

# Data Protection Bill/GDPR - latest update from the National Association of Local Councils

Admin SALC <admin@salc.org.uk>

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## To all member councils.

It has been brought to our attention that some councils have received information from an 'alternative' source which suggests that Clerks will be able to act as the Data Protection Officer (DPO) when the new legislation comes into being. This is **MISLEADING and INCORRECT**.

While the Information Commissioners Office will undoubtedly have confirmed that an officer can be appointed as a DPO, this cannot include any post which would provide a conflict of interest and the post holder is required to have appropriate skills and experience.

The below extract from last week's bulletin from the Chief Executive of the National Association of Local Councils states that the ICO confirmed (12<sup>th</sup> Jan) that neither the Clerk nor Responsible Financial Officer can be the DPO.

Councils are urged to treat information received from other organisations with CAUTION.

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## Data Protection Bill and GDPR

- On Wednesday the Data Protection Bill had its third day of Report Stage in the House of Lords and considered a number of amendments regarding the impact of GDPR on parishes. Baroness Neville-Rolfe, a former digital minister herself, put forward three amendments seeking to place a new duty on the Information Commissioner (IC) to support smaller organisations including parish councils, provide for a discounted or no charge for parish councils regarding registration fees, and requiring the IC to undertake an assessment of the economic consequences of measures they have taken for public authorities in particular parish councils. In response the minister Lord Ashton confirmed the IC has agreed to issue advice to parish councils and recognised issues in relation to parish councils had been aired vociferously, and not only in the House of Lords Chamber – in fact his wife is a parish councillor! We are writing to the minister to follow up the debate in advance of Third Reading. You can [watch the debate on Parliament TV](#) or [read the transcript on Hansard](#).

- A quick clarification on the number for the dedicated telephone advice helpline which the Information Commissioner's Office (ICO) have set up to offer help to small organisations preparing for the new data protection law, including the [General Data Protection Regulation](#). The phone service is aimed at people running small businesses or charities and NALC has been successful in extending this to parish and town councils and parish meetings. To access the new service dial **0303 123 1113** and select option **4** to be diverted to staff who can offer support. As well as advice on preparing for the General Data Protection Regulation, callers can also ask questions about current data protection rules and other legislation regulated by the ICO including electronic marketing and Freedom of Information.

- Today we held a short teleconference with the public sector policy team at the ICO to discuss a number of issues such as support and guidance and they confirmed their agreement with our view that clerks and Responsible Finance Officers cannot be the Data Protection Officer.

Tel 01473 833713

Email: [dceo@salc.org.uk](mailto:dceo@salc.org.uk)

Website: [www.salc.org.uk](http://www.salc.org.uk)