



## Hinckley & Bosworth Borough Council

### FORWARD TIMETABLE OF CONSULTATION AND DECISION MAKING

EXECUTIVE 8 JANUARY 2020

WARDS AFFECTED: ALL WARDS

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### DATA PROTECTION POLICY

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#### Report of Director (Corporate Services)

##### 1. PURPOSE OF REPORT

1.1 To seek approval of the revised Data Protection Policy.

##### 2. RECOMMENDATION

2.1 That members approve the revised Data Protection Policy.

##### 3. BACKGROUND TO THE REPORT

3.1 The Council is required to adopt a policy setting out how it meets the requirements of the Data Protection Act 2018 and the General Data Protection Regulation (EU) 2016/679.

3.2 This revision of the policy is a refresh and update to include new legislation. In summary this includes:

- Data Protection Principles
- Responsibilities of Elected Members and Officers
- Security of Data
- Data Subjects' Rights
- Conditions and Lawfulness of Processing Information
- Accountability and Governance
- Corporate Risks

3.3 The Data Protection Policy has been updated due to changes in legislation through the General Data Protection Regulation (GDPR) and the Data Protection Act 2018. The council's previous policy was supported by the Data Protection Act 1998, which has now been repealed.

3.4 The key changes in the new legislation are as follows:

- There is an increased territorial scope – the law applies to all bodies' that process personal data of people residing in the European Union.
- The council must give data subjects' detailed information on what we are going to use their information for at the point that we collect it.
- The council must delete data that we are no longer using for the reason that we collected it.
- There are now only 6 reasons that the council can collect personal data. It is illegal to collect data without citing one of these reasons to the data subject.
- People can revoke their consent to data processing at any time, and it must be easy for them to do so. More control must be given to the data subjects.
- The council now have only 72 hours to notify data breaches to regulators if the breach is likely to result in a risk to data subjects.
- There is a single national office for complaints.
- The council must appoint a Data Protection Officer.
- If we do not comply with the legislation, we are liable to fines of up to €20,000,000 (roughly £18,000,000).

4. EXEMPTIONS IN ACCORDANCE WITH THE ACCESS TO INFORMATION PROCEDURE RULES

4.1 To be taken in open session.

5. FINANCIAL IMPLICATIONS [IB]

5.1 None arising from the report, however if there was a major breach the maximum fine that could be imposed is substantial (although unlikely the maximum fine could be up to €20 million).

6. LEGAL IMPLICATIONS [MR]

6.1 Set out in the draft policy.

7. CORPORATE PLAN IMPLICATIONS

7.1 This policy contributes to all aspects of the Corporate Plan.

8. CONSULTATION

8.1 None.

9. RISK IMPLICATIONS

9.1 It is the Council's policy to proactively identify and manage significant risks which may prevent delivery of business objectives.

9.2 It is not possible to eliminate or manage all risks all of the time and risks will remain which have not been identified. However, it is the officer's opinion based on the information available, that the significant risks associated with this decision / project have been identified, assessed and that controls are in place to manage them effectively.

10. KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

10.1 This is a corporate policy and does not impact any community, group, area or parish in particular.

11. CORPORATE IMPLICATIONS

11.1 By submitting this report, the report author has taken the following into account:

- Community Safety implications
- Environmental implications
- ICT implications
- Asset Management implications
- Human Resources implications
- Planning Implications
- Voluntary Sector
- Procurement implications
- Data Protection implications

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Background papers: None  
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