

DATA PROTECTION – QUESTIONS FROM CLERKS’ FORUM

1. Will ICO fee disappear with GDPR?

No. Even though NALC advice suggests that data controllers (ie. parish councils) will no longer notify Information Commissioner’s Office (ICO) but instead maintain written records of processing activities (NALC LO5-17, page 8), there is still a legal requirement on data controllers to pay a “data protection fee” to ICO. These fees fund ICO’s data protection, privacy and electronic communication regulatory functions. The fee will be based on the organisation’s size, its turnover and the amount of personal data processed. A 3-tier system is being proposed, with the smallest organisations paying up to £55 pa (NALC LO-17 October 2017). Almost all local councils will be data controllers (even if all the data you hold is information on an employee) and therefore have to register with ICO and pay the annual fee. **ACTION:** Parishes need to renew their notification as usual (if they are already registered) or register with ICO for the first time (www.ico.org.uk) and then look out for a future update from NALC on ICO’s fees.

2. Will each parish need a Data Protection Officer?

Yes. Again, according to NALC, GDPR (General Data Protection Regulations) require public authorities (including local authorities, such as parish councils) to appoint a Data Protection Officer (DPO – with expert knowledge of law and practices). (NALC LO4-17, page 2). CALC Chief Officer, Samantha Bagshaw, believes that different parishes will do this in different ways. Small parishes, with not much data to look after, may well appoint the clerk as the DPO and then give them some additional hours to undergo an audit of all the information kept and make sure that the council applies with the regulations. Larger parishes, with greater precepts, might recruit a DPO, for example Workington town council is appointing its policy office as the DPO so there is less conflict of interest. **ACTION:** Parishes need to agree the most appropriate way to address GDPR requirements and then reflect some DPO hours (and ICO fee – see 1. above) in future budgets.

3. Will there be Data Protection training?

Yes. Data Protection training is booked for 7th and 8th March 2018, with one day at a venue in the north of Cumbria and the other day at a venue in the south of the county.

4. What else do parishes need to do?

ACTION: CALC encourages all parish councils (however small) to adopt a Data Protection Policy. There is an example in the members’ section of the CALC website (www.calc.org.uk) under policy and procedure templates that can be downloaded and adapted. All parishes need to think about they handle personal data – names, addresses and email addresses of individuals. In the same section of the CALC website is also a copy of the ICO’s “Preparing for GDPR – 12 Steps to Take Now” document.