

REPORT TO CABINET

Open/Exempt		Would any decisions proposed :			
Any especially affected Wards	Mandatory/	Be entirely within Cabinet's powers to decide		YES /NO	
	Discretionary /	Need to be recommendations to Council		YES/ NO	
	Operational	Is it a Key Decision		YES /NO	
Lead Member: Leader of the Council			Other Cabinet Members consulted: Cabinet		
			Other Members consulted: Corporate Performance Panel		
Lead Officer: Laura Botten E-mail: <i>laura.botten@west-norfolk.gov.uk</i> Direct Dial: Teams			Other Officers consulted: Management Team		
Financial Implications YES /NO	Policy/ Personnel Implications YES/ NO	Statutory Implications YES/ NO	Equal Impact Assessment YES/ NO If YES: Pre-screening/ Full Assessment	Risk Management Implications YES/ NO	Environmental Considerations YES /NO

Date of meeting: 11th June 2024

REVISED DATA PROTECTION POLICY

Summary

The existing BCKLWN Data Protection policy is overdue for review. An internal Audit review conducted in August 2023 identified that the existing policy had not been reviewed since 2018.

A light touch review was conducted by the Deputy SIRO in 2022 but the revised policy did not go through the formal Tier 1 policy approval process.

The Information Governance Officer has since reviewed and enhanced the policy. Most of the changes are non-material and are listed in this report at 2.2.

If approved by Cabinet, the policy will be placed on the intranet and an all-staff email will inform officers and members of the updates and how to access the policy.

Recommendation

Cabinet is asked to note and endorse the reviewed Data Protection policy as set out at Appendix 2.

Reason for Decision

To ensure that the Council's Data Protection policy is up-to-date and formally approved.

1 Background

- 1.1 An Internal Audit report dated August 2023 noted that the Council's Data Protection Policy was overdue for review. The existing policy was prepared in May 2018 by Eastlaw.
- 1.2 A light touch review was conducted by the Deputy SIRO in November 2022 with changes made to the policy to align it with North Norfolk's policy, but the revised policy was never put through the formal Cabinet/Council Tier 1 policy approval process.
- 1.3 The Information Governance Officer has since reviewed and refreshed the policy in the context of prevailing legislation, good practice and considering service audit recommendations. Should Cabinet/Council agree the revised Tier 1 policy, a publicity campaign of awareness will be developed to support policy implementation and compliance.

2 Options Considered

- 2.1 Options are:
 - A. Refresh the policy to bring it in line with Data Protection legislation, ICO guidance and best practice.
 - B. Do not make any changes. This could increase the risk of non-compliance with Data Protection legislation and regulations and would demonstrate a failure to ensure appropriate arrangements are in place for the responsible and ethical handling of personal data.
- 2.2 The existing and revised policy are attached to this report as appendices. Changes to the existing policy can be summarised as:
 - Section 3 added on importance of data protection and information governance – to highlight accountability and ownership by service areas of data they process.
 - The existing section on Information Assets and retention/publication scheme has been split out and expanded.
 - Section 13 and Appendix E has been added on Data Protection Impact Assessments.
 - Section 9 added on FOI/EIR processes.
 - Section 11 added on Data Breaches and the process followed in event of suspected breach.
 - Wording added to Section 8.4 under Data Sharing to explain that the policy applies to all personal data held by the Council, including that contained in Non-Corporate Communication Channels.

- Links to supporting policies, guidance and e-forms embedded throughout to make it more user-friendly and useful as an aid for officers and members.

3 Policy Implications

- 3.1 The Data Protection Policy is aligned with the Council's corporate priorities and key principles in relation to:
- EFFICIENT AND EFFECTIVE DELIVERY OF SERVICES
 - TRANSPARENCY

4 Financial Implications

- 4.1 None.

5 Personnel Implications

- 5.1 None.

6 Environmental Considerations

- 6.1 None.

