

# FAREHAM

## BOROUGH COUNCIL

### **Report to Audit and Governance Committee**

**Date**                    **27 November 2017**

**Report of:**        **Head of Democratic Services**

**Subject:**           **GENERAL DATA PROTECTION REGULATIONS (GDPR)**

#### **SUMMARY**

The General Data Protection Regulations (GDPR) come into effect on 25<sup>th</sup> May 2018. These Regulations will give individuals more control over their personal data and how this is collected, managed and processed. Members of the Committee will receive a presentation outlining these changes and how they affect Fareham Borough Council.

#### **RECOMMENDATION**

It is recommended that the committee notes:

- (a) the contents of this briefing paper; and
- (b) the contents of the presentation.

## **INTRODUCTION**

1. The Committee will receive a presentation from the Head of Democratic Services on the General Data Protection Regulations (GDPR) and this report provides Members with a broad overview prior to the presentation.
2. The General Data Protection Regulations (GDPR) will apply in the UK from the 25 May 2018.
3. The GDPR applies to both data “controllers” and data “processors”, with the definitions being broadly the same as under the Data Protection Act (DPA) currently and it applies to personal data – like the Data Protection Act – but gives a more expansive definition.
4. Under the Data Protection Act, there is a category for sensitive personal data. Under the GDPR, this is referred to as “Special Categories of Personal Data”.
5. Data Processors have legal obligations placed on them by the GDPR. For example, records of personal data and processing activities must be maintained and these will have significantly more legal liability if the Council were to experience a data breach.
6. The GDPR places more obligations on Data Controllers. In any event where Fareham Borough Council acts as Data Controller, we must ensure any contracts which have which processors are GDPR compliant. For example, where we outsource work to third parties on behalf of the Council.
7. The Data Protection Bill, which is currently going through Parliament, has merged the Data Protection Act 1998, the General Data Protection Regulations and the Law Enforcement Directive into one large Bill.
8. The Data Protection Bill will also ensure the UK retains the Information Commissioner as the UK’s independent data protection regulator and will give the Commissioner the right powers to ensure data subjects are safeguarded appropriately.
9. There will also be changes to the way in which data controllers must inform the Commissioner and, in some cases, individuals of data breaches.
10. The Bill will also create new offences, such as alteration of personal data to prevent disclosure, as well as modernise some of the offences seen within the Data Protection Act 1998.

## **CONCLUSION**

11. The implementation of the General Data Protection Regulations will give data subjects more control over their data which is held by data controllers and processors.
12. Work is underway with the Council to implement the necessary changes to ensure compliance with the Data Protection Bill and the General Data Protection Regulations.

### **Enquiries:**

For further information on this report please contact Samantha Wightman (Ext 4594)