

## **UPDATED DATA PROTECTION POLICY**

### **1. INTRODUCTION**

- 1.1. The Council is a Data Controller as defined by the UK General Data Protection Regulation ('UK GDPR') and the Data Protection Act 2018 ('DPA')
- 1.2. In order to comply with the Council's obligations under the UK GDPR and the DPA, as a Data Controller, there is a requirement for it to have appropriate policy documents in place.
- 1.3. This report seeks the approval of an updated Data Protection Policy (**Appendix 1**).
- 1.4. The Council's Data Protection Policy was adopted in 2018 and requires updating. The Data Protection Policy has now been updated with minor amendments to reflect changes to legislation and guidance and to reflect the role of the Information Governance and Complaints Team, including the identification of the Data Protection Leads ('DPLs') across the Council. The Data Protection Policy also includes provision for future minor amendments to be made by the Information Governance and Complaints Manager in consultation with the Executive Head of Governance and Housing.
- 1.5. The updated Data Protection Policy was approved by the Council's Executive Management Team on 23 August 2022.

### **2. DATA PROTECTION PRINCIPLES**

- 2.1. The Council must comply with the seven principles contained in Article 5 UK GDPR which states that personal data must be:
  - (a) processed lawfully, fairly and in a transparent manner in relation to individuals ('lawfulness, fairness and transparency');
  - (b) collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; ('purpose limitation');
  - (c) adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed ('data minimisation');
  - (d) accurate and, where necessary, kept up to date; ('accuracy');
  - (e) kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; ('storage limitation');
  - (f) processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures ('integrity and confidentiality (security)')
- 2.2. In addition, the Council '*shall be responsible for, and be able to demonstrate compliance with...*' all the above principles ('accountability')
- 2.3. In relation to the last principle of accountability, the UK GDPR requires that Data Controllers should have in place internal policies which demonstrate that there are

appropriate organisational measures to ensure compliance with the UK GDPR generally and to ensure the security of the personal data that they process.

- 2.4. In addition, there is a requirement that data protection should be 'by design' and 'by default' which means it should underpin everything a Data Controller does. The Data Protection Policy is required as evidence of this compliance.

### **3. FINANCIAL/CRIME & DISORDER/ ENVIRONMENTAL/ EQUALITY AND DIVERSITY IMPLICATIONS**

- 3.1. There are none directly arising from the report.

### **4. RECOMMENDATIONS**

- 4.1. That the updated Data Protection Policy as set out in Appendix 1, be approved.

### **5. PORTFOLIO HOLDER ENDORSEMENT**

**I have agreed to the recommendation of this report.**

**Signed: Cllr Jeremy Heron**

**Date: 6 October 2022**

#### **For further information contact:**

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#### **Background Papers:**

Published Documents

Date on which notice given of this Decision – 7 October 2022

Last date for call in – 17 October 2022