

New Data Protection legislation - Update

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FAO All councils

Please see below and attached information which we hope will be helpful to councils regarding the new Data Protection legislation. The new rules provide an opportunity to improve administrative systems and the robustness of personal data control and sharing.

As public authorities, local councils and parish meetings will be required to appoint a Data Protection Officer (DPO). We are seeking clarification from the National Association of Local Councils (NALC) Legal Team about whether the Clerk or another member of staff can be the DPO but we understand that it is very unlikely that the Clerk can be so appointed owing to conflicts of interest (the DPO must represent the interests of the member of the public seeking to access data etc.) We have already been advised by NALC that a councillor cannot fill this role as they are insufficiently independent.

SALC are looking at options for third parties providing the DPO function, including principal authorities or SALC itself. The private sector also provide options and SALC has recently engaged with the DPO Centre to provide a series of seminars for councils. The presenter, Rob Masson, provides an excellent presentation on the new requirements, at the end of which he outlines the service the DPO centre can provide should councils wish to explore that option (further information provided below). If you would like to book into the next session (20th Nov, 10-12am) there are still a few spaces available.

We are also pressing NALC to continue to make the case for New Burdens Funding and will advise further at the earliest opportunity.

Further information is also attached as follows:

- An example report to Council (tailor as you see fit)
- The slides from the DPO Centre presentation
- A copy of the letter from Dept. for Digital, Culture, Media & Sport.
- A series of earlier briefings from NALC

Rob Masson from The [DPO Centre](#) Ltd recently delivered a number of training sessions on the new General Data Protection Regulation (GDPR) to representatives from Suffolk councils. Whether you were able to attend or not, we hope that the attached copy of the slides used in the presentation are helpful.

All councils need to demonstrate their compliance with the government regulation by the 25th of May 2018 deadline. This means that as a minimum, you are required to:

1. Carry out an 'Impact Assessment' of the datasets you are responsible for
2. Identify each of the Data Processors you use, and enter into a written contract with them
3. Review your data security practices and data protection training
4. Appoint an appropriate person to act as your Data Protection Officer on an ongoing basis

This inevitably adds a burden on parish/town/community councils, and therefore there is a need to consider the implications on next year's budget which councils will be now setting.

To assist you, The DPO Centre Ltd can provide a quality, cost effective and appropriate route for councils of all sizes and complexities. To ensure this is delivered in the most cost-effective way, group sessions will be organised at SALC, with the smallest councils being assessed in groups of 10 (so that the cost can be equally divided), through to large councils being assessed individually.

A similar process will be used to provide ongoing outsourced Data Protection Officer services. These will be allocated based on the level of input expected for the size and complexity of each council, and to enable your DPO to complete the necessary documentation to demonstrate your accountability and compliance.

There are challenges involved with creating a grouping structure that works for all sizes of council, **therefore the precept/revenue indicated in the table below should be seen more as a guide than a rule. The categorisation is based on expected service level, therefore more time is allocated based on the ever greater complexity that comes with ever larger organisations. Therefore, if you feel the individual requirements of your council are more, or less, complex than the precept category in which you fit, then you are welcome to opt for an alternative.**

Please note also that you may need to budget for the additional clerk/administrative resources that will be required to provide the information that will be requested over time and it may be that additional training, IT and process changes will be necessary in order to fully comply.

The costs for these services, for each of the categories of council are as follows:

Category based on approximate Precept / Revenue	Category 1 <1500	Category 2 £1.5k - 5k	Category 3 £5k - 25K	Category 4 £25k - 100k	Category 5 100k - 200k	Category 6 £200k+
Impact Assessment, identify Data Processors and review security in groups of	12	10	6	4	2	1
Outsourced DPO Service	6 monthly questionnaire, review and documentation update	2 monthly questionnaire, review and documentation update	2 monthly questionnaire, review and documentation update	2 monthly questionnaire, review and documentation update. 6 monthly group audit meeting	2 monthly group review and documentation update with 6 monthly on-site audit visits	Monthly on-site review visits and documentation updates
Telephone/email advice	1 every 2 months	1 per month	3 per month	6 per month	10 per month	15 per month
Cost for year 1	£150	£280	£800	£2,200	£6,200	£11,200
Cost for year 2	£50	£120	£400	£1,400	£3,800	£7,200

We would be grateful if you could please express your interest in receiving this service (entirely without obligation at this stage). To do so, please reply to this email, or contact us, indicating the category you feel is the most appropriate for you.

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10 attachments



171017 Full Council DPO.DOC
33K



2017-09-21 Data Protection Bill NALC.PDF
148K



L03-17 Reform of data protection and intro of the general data protection regulation.pdf
61K



L04-17 Reform of data protection legislation - General Data Protection regulations.pdf
56K



L05-17 general data protection regulation - summary of main provision.pdf
102K



L06-17- General Data Protection Regulation - application to parish meetings.pdf
57K



L07-17-Payment of fees to the Information Commissioner's Office (1).pdf
59K



L08-17 - PRIVACY NOTICES AND THE LEGAL BASIS FOR PROCESSING PERSONAL DATA[1].pdf
241K



L09-17 - GENERAL DATA PROCESSING REGULATION AND SUBJECT ACCESS REQUESTS[1] (1).pdf
162K



GDPR for local councils - 09-11-17.pptx
968K