

REPORT OF THE CHAIRMAN OF GOVERNANCE & ETHICS COMMITTEE**COUNCILLORS' TRAINING AND THE GENERAL DATA PROTECTION REGULATION (GDPR)****Purpose of the Report**

1. To inform Council of new training available to support the Council's approach to becoming compliant with new General Data Protection Regulation (GDPR).

Information and AdviceBackground Information

2. The Council's Information Governance (IG) approach is currently undergoing a programme of improvement, approved by Policy Committee in June 2017. The most pressing imperative for improvement is the General Data Protection Regulation (GDPR). This will be in force from 25th May 2018 and will be supplemented by a new Data Protection Act (2018).
3. The legislation responds to the digital age and strengthens the control and rights that citizens have over their own personal data. The new law places increased information governance and data protection obligations on the Council (and other data controlling / processing organisations). It also introduces significantly higher penalties for personal data breaches and failure to evidence compliance with the law (maximum fines of £17m and £8.5m respectively).
4. The legislation requires that all employees within the Council are trained to a level where they understand the impact of GDPR on their duties and to understand the principles of good information management
5. Policy Committee approved a new Information Governance Framework and underpinning policies on 28 March 2018. This applies to all Council employees and Councillors.

Councillors and the GDPR

6. Under the GDPR, Councillors continue to have data protection responsibilities for the personal information they process in their work in a similar way to their current obligations under the Data Protection Act 1998. They will continue to be data controllers under the GDPR which means they are responsible for ensuring all personal data they handle is done in a way which complies with the requirements of the GDPR.

7. The Information Commissioner's Office (ICO), the Regulator for data protection in the UK, has issued a guidance note titled '[Advice for Elected and Prospective Councillors](#)'. This was included as part of the induction pack issued to all Councillors in 2017. Whilst this guidance note is not yet GDPR compliant, it does enable Councillors to have a better understanding of their data protection responsibilities.
8. The ICO has also issued a '[Guide to GDPR](#)' to increase awareness of the new legislation particularly amongst data controllers.
9. Current data protection law and the GDPR require that organisations ensure that those that access the personal data they hold are appropriately trained. The Council has recently secured e-learning modules which are currently being rolled out to all staff who use personal computers and form part of mandatory training requirements. These modules are GDPR compliant and were developed specifically for local government.
10. Governance and Ethics Committee received a demonstration of the new e-learning modules at its meeting in March. The Committee was positive about them and determined that Council be informed so that all Councillors are aware of and can access the training.
11. As referenced above the e-learning, coupled with a separate arrangement for those staff who do not use personal computers in their work, will give all staff a basic understanding of data protection. The intention is to develop additional role specific training for particular staff groups.
12. In a similar way, specific additional training could be developed for Councillors should that be wanted and made available in summer / autumn 2018. This will give time to digest the provisions of the new Data Protection Act 2018, which will supplement GDPR.

Other Options Considered

13. The Local Government Association (LGA) recognised that this was a potential development need for Councillors and did commission a project to develop specific e-learning covering elected member responsibilities for data protection, in accordance with the new law. However, the LGA have advised that this project has run into difficulties and has significantly slipped from the timeline anticipated for release (originally autumn 2017), with no revised completion date.

Reason/s for Recommendation/s

14. GDPR requires that data controllers take appropriate 'organisational and technical measures' to ensure the protection and security of personal data. Data protection training is considered to be the primary organisational means of ensuring data protection knowledge and application.

Statutory and Policy Implications

15. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability

and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

RECOMMENDATION/S

- 1) That all Councillors have access to the new data protection e-learning and are encouraged to undertake the training.
- 2) That two half day, cross-party sessions be arranged for Councillors to undertake this training as part of a group (N.B. the training package will still be available to individual members to undertake on an individual basis if that is more appropriate)
- 3) That additional role specific training is developed and made available in summer / autumn 2018 for Councillors to enable them to better understand how they can fulfil their data protection responsibilities under the new law.

County Councillor Bruce Laughton
Chairman of Governance & Ethics Committee

For any enquiries about this report please contact: Caroline Agnew

Constitutional Comments [SLB – 16/4/18]

15. It is appropriate for Full Council to consider the content of this report.

Financial Comments [RWK 26/04/2018]

16. There are no specific financial implications arising directly from the report.

HR Comments [JP – 24/4/18]

17. There are no specific HR comments or issues.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- Information Governance Framework – NCC, March 2018
- Advice for Elected and Prospective Councillors: Data Protection Act – ICO Guidance
- Guide to GDPR – ICO Guidance

Electoral Division(s) and Member(s) Affected

All