

From: Ben Watts, General Counsel  
To: **County Council – 22 October 2020**  
Subject: Statutory and Proper Officers: Data Protection Officer  
Classification: **Unrestricted**  
Past Pathway of report: Selection and Member Services Committee,  
30 September 2020

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**Summary:**

The purpose of this report is to ask the County Council to agree to an amendment to the Constitution to formally record the position of the General Counsel as Data Protection Officer for Kent County Council.

**Recommendation:**

That County Council agrees to update the list of Statutory and Proper Officers in the Constitution to record the designation of the General Counsel as the Data Protection Officer under the Data Protection Act 2018.

**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

<b>Section</b>	<b>Purpose</b>	<b>Officer</b>
69	Designation of a Data Protection Officer	General Counsel

- b) The Selection and Member Services Committee agreed to recommend to County Council that this change be made at its meeting of 30 September 2020.

**3. Recommendation:**

**That County Council agrees to update the list of Statutory and Proper Officers in the Constitution to record the designation of the General Counsel as the Data Protection Officer under the Data Protection Act 2018.**

**4. Background Documents**

None.

**5. Contact details**

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