

North York Moors National Park Authority

25 September 2017

EU General Data Protection Regulation (GDPR) 2018

1. Purpose of the Report

- 1.1 To inform Members of the actions Officers are taking to ensure compliance with the GDPR.

2. Background

- 2.1 As Members will be aware, the Authority is subject to the terms of the Data Protection Act 1998 which controls how personal information is used by organisations.

- 2.2 The Act enshrines 'data protection principles' to ensure that personal information is:

- used fairly and lawfully
- used for limited, specifically stated purposes
- used in a way that is adequate, relevant and not excessive
- accurate
- kept for no longer than is absolutely necessary
- handled according to people's data protection rights
- kept safe and secure

3. Terms of the GDPR

- 3.1 The EU General Data Protection Regulation will come into force in the UK in May 2018 and the Government has confirmed that the implementation will not be affected in any way by Brexit. UK legislation will effectively repeal the current act and bring the new Regulation into law.

- 3.2. Many features of the old Data Protection Act will remain unchanged under the new law, but there are a number of key differences;

- The need for consent to process data underpins GDPR. Individuals must opt-in whenever data is collected and there must be clear privacy notices. Those notices must be concise and transparent and consent must be able to be withdrawn at any time;
- An individual will have the 'right to erasure' (which includes web records) with all information being permanently deleted;
- Protection Impact Assessments (PIA) will be mandatory and must be carried out when implementing new systems/processes. A PIA helps an organisation to ensure they meet individuals' expectation of privacy
- All Public Bodies must have a Data Protection Officer who is independent, adequately resourced and has 'expertise' in the legislation;
- Organisations must be able to demonstrate they comply with the GDPR's principles. Mandatory activities to demonstrate compliance include:
 - Staff training
 - Internal audits of data processing activities
 - Availability of 'expertise' via the Data Protection Officer
 - Implementation of Protection Impact Assessments

4. **Initial Action Required**

4.1 While the amount of personal data that the Authority holds is considerably less significant and sensitive in its nature than most Local Authorities and NHS bodies, personal data is certainly used on a day to day basis. Officers are taking the view that while the Authority needs to ensure compliance with the GDPR, the response should be wholly proportionate to its size and activities.

4.2 Under the current Legal Services contract with Scarborough BC, Officers have commissioned support (5 days work) from the Council's Data Protection Officer to assist with developing the Authority's response to the GDPR. Initial work will be as follows;

- establishing the scope of personal data held and Officers are responsible for it;
- ensuring internal processes comply with the need for consent in processing data;
- sourcing appropriate staff training;
- development of a simple template for protection impact assessments; and
- making a recommendation regarding the Data Protection Officer i.e. should this become part of an existing staff member's job role or should it be outsourced?

5. **Financial and Staffing Implications**

5.1 Additional cost of engaging support from Scarborough BC (paragraph 4.3) will be absorbed within existing budgets.

6. **Legal Implications**

6.1 Completion of the actions contained in this report will ensure that the Authority will be able to demonstrate compliance with the GDPR.

7. **Recommendation**

7.1 That Members note the contents of this report.

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Background papers to this Report

File ref

1. ICO
<https://ico.org.uk/for-organisations/data-protection-reform/overview-of-the-gdpr/>