post jointly funded by all MCC schools to discharge the legislative and information governance requirements of GDPR.

2. RECOMMENDATIONS:

2.1 That Members agree to the creation of a new post covering advice and guidance on information governance and Data Protection issues for schools.

3. KEY ISSUES:

3.1 In May 2018 new regulations surrounding GDPR were introduced, with specific requirements addressing the use of personal information. Monmouthshire has a requirement as a local authority to have a designated post holder for Data Protection/GDPR, and this is in place. However, the post doesn't cover schools as each school is designated as its own 'Data Controller' meaning they are accountable and responsible for compliance with any Data Protection legislation themselves.

3.2 Our schools have identified a gap in their expertise to discharge their responsibilities for Data Protection/GDPR, and have requested that they each contribute towards a part time post covering this compliance gap for all of them. The post holder will work alongside the councils designated Data Protection and Information Governance Manager, and will apply the existing policies and guidelines that support Data Protection, GDPR and information governance within the schools context

4. REASONS:

4.1 Information is the lifeblood of any organisation, and in the context of schools they wouldn't be able to function without access to accurate, secure, structured data and information that aids decision making and provides the right data and evidence to support schools performance evaluation.

4.2 In the schools context, much of data is personal and needs to be available to the right person at the right time to ensure the safeguarding of our children. We wouldn't want personal data getting into the wrong hands with a detrimental impact on our vulnerable children.

4.3 Data Protection isn't just a legislation compliance issue; it also helps to ensure we apply good practice when using and managing our information. Accurate, structured, digitised information enables schools to analyse and evaluate the data to develop future strategies and make good business decisions.

4.4 With increasing digital capabilities schools can take advantage of the ability to safely and securely store data in the cloud where it can be accessed remotely at any time. Secure digital information also has benefits for business continuity – and a recent unfortunate fire at one of our schools is a timely reminder that we need to locate information and data where it is safe but also accessible for business continuity.

4.5 All of the Data Protection and Information governance issues mentioned in paragraphs 4.1-4.5 above will be covered by the new post. Schools still have ultimate responsibility and accountability as data controllers, but the post will enable schools to have expert guidance and advice on how to manage their information more effectively as well as comply with legislative requirements.

5. RESOURCE IMPLICATIONS:

5.1 It has been agreed that schools will contribute equally to a part time post of 17.5 hours per week, which is likely to be term time only. The Job Description is attached to this report in Appendix 1.

6. SUSTAINABLE DEVELOPMENT AND EQUALITY IMPLICATIONS:

The significant equality impacts identified in the assessment (Appendix 1) are summarised below for members' consideration:

There are no significant equality impacts as a result of this report, save that proper governance and use of information will ensure that we safeguard vulnerable children from indiscreet sharing of personal data.

The actual impacts from this report's recommendations will be reviewed every **3** years and criteria for monitoring and review will include:

Continued compliance with legislation
Security and information governance
Optimum use of information in a digital environment

The impacts will be reviewed on the same timeline as the main MCC strategy is reviewed i.e. in 3 years.

7. CONSULTEES: Chief officer Education, All MCC schools, the Information Governance Group, the Senior Information Risk Owner,

8. BACKGROUND PAPERS: None
9. AUTHOR: Sian Hayward

10. CONTACT DETAILS:

Tel: 07971893998
E-mail: sianhayward@monmouthshire.gov.uk

Name of the Officer completing the evaluation	**Please give a brief description of the aims of the proposal**
Sian Hayward	
	A review of the Information strategy, ensuring it is fit for purpose in a digital age and capture the value of predicitive data analytics to support decision making and service re-design.
Phone no: 07971893998	
E-mail: sianhayward@monmouthshire.gov.uk	
Name of Service	**Date Future Generations Evaluation** form completed
Digital programme Office	19/09/01

NB. Key strategies and documents that may help you identify your contribution to the wellbeing goals and sustainable development principles include: Single Integrated Plan, Continuance Agreement, Improvement Plan, Local Development Plan, People Strategy, Asset Management Plan, Green Infrastructure SPG, Welsh Language Standards, etc

1. **Does your proposal deliver any of the well-being goals below?** Please explain the impact (positive and negative) you expect, together with suggestions of how to mitigate negative impacts or better contribute to the goal.

Well Being Goal	**Does the proposal contribute to this goal? Describe the positive and negative impacts.**	**What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?**
A prosperous Wales Efficient use of resources, skilled, educated people, generates wealth, provides jobs	Information is a resource in itself that's often overlooked in competition with finance and people. In fact it is critical to enable people to work effectively and to predict how we can make services sustainable and deliverable in	This post will contribute towards the effective management of data and information in schools with compliance with legislation

Well Being Goal	Does the proposal contribute to this goal? Describe the positive and negative impacts.	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
	the future. This is particularly pertinent in the schools context	
A resilient Wales Maintain and enhance biodiversity and ecosystems that support resilience and can adapt to change (e.g. climate change)	Information analytics is essential to be able to predict the future and how we can adapt schools strategic direction and for curriculum management. Digital data will help with business continuity as well as reduce reliance on unsustainable and expensive print media.	Ensure that schools have all of the skills and knowledge to effectively manage information and comply with legislation
A healthier Wales People's physical and mental wellbeing is maximized and health impacts are understood	Data analytics can pinpoint areas of focus in the wellbeing activities of schools.	
A Wales of cohesive communities Communities are attractive, viable, safe and well connected	In order to be safe and well connected it is critical that information is open, reliable, relevant and timely. Data analytics and predictive tools can also ensure the right decisions are made for development of school policies and strategic direction which ultimately benefit the community.	
A globally responsible Wales Taking account of impact on global well-being when considering local social, economic and environmental wellbeing	Information isn't just limited to the school itself. It can be used to inform future policies and service re-design in a responsive way across government agencies and businesses globally. The right information at the right time to the	

Well Being Goal	Does the proposal contribute to this goal? Describe the positive and negative impacts.	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
	right person can assist with being a globally responsible Wales.	
A Wales of vibrant culture and thriving Welsh language Culture, heritage and Welsh language are promoted and protected. People are encouraged to do sport, art and recreation	No impact either positive or negative	
A more equal Wales People can fulfil their potential no matter what their background or circumstances	No significant impact either in a positive or negative way.	

