



# MELTON PARISH COUNCIL

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FRM(18)05.05

## CHANGES TO DATA PROTECTION LEGISLATION - UPDATE

### Background and summary

FERM Committee received an initial report on this important subject at its meeting on 13 December 2017. A briefing based on a NALC template was given to Full Council on 10 January 2018. The reports presented to date have focused on the changes being introduced on 25 May 2018 and the challenges they present to local councils. This report aims to update FERM Committee Members on the current position.

### Report

Members will recollect that SALC's approach was to organise a presentation given by Robert Masson of the DPO Centre in London, at which he set out the challenges brought by the new legislation, the steps that need to be taken by local councils, and the service that his organisation can give in helping councils to comply, together with the cost of employing his organisation.

Basically as a minimum, councils are required by 25 May to:

- Carry out an impact assessment of their datasets
- Identify each of the Data Processors used, and enter into a compliant written contract with them
- Review data security practices and data protection training
- Appoint an appropriate person to act as Data Protection Officer (DPO) on an ongoing basis.

The DPO Centre have now requested expressions of interest in their service. Revised costs for a council with a precept / revenue between £25k and £100k is £1,650 for Year 1 and £1,050 for Year 2. I have not enquired as to the impact of CIL monies on "revenue", but costs for a council with income over £100k are £4,650 and £2,850 respectively.

Because of the costs involved, a number of smaller councils have been induced away from SALC's advice by conflicting advice given on 12 January by the Local

Council Public Advisory Service (LCPAS). This in effect is a rival organisation now based in Bury St Edmunds. They claimed that contrary to SALC's advice, and that of Robert Masson, councils can appoint the clerk to be the DPO. They said that the ICO advice supports that position. However the information supplied by them in response to my request is edited and ambiguous.

Without question it would have been more helpful for SALC / NALC to offer sector specific independent legal advice on the new regulations rather than offer a presentation from an organisation that has a commercial interest in providing a service. However the LCPAS advice was swiftly countered by SALC on 15 January by urging councils to treat the (LCPAS) advice with caution, and confirming that the ICO has made it clear in the course of a teleconference between SALC and the public sector policy team at the ICO that clerks and RFOs cannot be a DPO.

The saga continues with LCPAS maintaining their position. They are also offering what is termed a "Data Protection Pack (Privacy Notices, Consent Forms and Policies) for sale at £30. They also propose to offer a DPO service priced at up to £500.

However in the debates on the Data Protection Bill in the House of Lords amendments have been put forward placing a duty on the ICO to support parish councils caught up in this process, and it is understood that the Information Commissioner has agreed to issue advice to parish councils.

## **Recommendations**

That FERM Committee agree:

- To note the report
- To authorise the Clerk to purchase the suite of documents available from LCPAS to review their contents and assess suitability
- To await further developments.

William Grosvenor

Clerk to the Council

6 February 2018

