Data Protection Update

Audit Committee – 25 Sept 2019

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IMPROVEMENT
PROGRAMME

Agenda Item 39.

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IMPROVEMENT
PROGRAMME

Data Protection: Background

- The General Data Protection Regulations (GDPR) is a legal framework that sets guidelines for the collection and processing of personal information of individuals within the EU. GPDR came into effect across the EU on 25 May 2018 and was replaced in the UK by a new UK Data Protection Act 2018.
- Everyone responsible for using personal data has to follow strict rules called 'data protection principles'. They must make sure the information is:-
    - used fairly, lawfully and transparently
    - used for specified, explicit purposes
    - used in a way that is adequate, relevant and limited to only what is necessary
    - accurate and, where necessary, kept up to date
    - kept for no longer than is necessary
    - handled in a way that ensures appropriate security, including protection against unlawful or unauthorised processing, access, loss, destruction or damage

Subject Access Requests

- Residents are able to find out what information the Council holds about them, and to verify how it's being used.

How long it should take

The Council must provide a copy of the data as soon as possible, and within 1 month at most.

In certain circumstances, for example particularly complex or multiple requests, the Council can take a further 2 months to provide data. In this case, they must tell residents:

- ~~within 1 month of their request~~
- why there's a delay

Performance Summary

- Increasing reports of data breaches and concerns raised
    - 2017/18: 38
    - 2018/19: 88
    - 2019/20: 36 (to end of August)

- Increases are a consequence of better reporting due to increased awareness following implementation of GDPR

- 3 breach complaints to Information Commissioner in 2018/19 – none upheld

- Increasing numbers of subject access requests leading to some backlogs
    - 2017/18: 46
    - 2018/19: 78
    - 2019/20 (to 31 August): 53

- Mandatory training for all staff in place

Data Breaches (themes)

- **Post**
  - Individual has opened the letter/parcel even if it wasn't addressed to them but the address was correct (e.g. Living in shared accommodation);
  - Letters delivered to wrong address/old addressAnother residents' details within the same envelope
- **Email**
  - Information sent by email (inc attachment) to the wrong email address/person
  - Sending to other organisation insecurely (eg NHS, housing association, school)
  - Sending to wrong individual due to auto-complete of email addresses
- **Technology & Comms processes**
  - Speaking with a 3rd party (eg family member) without consent from the concerned party
  - Personal details being visible on planning & licensing website
  - Access privileges to network drives internally and on public PCs
  - Items not being redacted appropriately

Data Protection: Next Steps

Key themes:-

- Refresher training for staff and Members (updated based on review of breach themes)

- Continuing to raise awareness of data security through further comms

- Review of subject access request process

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- Review of policies