

By: Ben Watts, General Counsel (Data Protection Officer)

To: Policy and Resources Cabinet Committee – 13th September 2018

Subject: **Data Protection Update**

Classification: Unrestricted

Summary: This report provides an update regarding Member Training for new Data Protection legislation.

Introduction

1. Members of this Cabinet Committee and Governance and Audit Committee have received updates over the past two years in relation to the implementation of the General Data Protection Regulation (GDPR) last month. These updates included information regarding the obligations on the organisation and importantly the expectations placed upon Members by the new legislation.
2. The Data Protection Officer (DPO) is the officer responsible across the whole Council for ensuring compliance with Data Protection legislation. The DPO's minimum tasks, as set out in the new legislation, are;
 - a. To inform and advise the organisation and its employees about their obligations to comply with the GDPR and other data protection laws.
 - b. To monitor compliance with the GDPR and other data protection laws, including managing internal data protection activities, advise on data protection impact assessments; train staff and conduct internal audits.
 - c. To be the first point of contact for supervisory authorities and for individuals whose data is processed (employees, customers etc).
3. At the last meeting of this Committee, Members received an update relating to the completion of training by Members that had been facilitate by the Office of the General Counsel or undertaken directly on the Council's E-Learning gateway.
4. At that time, more than twenty Members were still to complete the training and the General Counsel agreed the following actions:
 - a. To contact the Group Leaders of the respective political parties to provide the names of those yet to take the training
 - b. To arrange a further and final training session for Members
 - c. To write again to Members to remind them of the training
 - d. To provide a further update to this Committee

5. This report confirms that the actions mentioned at paragraphs 4 (a) – (c) above have all been completed. In addition, several one to one training sessions were also organised and delivered to ensure Members' needs were supported.
6. Members will also have received an electronic link to the Elected Members Privacy Notice to satisfy the requirements of the GDPR for Members in their capacity as data controllers.
7. At the time of publication of this report, there was one Member who are still to complete the Kent County Council training. Once again, the enthusiasm and engagement of those Members who attended the recent training session is appreciated.
8. As mentioned in previous updates, the regulations allow for the Information Commissioner's Office (ICO) to impose significant administrative fines on data controllers (which Members are as well as KCC). The ICO has made public statements of reassurance around its intention to proportionately regulate despite their new and increased powers.
9. Whilst it is fully recognised that KCC is a Member-Led authority, legislation places a responsibility on the General Counsel to ensure that the council acts lawfully, reasonably and proportionately. Further to previous reports to this Committee, the General Counsel will now review the steps necessary and write directly to the Members concerned, copied to their Group Leader.

Recommendations

10. It is recommended that Members **NOTE** the report and **COMMENT** accordingly.