2. How has your proposal embedded and prioritised the sustainable governance principles in its development?

Sustainable Development Principle	Does your proposal demonstrate you have met this principle? If yes, describe how. If not explain why.	Are there any additional actions to be taken to mitigate any negative impacts or better contribute to positive impacts?
Balancing short term need with long term and planning for the future	Developments in digitisation have opened up the ability to analyse complex data for future planning and decision making which is valuable to long term planning and strategy.	
Working together with other partners to deliver objectives	Managing information effectively within schools will enable them to work in partnership between schools themselves, and also with partner agencies e.g. police and health care.	

Sustainable Development Principle	Does your proposal demonstrate you have met this principle? If yes, describe how. If not explain why.	Are there any additional actions to be taken to mitigate any negative impacts or better contribute to positive impacts?
Involving those with an interest and seeking their views	In the first instance schools will work on becoming a data and evidence led, upskilling teaching staff to recognize the value and usefulness of information and data. Consultation will mainly be with colleagues of MCC and potentially the SRS. However, schools information is useful to other government organisations and businesses who could use it to predict future service re-design and develop new business opportunities. Opening up schools de-personalised data in order for stakeholers – parents and the like - to self-serve is a driver.	
Putting resources into preventing problems occurring or getting worse	Data analytics will enable us to make effective decisions to prioritise the areas to concentrate on when preventing problems from occurring.	
Considering impact on all wellbeing goals together and on other bodies		

3. **Are your proposals going to affect any people or groups of people with protected characteristics?** Please explain the impact, the evidence you have used and any action you are taking below. For more detailed information on the protected characteristics, the Equality Act 2010 and the Welsh Language Standards that apply to Monmouthshire Council please follow this link:http://hub/corporatedocs/Equalities/Forms/AllItems.aspx or contact Alan Burkitt on 01633 644010 or alanburkitt@monmouthshire.gov.uk

Protected Characteristics	Describe any positive impacts your proposal has on the protected characteristic	Describe any negative impacts your proposal has on the protected characteristic	What has been/will be done to mitigate any negative impacts or better contribute to positive impacts?
Age	This post sets out how information can be used as a resource for operational and decision making within schools. It isn't specifically positive or negative to any of the protected characteristics other than to provide information or where data analytics can help to identify information on school age children and predict future service options.	This strategy will not impact on any protective characteristics in a negative way.	
Disability	As above	As above	
Gender reassignment	As above	As above	
Marriage or civil partnership	As above	As above	
Pregnancy or maternity	As above	As above	
Race	As above	As above	
Religion or Belief	As above	As above	
Sex	As above	As above	
Sexual Orientation	As above	As above	

Protected Characteristics	Describe any positive impacts your proposal has on the protected characteristic	Describe any negative impacts your proposal has on the protected characteristic	What has been/will be done to mitigate any negative impacts or better contribute to positive impacts?
Welsh Language	As above	As above	

4. **Council has agreed the need to consider the impact its decisions has on important responsibilities of Corporate Parenting and safeguarding. Are your proposals going to affect either of these responsibilities?** For more information please see the guidance http://hub/corporatedocs/Democratic%20Services/Safeguarding%20Guidance.docx and for more on Monmouthshire's Corporate Parenting Strategy see http://hub/corporatedocs/SitePages/Corporate%20Parenting%20Strategy.aspx

	Describe any positive impacts your proposal has on safeguarding and corporate parenting	Describe any negative impacts your proposal has on safeguarding and corporate parenting	What will you do/ have you done to mitigate any negative impacts or better contribute to positive impacts?
Safeguarding	The security, use and availability of information and data will	There are no negative effects of this strategy upon safeguarding. It is intended to strengthen the security of personal information in relation to vulnerable children and adults, and to share information safely with other organisations to assist with safeguarding.	
Corporate Parenting	No positive or negative impacts specifically on corporate parenting.		

5. **What evidence and data has informed the development of your proposal?**

The increase of cybercrime and the need for data security is very much recognised throughout the world, and good information governance will assist digital security.
It is also well documented that in a digital era the amount and speed of information is increasing and we can tap into it with analytical tools to support decision making for schools

6. **SUMMARY: As a result of completing this form, what are the main positive and negative impacts of your proposal, how have they informed/changed the development of the proposal so far and what will you be doing in future?**

Positive impacts -

Recognition that information can help to inform decisions and service re-design options across all areas of sustainability and wellbeing.

Negative impacts –

There are no negative impacts other than a failure to embed the value of information across all schools.

7. **ACTIONS: As a result of completing this form are there any further actions you will be undertaking? Please detail them below, if applicable.**

What are you going to do	When are you going to do it?	Who is responsible	Progress

8. **MONITORING: The impacts of this proposal will need to be monitored and reviewed. Please specify the date at which you will evaluate the impact, and where you will report the results of the review.**

The impacts of this proposal will be evaluated on:	

9. **VERSION CONTROL: The Future Generations Evaluation should be used at the earliest stages of decision making, and then honed and refined throughout the decision making process. It is important to keep a record of this process so that we can demonstrate how we have considered and built in sustainable development wherever possible.**

Version No.	Decision making stage	Date considered	Brief description of any amendments made following consideration
1.	*Cabinet, SLT, audit Committee*		