



**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**12<sup>th</sup> NOVEMBER 2018**

**DEMOCRATIC SERVICES COMMITTEE**

**GENERAL DATA PROTECTION REGULATION**

**REPORT OF THE INTERIM HEAD OF DEMOCRATIC SERVICES**

**Author:** Mrs Emma Wilkins – Council Business Unit – Democratic Services.

**1. PURPOSE OF REPORT**

- 1.1 To set out the proposed arrangements for delivering training to Members in respect of their responsibilities contained within the General Data Protection Regulation (GDPR).

**2. RECOMEMNDATIONS**

It is recommended that the Democratic Services Committee:

- 2.1 Acknowledge the contents of the report, in particular the requirement for all Members to receive training in respect of their individual responsibilities.
- 2.2 Endorse the approach to an initial training session being delivered prior to Full Council which is scheduled on the 28<sup>th</sup> November, 2018;
- 2.3 Following the training session, endorse the development of:
- A Members training pack in respect of GDPR; and
  - The development an E-learning Toolkit for Members.
- 2.4 Identify any further actions that are required to strengthen the proposed approach.

**3. REASONS FOR RECOMMENDATIONS**

- 3.1 The need to provide Members with training opportunities in respect of the changes taking place in respect of GRPR.

**4. BACKGROUND**

- 4.1 The General Data Protection Regulation (Regulation (EU) 2016/679) is a regulation intended to strengthen and unify data protection for all individuals within the European Union (EU). The primary objectives of the GDPR are to give individuals greater control of their personal data and to simplify the regulatory environment. GDPR replaces the Data Protection Directive 1995 (under which the UK Data Protection Act 1998 was made).

4.2 The Regulation was adopted on 27<sup>th</sup> April 2016 and took effect from the 25<sup>th</sup> May 2018. Unlike a directive, it does not require any enabling legislation to be passed by national governments in order to apply in Member States.

## 5. **IMPLEMENTING THE REQUIREMENTS PLACED UPON THE COUNCIL**

5.1 A project delivery plan is in place that aims to deliver the requirements of the GDPR in a pragmatic and robust way.

5.2 An update to Cabinet on the work undertaken to date was presented to Cabinet on the 17<sup>th</sup> July, 2018, and full details of the report can be accessed through the following [link](#).

5.3 Members were advised that during the period leading up to the 25<sup>th</sup> May 2018, the work of the Project Team was focused on delivering 3 work-streams:

- Developing Data Protection Registers – in particular, recording ‘lawful bases’ for processing.
- Developing and publishing Privacy Notices
- Embedding the requirements of the GDPR into current contractual arrangements, and within procurement practices.

5.4 An update in respect of the progress made against each of the workstreams noted above was provided within the report to Cabinet.

5.5 New and emerging workstreams are now being incorporated into the workplan of the GDPR Project Team. The requirement to deliver training and awareness sessions to Members falls within this category.

## 6. **MEMBERS TRAINING**

6.1 As the changes to the GDPR have an effect on everyone, it is important that all Members are provided with training to support them when undertaking their duties.

6.2 To assist Members, it is proposed that a training session be provided to Members prior to the Council meeting scheduled on the 28<sup>th</sup> November.

6.3 This training session will be provided by Council Officers, involving a PowerPoint presentation on GDPR and how this affects Members. The facility for Members to ask any questions should clarification be required will follow the presentation.

6.4 Following additional requests for training from Community Councillors, at the meeting of the Community Liaison Committee on the 25<sup>th</sup> September, 2018 the Committee agreed that Community and Town Councils would also be included in any training taken forward, as deemed appropriate by the Democratic Services Committee.

6.5 Following the delivery of the training session it is proposed that a Members training booklet will be prepared and circulated with the aim of providing a reference point should future queries arise.

6.6 To support the Council’s paperless agenda, it is also proposed that an E-learning toolkit be developed for Members.

## **7 EQUALITY AND DIVERSITY IMPLICATIONS**

- 7.1 There are no equality and diversity implications as a result of the recommendations set out in the report.

## **8. CONSULTATION**

- 8.1 No consultation is required on this matter.

## **9. FINANCIAL IMPLICATION(S)**

- 9.1 None.

## **10. LEGAL IMPLICATIONS OR LEGISLATION CONSIDERED**

- 10.1 Implementing the requirements of the General Data Protection Regulation is a legal obligation placed upon the Council. Failure to comply with the GDPR could result in fines being instigated by the Information Commissioners Office.

## **11. LINKS TO THE CORPORATE AND NATIONAL PRIORITIES AND THE WELL-BEING OF FUTURE GENERATIONS ACT.**

### THE COUNCIL'S LOCAL PRIORITIES

- 11.1 There is no direct link to meeting the Council's Priorities. However, the implications of the drive to Increase Digitisation and Agile Working across the Council will increase the focus on protecting personal data. The GDPR underpin this requirement. As a result of the Council applying the requirements of the GDPR, residents of Rhondda Cynon Taf can be assured that any personal data held by the Council will be used only for the purpose it is intended.

### WELL-BEING OF FUTURE GENERATIONS ACT

- 11.2 In applying the Sustainable Development Principles, particularly in respect of 'Involvement' and 'Collaboration', the Council will ensure it complies with the GDPR in respect of the personal data it holds.

## **12. CONCLUSION**

- 12.1 The General Data Protection Regulation came into effect on the 25<sup>th</sup> May 2018. This Regulation places clear responsibilities on the Council to demonstrate accountability and transparency when handling and processing personal and sensitive information that it holds in respect of individuals. In the UK, the Regulation is supported by the newly adopted Data Protection Act 2018.
- 12.2 The GDPR Project Team has helped to deliver the requirements placed upon the Council in a pragmatic and robust way so far.
- 12.3 Additional work-streams have now been established, and Members training forms part of this.
- 12.4 Taking forward the Training opportunities identified within the report will allow all Members to confidently continue their roles, within the GDPR requirements.

**LOCAL GOVERNMENT ACT 1972**

**AS AMENDED BY**

**THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

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**BACKGROUND PAPERS**

**Democratic Services – Support for Members**

Freestanding Matter