



## **REPORT of MONITORING OFFICER**

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**to  
COUNCIL  
12 SEPTEMBER 2024**

### **DATA PROTECTION POLICY UPDATES**

#### **1. PURPOSE OF THE REPORT**

- 1.1 To consider the draft Data Protection Policy attached as **APPENDIX 1** to this report. and the adoption of this policy by the Council.
- 1.2 To consider the Processing of Special Category Data Policy attached as **APPENDIX 2** to this report and the adoption of this policy by the Council.
- 1.3 To consider the draft Document Retention Policy, attached as **APPENDIX 3** to this report and the adoption of this policy by the Council.

#### **2. RECOMMENDATIONS**

- (i) That the Data Protection Policy attached at **APPENDIX 1** be approved;
- (ii) That the Processing of Special Category Data Policy attached at **APPENDIX 2** be approved;
- (iii) That the Document Retention Policy attached at **APPENDIX 3** be approved;
- (iv) That delegated Authority is given to the Assistant Director of Resources in consultation with the Data Protection Officer to make any operational changes to the retention periods contained within the Document Retention Policy.

#### **3. SUMMARY OF KEY ISSUES**

- 3.1 The Council has a legal requirement to comply with the Data Protection Act 2018.
- 3.2 The Data Protection Act requires that we are able to demonstrate compliance with the principles set out in the Act. These policies are a vital part in demonstrating how the Council processes its data.
- 3.3 The Council's use of documents and personal data are vital in supporting its core requirements and providing evidence of actions and decisions. It is also essential that our residents can be satisfied that the Council has policies and procedures in place to ensure their data is held lawfully.
- 3.4 These three policies together provide a comprehensive suite of documents that ensure that data is used, stored and destroyed in line with the requirements of the Data Protection Act.

- 3.5 The Data Protection Policy and the Document Retention Policy are revisions of previous policies.
- 3.6 The Processing of Special Category Data is a new policy which provides extra guidance when dealing with Special Category Data which includes, health, race and criminal offence data.

#### 4. CONCLUSION

- 4.1 The adoption of these three policies will ensure the Council has clear policies for how it manages the records and personal data it holds while carryout its functions.

#### 5. IMPACT ON PRIORITIES AS SET OUT IN THE CORPORATE PLAN 2023 - 2027

##### 5.1 Provide good quality services.

- 5.1.1 We are required by law to demonstrate how we comply with the Data Protection Act and these policies meet that requirement. Having clear policies in place will allow staff to continue to provide a quality service when processing residents data. Having an up-to-date policy provides residents with reassurance that their personal data will be handled lawfully.

#### 6. IMPLICATIONS

- (i) **Impact on Customers** – No direct impact arising from this report, but adoption of the Policy provides customer reassurance that effective processing of their data and document management is incorporated into the Council's working practices.
- (ii) **Impact on Equalities** – Failure to have an up-to-date policy having regard to current statutory and regulatory requirements could potentially leave the Council open to challenge. The Policies ensure that all data is processed fairly across the organisation.
- (iii) **Impact on Risk (including Fraud implications)** – Failure to have up to date policies having regard to current statutory and regulatory requirements could potentially leave the Council open to challenge and/or fines for non-compliance from the Information Commissioner. Penalties can be levied up to £17million or 4% of turnover.
- (iv) **Impact on Resources (financial)** – None.
- (v) **Impact on Resources (human)** – The policies allow staff to manage data in a productive manner and ensure that the processing of documents and searches for information are as efficient as possible.

Background Papers: None.

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