

Cherwell District Council

Council

17 October 2022

Notification of Decision Taken Under Urgency Powers – Appointment of Data Protection Officer

Report of Chief Executive

This report is public

Purpose of report

To inform Council of a decision taken under urgency powers by the Chief Executive in relation to the appointment of a Data Protection Officer.

1.0 Recommendations

The meeting is recommended:

- 1.1 To note the urgent decision taken by the Chief Executive as set out at Appendix 1.

2.0 Introduction

- 2.1 The Constitution states that the Chief Executive may take an urgent decision or exercise any power which the Council has if the decision is considered urgently necessary in the interests of the Council. Such a decision has been taken in relation to the appointment of a Data Protection Officer.

3.0 Report Details

- 3.1 The role of Data Protection Officer (DPO) is a statutory appointment required under the provisions of article 37 of the General Data Protection Regulations as in force in the UK (GDPR) and clause 69(1) Data Protection Act (DPA) 2018.
- 3.2 The Council's current Data Protection Officer was an employee of Oxfordshire County Council (OCC), appointed pursuant to the shared working agreement entered into by Cherwell District Council (CDC) and Oxfordshire County Council pursuant to section 113 of the Local Government Act 1972.

- 3.3 In light of the decision to end the formal partnership working arrangement between OCC and CDC all joint services were reviewed. As part of this review, it was agreed that Information Governance would be fully decoupled as at 31 August 2022 with a separate provision of the service by each Council. It was therefore necessary for Cherwell District Council to appoint a CDC officer as Data Protection Officer.
- 3.4 The appointment of Data Protection Officer would ordinarily be taken by Council. As the next meeting of Council was not until 17 October 2022, the Chief Executive used the provisions in the Constitution to take an urgent decision to appoint Shahin Ismail, Interim Assistant Director Law, Governance and Democratic Services, as the Council's Data Protection Officer from 11 August 2022 (date of the urgent decision to 17 October 2022) and Shiraz Sheikh Assistant Director Law, Governance and Democratic Services, as the Council's Data Protection Officer from 17 October 2022.

4.0 Conclusion and Reasons for Recommendations

- 4.1 In line with the constitution this report is informing Full Council of a decision that was taken under urgency powers in relation to the appointment of a Data Protection Officer.

5.0 Consultation

None

6.0 Alternative Options and Reasons for Rejection

- 6.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1: Not to note the report. This is not recommended as the urgent action has been taken and it is a constitutional requirement for it to be reported to Council.

7.0 Implications

Financial and Resource Implications

- 7.1 There are no financial implications arising directly from this report as it is reporting urgent action already taken.

Comments checked by:

Joanne Kaye, Strategic Finance Business Partner, 01295 221545,
joanne.kaye@cherwell-dc.gov.uk

Legal Implications

- 7.2 There are no legal implications arising directly from this report as it is reporting urgent action already taken.

Comments checked by:
Helen Lolas, Team Leader & Solicitor, 07801 400941,
helen.lolas@cherwell-dc.gov.uk

Risk Implications

- 7.3 There are no risk implications arising directly from this report as it is reporting urgent action already taken. Taking this decision mitigated the possible risk of not being compliant with our Data Protection obligations.

Comments checked by:
Celia Prado-Teeling, Interim Assistant Director Customer Focus,
01295 221556, Celia.prado-teeling@cherwell-dc.gov.uk

Equalities and Inclusion Implications

- 7.4 There are no equalities implications arising directly from this report. The principles reflected in our equalities and inclusion framework are always taken into consideration during any decision making process.

Comments checked by:
Celia Prado-Teeling, Interim Assistant Director Customer Focus,
01295 221556, 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

N/A

Links to Corporate Plan and Policy Framework

N/A – this report is made pursuant to a Constitutional requirement

Lead Councillor

N/A – this report is made pursuant to a Constitutional requirement

Document Information

Appendix number and title

- Appendix 1 – Urgent decision notice

Background papers

None

Report Author and contact details

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