

**Classification:** Public

**Key Decision:** No

## Gravesham Borough Council

**Report to:** Performance & Administration Cabinet Committee

**Date:** 23<sup>rd</sup> March 2023

**Reporting officer:** Tejinderpreet (Preeti) Lalli, Information Governance Manager & Data Protection Officer

**Subject:** Draft Data Protection Policy

### Purpose and summary of report:

To provide the Performance & Administration Cabinet Committee with an updated Data Protection Policy, enabling the committee to review and comment on the Policy prior to it being ratified by the Cabinet Member, Performance & Administration.

### Recommendation:

1. Members discuss and provide feedback on the draft Data Protection Policy prior to it being ratified by the Cabinet Member, Performance & Administration.

Key Implications:	
Item	Implications
Legal	The Policy has been revised to reflect recent changes in line with the UK GDPR law (Post Brexit).
Finance and Value for Money	None
Corporate Plan	#3 Progress: Successfully Manage Key Business Risks
Climate Change	None

## 1. Introduction

1.1 The Data Protection Policy for the council was due for review in the early 2023 and in line with our commitment to maintain a robust Information Governance Framework, it was necessary to:

- Review the council's Data Protection Policy.

- Introduce the changes from EU GDPR to the UK GDPR as adopted by the UK Government post Brexit.

## **2. Data Protection Policy**

- 2.1 The following key updates to the Policy have been made:
  - 2.1.1 A Busy Reader's Summary has been introduced to allow easier and quicker understanding of the main elements of the policy.
  - 2.1.2 The references to additional legislation footnotes have been removed to make the content more related to Gravesham Borough Council's policy framework.
  - 2.1.3 Information related to 'Transfer Limitation' was removed as this is not relevant to Gravesham Borough Council.
  - 2.1.4 The term 'Documentation and Records' used in the previous version of the policy has been replaced with 'Records of Processing Activities' to bring it in line with the GDPR law.
- 2.2 The policy has been reviewed by members of the Information Governance & Security Group (IGSG), the officer group which holds responsibility to oversee the council's compliance with information governance legislation and maintenance of the information governance framework.
- 2.3 The policy will be reviewed again in January 2025 and then annually unless changes to legislation, codes of practice or commissioner's advice from the ICO triggers an interim review. Any significant updates to the Policy will require Member approval.
- 2.4 Once approved, the policy will be circulated to all staff via staff intranet and shared with Elected Members.

## **3. Appendices**

- 3.1 Appendix 1 – Draft Data Protection Policy.

## **4. Background Documents**

- 4.1 There are no background documents.

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<b>Secondary Implications</b>	
<b>Risk Assessment</b>	The Data Protection Policy provides the framework for how council services will ensure that personal information is dealt with properly and securely and processed in accordance with the UK GDPR and current data protection legislation. this is intended to reduce the risk of data loss or misuse.
<b>Data Protection Impact Assessment</b>	<p><i>A data protection impact assessment (DPIA) should be carried out at the start of any major project involving the use of personal data or if you are making a significant change to an existing process.</i></p> <p>a. Does the project/change being recommended through this paper involve the processing of <a href="#">personal data</a> or <a href="#">special category data</a> or <a href="#">criminal offence data</a>? A definition of each type of data can be found on the Information Commissioner's Office website via the above links. NO</p> <p>b. If yes to question a, have you completed and attached a DPIA including Data Protection Officer advice? N/A</p> <p>c. If no to question b, please seek advice from your nominated DPIA assessor or the Information Governance Team at <a href="mailto:gdpr@medway.gov.uk">gdpr@medway.gov.uk</a>. N/A</p>
<b>Equality Impact Assessment</b>	<p>a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community? If yes, please explain answer. N/A</p> <p>b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality? If yes, please explain answer. N/A</p> <p><i>In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above</i></p>
<b>Crime and Disorder</b>	The policy sets out the special conditions to be considered when processing Special Category and criminal data.
<b>Digital and website implications</b>	NONE
<b>Safeguarding children and vulnerable adults</b>	The policy sets out how safeguarding considerations will be taken into account in processing special categories of personal data.