

# **Cherwell District Council**

## **Account, Audit and Risk Committee**

**16 March 2022**

### **General Data Protection Regulation Audit 2021 update**

#### **Report of Director of Law and Governance**

This report is public

#### **Purpose of report**

This report sets out the current position of the council with regard to the actions resulting from the July 2021 audit of the General Data Protection Regulation.

#### **1.0 Recommendations**

The meeting is recommended:

- 1.1 To note the report.

#### **2.0 Introduction**

- 2.1 During the summer of 2021, the council's General Data Protection Regulation control framework was audited. This usefully identified some weaknesses and as a result a robust management action plan has been developed. These actions will ensure improvements to our governance and processes in this area. Information Services (a joint CDC / OCC service) has prioritised this work to ensure these actions are completed.

#### **3.0 Report Details**

- 3.1 The following actions were all required for completion by the end of March 2022. Progress against these actions are detailed against each one.
- 3.2 Following the decision that Oxfordshire County Council and Cherwell District Council will terminate the Section 113 Agreement, it was decided at the February meeting of the Information Governance Board that representation from the Senior Information Risk Owner (the Section 151 Officer) at Cherwell District Council is required before any policies or documents affecting the council can be approved by that Board. Some of the actions below are now set back to the next Information Governance Board meeting on 23 March 2022.

1. The Council do not have a formally documented Data Protection Policy in place. A Data Protection Policy will be created, approved and adopted **Action in progress.** The policy is expected to be approved by the Information Governance Board on 23<sup>rd</sup> March 2022 and then be published on the council intranet.
2. Beyond the role of the DPO, there are no other formally defined data protection responsibilities at the Council. A data protection structure will be agreed, with defined roles and responsibilities, to support the DPO. **Action in progress.** The structure is expected to be approved at the Information Governance Board on 23<sup>rd</sup> March 2022 and the DPO will work to ensure that this structure is put into place.
3. CDC require all staff to undertake annual e-learning training on GDPR. Information Services will review the process for ensuring staff complete their training, including asking managers to follow-up with their staff. CDC operates the training on a rolling 12 month basis, rather than a set annual event for all staff. Where staff have not completed the course at all, or their renewal is overdue, they are being followed up with managers to ensure this is done by 31 March 2022. Following that date, regular follow up and communication with managers will be carried out to ensure that staff carry out their training in a timely manner.
4. There is a privacy notice on the corporate website which explains what personal information is collected, why it is collected and how it is used. The privacy notice on the corporate website, including service level privacy notices, will be reviewed and updated. **Action complete.** The privacy notice has been reviewed and updated as required.
5. There is an Information Security Management Policy and Procedure, which was last reviewed in April 2018 and is now out-of-date. The OCC Information Security Incident Policy will be reviewed and adopted at CDC. **Action in progress.** The Security Incident Management Policy is expected to be reviewed and approved by the Information Governance Board on 23<sup>rd</sup> March 2022 and then uploaded to the CDC intranet.
6. A review of the process for completing DPIA's found that section 7, which is for DPO comments, is not always completed and it is unclear if this is because there are no comments or if it has been missed. All DPIA's will be checked to confirm they are fully completed before being signed off by the DPO. We will revise the template to include mandatory fields to help achieve this. **Action complete.** All Data Protection Impact Assessments are checked for completion before being signed off by the Data Protection Officer.

### 3.3 The following actions are due for completion between April and August 2022.

1. One of the key changes introduced by GDPR is the requirement to maintain records of processing activities. At CDC this is done by creating and maintaining Information Asset Registers. The current Information Asset Registers are in the process of being updated to include the additional areas highlighted in the audit and all gaps

addressed. The target date for completion is 30<sup>th</sup> June 2022. It is expected that that this will be achieved.

2. Paper forms that collect personal data have not been reviewed to ensure they include the requisite privacy notice.  
Where paper forms are still in use, they will be checked to ensure the privacy notice is included. The target date for completion is 30<sup>th</sup> June 2022. It is expected that that this will be achieved.
3. There is a requirement to perform a Data Protection Impact Assessment (DPIA) for any new project that involves the processing of personal data or where there are changes to existing processes. A comprehensive DPIA template is available for this purpose but we found there are no supporting procedures detailing how it should be completed and managed.  
The process for completing DPIA's will be passed to the Director for Law & Governance by 31 March 2022 for approval, then adopted at the council. The target date for completion is 30 April 2022. It is expected that that this will be achieved.

#### **4.0 Conclusion and Reasons for Recommendations**

- 4.1 The required audit actions are completed or in progress with expectation that they will be completed within target date.

#### **5.0 Consultation**

Not Applicable

#### **6.0 Alternative Options and Reasons for Rejection**

Not Applicable

#### **7.0 Implications**

##### **Financial and Resource Implications**

- 7.1 No financial or resources implications outside Information Services available budget.

Comments checked by:

Michael Furness, Assistant Director of Finance, 01295 221845,  
[michael.furness@cherwell-dc.gov.uk](mailto:michael.furness@cherwell-dc.gov.uk)

##### **Legal Implications**

- 7.2 Compliance with the General Data Protection Regulation and the Data Protection Act 2018 is mandatory. These audit actions assist the council in meeting this mandatory legislation.

Comments checked by:

Christopher Mace, Solicitor, Legal Services, 07702917916,  
[christopher.mace@cherwell-dc.gov.uk](mailto:christopher.mace@cherwell-dc.gov.uk)

### **Risk Implications**

- 7.3 Compliance with the General Data Protection Regulation and the Data Protection Act 2018 is mandatory. These audit actions assist the council in meeting this mandatory legislation.

Comments checked by

Celia Prado-Teeling, Performance Team Leader 01295 221556  
[celia.prado-teeling@cherwell-dc.gov.uk](mailto:celia.prado-teeling@cherwell-dc.gov.uk)

## **8.0 Decision Information**

### **Key Decision**

**Financial Threshold Met:** N/A

**Community Impact Threshold Met:** N/A

### **Wards Affected**

All

### **Links to Corporate Plan and Policy Framework**

All corporate plan themes.

### **Lead Councillor**

n/a

### **Document Information**

#### **Appendix number and title**

None

#### **Background papers**

None

#### **Report Author and contact details**

James Willoughby, Acting Information Services Manager and Data Protection Officer

Tel: 07920 084433

[James.willoughby@oxfordshire.gov.uk](mailto:James.willoughby@oxfordshire.gov.uk)