7 Statutory Considerations

- 7.1 Data Protection law (specifically UK GDPR and DPA 2018) requires organisations to have a Data Protection Policy in place where proportionate.
- 7.2 Under the DPA 2018, individuals have a statutory access right to personal data held about them.
- 7.3 Under the FOIA 2000, there is a statutory right of access to information held by public authorities. It does this in two ways: public authorities are obliged to publish certain information about their activities; and members of the public are entitled to request information from public authorities.

8 Equality Impact Assessment (EIA)

- 8.1 Pre-Screening EIA has been completed and identified neutral impact on all groups (see below).

9 Risk Management Implications



Stage 1 - Pre-Screening Equality Impact Assessment

- 9.1 Failure to have an up to date and reviewed Data Protection Policy could be a reputational risk for the Council if a significant high- risk data incident occurred.

10 Declarations of Interest / Dispensations Granted

- 10.1 None.

11 Background Papers

- 11.1 Provided as appendices to this report are:

- Appendix 1 - Existing Data Protection Policy (2018)
- Appendix 2 - Revised Data Protection Policy (2023)

Name of policy/service/function	Approval of Revised Data Protection Policy				
Is this a new or existing policy/service/function? <i>(tick as appropriate)</i>	New		Existing	/	
Brief summary/description of the main aims of the policy/service/function being screened. Please state if this policy/service is rigidly constrained by statutory obligations, and identify relevant legislation.	<p>The main aim of the Data Protection Policy is to support compliance with relevant legislation governing collection, processing, and storage of personal data. The policy promotes responsible and ethical handling of personal data to protect individuals' rights and maintain organisational trust and integrity.</p> <p><u>Relevant legislation</u></p> <ul style="list-style-type: none"> • Data Protection Act 2018 • UK General Data Protection Regulation • The Freedom of Information Act 2000 (FOI Act) 				
Who has been consulted as part of the development of the policy/service/function? – new only <i>(identify stakeholders consulted with)</i>	<p>SLT and CPP</p> <p>ICO guidance</p>				
Question	Answer				
<p>1. Is there any reason to believe that the policy/service/function could have a specific impact on people from one or more of the following groups, for example, because they have particular needs, experiences, issues or priorities or in terms of ability to access the service?</p> <p>Please tick the relevant box for each group.</p> <p>NB. Equality neutral means no negative impact on any group.</p> <p><i>If potential adverse impacts are identified, then a full Equality Impact Assessment (Stage 2) will be required.</i></p>		Positive	Negative	Neutral	Unsure
	Age			/	
	Disability			/	
	Sex			/	
	Gender Re-assignment			/	
	Marriage/civil partnership			/	
	Pregnancy & maternity			/	
	Race			/	
	Religion or belief			/	
	Sexual orientation			/	
Other (eg low income, caring			/		

Question	Answer	Comments				
2. Is the proposed policy/service likely to affect relations between certain equality communities or to damage relations between the equality communities and the	No responsibilities)	<table border="1"> <tr> <td data-bbox="1166 215 1238 271"></td> <td data-bbox="1238 215 1310 271"></td> <td data-bbox="1310 215 1382 271"></td> <td data-bbox="1382 215 1457 271"></td> </tr> </table>				

Council, for example because it is seen as favouring a particular community or denying opportunities to another?		
3. Could this policy/service be perceived as impacting on communities differently?	No	
4. Is the policy/service specifically designed to tackle evidence of disadvantage or potential discrimination?	No	
5. Are any impacts identified above minor and if so, can these be eliminated or reduced by minor actions? If yes, please agree actions with a member of the Corporate Equalities Working Group and list agreed actions in the comments section	No	Actions:
		Actions agreed by EWG member: N/A.....
<p>If 'yes' to questions 2 - 4 a full impact assessment will be required unless comments are provided to explain why this is not felt necessary:</p> <p>Decision agreed by EWG member:N/A.....</p>		
Assessment completed by:	Laura Botten	
Name		
Job title	Information Governance Officer	
Date completed	9 May 2024	

Complete EIA Pre-screening Form to be shared with Corporate Policy (corporate.policy@west-norfolk.gov.uk)