



Data Protection Policy Review

Report Author

Niall Jackson, Data and Information Governance Officer

✉ Email: niall.jackson@southkesteven.gov.uk

Purpose of Report

To provide Cabinet with an opportunity to review the Council's latest version of its Data Protection Policy.

Recommendations

Cabinet is recommended to consider and approve the draft Data Protection Policy as set out in Appendix A.

Decision Information

Is this a Key Decision?	No
Does the report contain any exempt or confidential information not for publication?	No
What are the relevant corporate priorities?	Effective council
Which wards are impacted?	(All Wards)

1. Implications

Taking into consideration implications relating to finance and procurement, legal and governance, risk and mitigation, health and safety, diversity and inclusion, safeguarding, staffing, community safety, mental health and wellbeing and the impact on the Council's declaration of a climate change emergency, the following implications have been identified:

Finance and Procurement

- 1.1 There are no financial implications arising from this report.

Completed by: Richard Wyles, Deputy Chief Executive and Section 151 Officer

Legal and Governance

- 1.2 The Council is required to have a Data Protection Policy in place. It is considered good governance to regularly review the Policy, with the last review taking place in 2021. This report recommends a revised version of the Council's Policy, taking into account the outcome of a review recently undertaken.

Completed by: Graham Watts, Monitoring Officer and Data Protection Officer

2. Background to the Report

- 2.1 The Data Protection Policy is the Council's statement of intent and details its commitment to and compliance with Data Protection. This includes the procedures required for compliance and the duties and responsibilities of officers for implementing the Policy.
- 2.2 The existing Data Protection Policy is subject to review on an 'as needs' basis and no less than once every two years. It has been identified that the Policy has not been reviewed since 2021 and is overdue for review.
- 2.3 Since the UK General Data Protection legislation took effect on 1 January 2021 there have been no updates to Data Protection legislation. The previous government had been working on a new Data Protection and Digital Information Bill which would have required changes to this Policy, however the recent change in Government has resulted in further delays on any changes to the current legislation.

3. Key Considerations

- 3.1 The Council's existing Data Protection Policy can be viewed via the following link:

[Microsoft Word - Data protection policy.docx \(southkesteven.gov.uk\)](Microsoft Word - Data protection policy.docx (southkesteven.gov.uk))

- 3.2 The revised version of the Council's Data Protection Policy is attached to this report at **Appendix A**.
- 3.3 A number of new sections have been added to the Policy to provide greater comprehensiveness and clarity. Cabinet is asked to review and comment on these sections of the Data Protection Policy which include the following:
 - Definitions
 - Aims and Objectives
 - Roles and responsibilities
 - Data Breaches
 - Data Handling
 - Appeals and Complaints
- 3.4 In reviewing the Policy, slight amendments have been made to the following sections in order that there is consistency throughout the document and to reflect the added clarity reflected in paragraph 3.3 above. Cabinet is asked to review and comment on these sections of the Data Protection Policy which includes the following:
 - Introduction
 - Scope
 - Data Protection Impact Assessments

4. Other Options Considered

- 4.1 Not to make any changes to the existing Policy.
- 4.2 To recommend any further amendments to the Policy.

5. Reasons for the Recommendations

- 5.1 It is a legal requirement to create and maintain a Data Protection Policy and to set out formally the arrangements for the management of the Council's responsibilities. The recommendation reflects the outcome of a review of the Council's current Policy which has been undertaken.

6. Appendices

- 6.1 Appendix A: Data Protection Policy