GENERAL DATA PROTECTION REGULATION (GDPR)

SLCC
Society of Local Council Clerks
Professional Supportive Innovative

THE ICO CHECKLIST OF STEPS TO TAKE NOW SLCC'S ADVICE AS HOW TO PROCEED

1 AWARENESS

You should make sure that decision makers and key people in your organisation are aware that the law is changing to the GDPR. They need to appreciate the impact this is likely to have.

For all local councils the Council itself, as a corporate body, is the formal Data Controller. Report to the Council on its obligations. The ICO website has a useful guide (and lots of other helpful information) **here**. SLCC's Data Protection webinars will give you a basic understanding of the GDPR. Click **here** to view the webinar dates.

The presentation given by the National Legal Advisor to recent Regional Training Seminars and the Practitioners' Conference can be accessed **here**. You may find this presentation useful in explaining the issues to your Council.

Our principal sponsors, Came and Company Local Council Insurance, have also prepared a very useful summary document of GDPR as well as a helpful "10 steps to cyber security" which can be found **here**.

The National Association of Local Councils (NALC) has published a Guide to GDPR for its member councils.

SLCC has also published Advice Notes and magazines articles covering GDPR which are available **here**

2 INFORMATION YOU HOLD

You should document what personal data you hold, where it came from and who you share it with. You may need to organise an information audit.

Your Society has prepared a set of model data audit schedules for different sizes of councils which will help you record all the data you hold, why you are holding it, the legal basis for holding it, whether consent is necessary and how you should be protecting it. They can be accessed **here**.

If you are having difficulty completing a schedule for your council, the Advice Service may be able to help in general terms. Three senior members of the Advice Team are studying for the BCS Certificate in Data Protection which they hope to have completed by the end of April.

However, your Society is able to offer additional help to individual councils for a fee. If you wish to pursue this option please email **consultancy@slcc.co.uk**

3 INDIVIDUALS' RIGHTS

You should check your procedures to ensure they cover all the rights individuals have, including how you would delete personal data or provide data electronically and in a commonly used format.

Your Society has prepared a model policy to cover this. It can be accessed **here**

4 COMMUNICATING PRIVACY INFORMATION

You should review your current privacy notices and put a plan in place for making any necessary changes in time for the GDPR implementation.

Model privacy notices are available **here**

5 LAWFUL BASIS FOR PROCESSING PERSONAL DATA

You should identify the lawful basis for your processing activity in the GDPR, document it and update your privacy notice to explain it.

The model data audit schedules will help you do this **here**

6 SUBJECT ACCESS REQUESTS

You should update your procedures and plan how you will handle requests within the new timescales and provide any additional information.

A model procedure is available **here**

7 CONSENT

You should review how you seek, record and manage consent and whether you need to make any changes. Refresh existing consents now if they don't meet the GDPR standard.

Model letters seeking consent are available **here**

8 DATA BREACHES

You should make sure you have the right procedures in place to detect, report and investigate a personal data breach.

A model procedure is available **here**

9 CHILDREN

You should start thinking now about whether you need to put systems in place to verify individuals' ages and to obtain parental or guardian consent for any data processing activity.

It is unlikely many local councils will be holding data relating to children but, if you think you may be doing so, please contact the Advice Service for specific advice.

10 DATA PROTECTION BY DESIGN AND DATA PROTECTION IMPACT ASSESSMENTS

You should familiarise yourself now with the ICO's code of practice on Privacy Impact Assessments as well as the latest guidance from the Article 29 Working Party, and work out how and when to implement them in your organisation.

The key point here is minimising the risk to information privacy - the risk of harm through use or misuse of personal information. The ICO says that some of the ways this risk can arise are through personal information being:

- inaccurate, insufficient or out of date;
- excessive or irrelevant;
- kept for too long;
- disclosed to those who the person it is about does not want to have it;
- used in ways that are unacceptable to or unexpected by the person it is about; or
- not kept securely.

The Council will have to take full account of these requirements (which can be reformulated as Data Protection Impact Assessments a draft of which can be found **here**), when adding to or reviewing our existing ways of working. The Information Commissioner has provided more information on this, which can be accessed **here** and **here**

11 DATA PROTECTION OFFICERS

You should designate someone to take responsibility for data protection compliance and assess where this role will sit within your organisation's structure and governance arrangements. You should consider whether you are required to formally designate a Data Protection Officer.

As local authorities all town parish and community councils must appoint a Data Protection Officer (DPO). A member of staff can be a DPO provided they have no conflict of interest and meet the other criteria for the position. SLCC believes that in certain circumstances a Clerk to a smaller council can be the DPO. Separate guidance on this will be available later, please see the CEO's introduction for details.

12 INTERNATIONAL

If your organisation operates in more than one EU member state (i.e. you carry out cross-border processing), you should determine your lead data protection supervisory authority. Article 29 Working Party guidelines will help you do this.

This point does not relate to most local councils, except when involved in twinning events.

Data Protection or any other queries? Your SLCC Advice Team is here to help.

Our team of experienced practitioner clerks supported by specialist experts on finance, law, VAT, employment and planning are just an email or phone call away. Our service standard is to respond to your query by the end of the next working day not 48 hours.

Advice@slcc.co.uk

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