

From: Ben Watts, General Counsel
To: **Selection and Member Services Committee –
30 September 2020**
Subject: Statutory and Proper Officers: Data Protection Officer
Classification: **Unrestricted**

Summary:

The purpose of this report is to ask the Selection and Member Services Committee to recommend formally recording the position of the General Counsel as Data Protection Officer for Kent County Council in the Constitution.

Recommendation:

That the Selection and Member Services Committee recommend to County Council that it approves the proposed changes to the Constitution.

1. Introduction

- a) The General Data Protection Regulation (GDPR) as enacted through the Data Protection Act 2018 requires Kent County Council (KCC) to nominate a Data Protection Officer (DPO).
- b) In a report to the Policy and Resources Cabinet Committee on 16 March 2018, Members were informed of this upcoming change and that I would be taking on the role of Data Protection Officer as it effectively replaced the role of Senior Information Risk Officer (SIRO) that I exercised at the time. The role of SIRO continues, and is exercised by David Whittle.
- c) This delegation was not formally captured in the Constitution. Doing so would ensure the DPO is readily identifiable. Recording it in the Constitution will also enable me to delegate parts of the work or function of the DPO more easily where appropriate. I will of course remain accountable where this is the case.

2. The Proposed Changes

- a) New section to be added the list of Statutory and Proper Officers list, Appendix to the Constitution as below:

Table: Proposed new section: Data Protection Act 2018

Section	Purpose	Officer
69	Designation of a Data Protection Officer	General Counsel

3. Recommendation:

That the Selection and Member Services Committee recommend to County Council that it approves the proposed changes to the Constitution.

4. Background Documents

None.

5. Contact details

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