

Part I  
Item No: 9  
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WELWYN HATFIELD BOROUGH COUNCIL  
CABINET – 6 MARCH 2018  
REPORT OF THE EXECUTIVE DIRECTOR (RESOURCES, ENVIRONMENT AND  
CULTURAL SERVICES)

DATA PROTECTION POLICIES

**1 Executive Summary**

- 1.1 The purpose of this report is to seek Cabinet's approval of Welwyn Hatfield Borough Council's Data Protection Policy. This policy demonstrates how the Council will treat and process personal and sensitive data and reflects the new European Union (EU) data protection framework which will be adopted by the UK.
- 1.1 This policy outlines how the council will deal with data protection, along with the responsibilities of employees, Councillors, partners and contractors. It will assist in ensuring compliance with the Data Protection Act and General Data Protection Regulations (GDPR), and respect the privacy rights of individuals.
- 1.2 Following approval of the policy, guidance and frequently asked questions will be provided to both Councillors and employees.
- 1.3 In addition to the councils Data Protection Policy, a set of procedures are being drafted which will provide more detail on certain elements of the policy, and will include templates to be used as an audit trail for compliance. It is recommended that these procedures are delegated to the Executive Board for approval, and will be published so that Councillors and Employees have access to them.

**2 Recommendation(s)**

- 2.1 Cabinet is asked to agree the data protection policy.

Cabinet is asked to delegate authority to the Executive Board for approval of the following policies and procedures:

Subject Access Requests Procedure  
Data Breaches Procedure  
Data Protection Training Procedure  
Privacy Impact Assessment Procedure  
Paper Records Secure Handling Procedure  
Secure Office Procedure  
Patient Identifiable Information Policy

### **3 Explanation**

- 3.1 From 25 May 2018, the new GDPR replaces the current Data Protection Act 1998. As part of our preparatory work for this Welwyn Hatfield Borough Council must review the existing data protection policies and have new policies in place for handling customer enquiries relating to their data.
- 3.2 The GDPR are regulations which strengthen and unify data protection for individuals within the EU. The primary objective of the GDPR is to give citizens control of their personal data. The Council is fully committed to data protection compliance and meeting the requirements of the GDPR. As part of this we need to ensure that we have sufficient policies and procedures in place to ensure that all employees, elected Members, contractors, agents, consultants or partners of the Council who have access to any personal data held by or on behalf of either party, are fully aware of and abide by their duties and responsibilities under the GDPR.
- 3.3 Training has been provided to all employees who are likely to process, or can access personal or sensitive data, and training opportunities have been offered to all Councillors.
- 3.4 Following approval of the policy, guidance documents will be provided to both Councillors and employees, along with answers to some frequently asked questions. Councillors will also be given the opportunity to attend a question and answer session, which will be planned in due course.

### **Implications**

#### **4 Legal Implication(s)**

- 4.1 The new data protection framework takes the form of a Regulation, the General Data Protection Regulation (Regulation (EU) 2016/679), and will replace the Data Protection Act 1998.

#### **5 Financial Implication(s)**

- 5.1 There are no direct financial implications with the implementation of these policies. There could be financial implications arising from the work associated with meeting the requirements of these policies. There is expected to be an increase in the work relating to subject access requests. This will put pressure on existing staff arrangements.
- 5.2 It should be noted that there will be a substantial increase in fines for organisations that do not comply with the new regulation. Regulators will have authority to issue penalties up to €10 million for violations of record-keeping, security, breach notification, and privacy impact assessment obligations. Or up to €20 million for violations of obligations related to legal justification for processing (including consent), data subject rights, and cross-border data transfers

#### **6 Risk Management Implications**

- 6.1 As we handle people's data we are responsible for keeping it safe and are bound by law to comply with data protection regulations. This applies to data whilst it

flows between service areas; moves across different systems; is passed between individuals; transitions onto new platforms or programs and is handed to a third party. Organisations that control the processing of personal data are encouraged to implement protective measures corresponding to the level of risk of their data processing activities.

**7 Security & Terrorism Implication(s)**

7.1 As a public body and holders of a significant amount of data, the Council could be a target of illegal activity to extract data. This policy, along with the Council's stringent IT policies, seeks to mitigate the risk of these potential implications.

**8 Procurement Implication(s)**

8.1 There are none.

**9 Climate Change Implication(s)**

9.1 The proposals in this report will not impact on greenhouse gas emissions.

**10 Link to Corporate Priorities**

10.1 The subject of this report is linked to the Council's Corporate Priority: Engage with our communities and provide value for money.

**11 Equality and Diversity**

11.1 An initial equalities impact assessment has been carried out on all the listed policies and no negative impact was identified on any of the protected groups under Equalities legislation.

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