

WEST DUNBARTONSHIRE COUNCIL

Report by Executive Director of Corporate Services

Corporate and Efficient Governance Committee: 21 March 2012

Subject: Updated Data Protection Policy

1. Purpose

- 1.1** The purpose of this report is to ask the Committee to approve the updated Data Protection Policy.

2. Background

- 2.1** As a local authority which collects and administers personal data including sensitive data, the Council is obliged to follow the principles of the Data Protection Act 1998.
- 2.2** A data protection policy was produced in early 2000 and was updated in 2004.

3. Main Issues

- 3.1** The Data Protection Act 1998 has not changed since the legislation was first implemented and therefore there has been no requirement to update the policy. However, due to organisational change and, in particular, the transfer of the data protection function from the Information and Computer Technology (ICT) Section to Legal Democratic and Regulatory Services, it has been necessary to update the Policy.
- 3.2** It has also been recognised that the policy should be kept up to date on a regular basis and will now be reviewed every 12 to 18 months.
- 3.3** The Council has also agreed to receive a data protection audit by the Information Commissioners Office (ICO) in January 2013. A main component of this audit will be an up to date policy which can be accessed by all employees, citizens and external agencies/partners.
- 3.4** Members are asked to note that the revised Policy also provides advice to Elected Members who are registered separately with the ICO as data protection controllers.

4. People Implications

- 4.1** It is important that all of the Council's employees are fully aware of their responsibilities in terms of the Data Protection Act 1998 and accordingly a number of staff briefings will take place this year to ensure that key members of staff are aware of the Policy.

5. Financial Implications

- 5.1** When carrying out the Data Protection Audit, the ICO will expect that a data protection policy is current and available to all employees. Under normal circumstances, if it is found that there are any major data protection failings then the Council could be subject to a fine of up to £500,000. However, as the Council has invited the ICO to conduct this audit, the ICO have given an assurance that the Council will not be subject to a fine as the purpose of the audit is to help the council improve its policies and practices.

6. Risk Analysis

- 6.1** If the Council fails to update its Data Protection Policy and does not provide adequate training to its staff then it could face the risk of reputational damage following the audit.

7. Equalities Impact Assessment (EIA)

- 7.1** As this report seeks approval of an internal policy document, no equality group will be adversely affected by its recommendations.

8. Strategic Assessment

- 8.1** The Council has a duty to follow legislative directives and this Policy is a key component in ensuring that the Council meets its obligations under the Data Protection Act 1998. It is therefore important that staff are fully aware of these obligations in order to deliver 'Fit for Purpose Services'.

9. Conclusions and Recommendations

- 9.1** The Committee is asked to note that report and approve the updated Policy for dissemination to all employees.

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Date: 27 February 2012

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Appendices: Appendix 1 – Data Protection Policy

Background Papers: None

Wards Affected: All wards.