General Data Protection Regulation
GDPR

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What is GDPR

General Data Protection Regulation

New Data Protection Law set by the EU

The UK's decision to leave the European Union will not alter this.

It will directly apply to the UK

Enforcement date: **25 May 2018** - at which time those organisations in non-compliance may be in breach

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UK Data Protection Act 2018

New UK Data Act 2018 became law on 24th May 2018

The GDPR has direct effect across all EU member states and UK still have to look to the GDPR for most legal obligations.

It is therefore important the GDPR and the DPA 2018 are used side by side.

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Your GDPR Obligations

1) Processing data as part of Your Council

2) Processing data as part of your political party

3) Processing data for your own purposes in your ward

4) Processing data as an independent
(*Acting as a Data Controller in your own right)*

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What is Personal Data

Personal Data –

Means any information relating to an identified or identifiable natural person (‘data subject’);

An identifiable natural person is one who can be identified, directly or indirectly, such as;

Name, identification number, location data, an online identifier or;

Factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

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Special Category Data

Previously referred to as Sensitive Personal Data

Special category data is personal data which the GDPR says is more sensitive, and needs additional protection.

Race **Ethnic origin** **Politics / philosophical** **Religion** **Trade union membership**	**Genetics** **Biometrics (where used for ID purposes)** **Health** **Sex life or** **Sexual orientation.**

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You can't drive a car on the road unless you know the rules of the road

You can't process personal data unless you know the rules of GDPR

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New DP Principles

1. Lawful, fair and transparent

Tell the subject what data processing will be done. Fair and lawful

2. Limited for its purpose

Data can only be used for a specific processing purpose that the subject has been made aware of and no other.

3. Adequate and necessary

Data collected should be “adequate, relevant and limited to what is necessary. No more than the minimum amount of data should be kept for specific processing

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New DP Principles

4. Accuracy

Data must be accurate and where necessary kept up to date.

5. Not kept longer than needed

The Information Commissioner expects personal data is kept in a way that permits identification of when it should be destroyed

6. Integrity and confidentiality

Requires BCC to handle data securely and protect against unlawful processing or accidental loss, destruction or damage

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In a nut shell

GDPR is the overall legislation on which the Data Protection Act 2018 is based

Easier access to personal data

Enhance the protection of children's personal data (processed via online services, apps etc)

New fines regime (£17m and £10m)

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In a nut shell

More focus on privacy and informing the data subjects

Making sure you have a legislative basis to process data

If relying solely on consent, GDPR places clearer obligations on how consent is obtained and recorded

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Impact on Councils

Must prove and demonstrate compliance (auditing and training)

Use clearer and easily understood privacy notices

Has less time to process subject access requests

Use DP impact assessments

Use Data Processor agreements

} if required

Report breaches to ICO within 72hrs

BCC Information Governance Unit within 24 hrs

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What you need to do

You must know the personal data you process

You must tell people why you are gathering their data at the time you gather it

Process your data safely and securely

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What you need to do

Ensure access to the data is controlled

Record consent, if required

Know who you can share the data with internally and externally

Complete the necessary agreements, if required

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Consider the Agreements

Use Data Protection Impact Assessments (DPIAs) when required

Use Data Processor Agreements when required

Use Information Sharing Agreements when required

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Electronic Mailing lists

Used to invite individuals to events or inform them of BCC projects etc.

Request Departments to review the lists

Ensure the people on those lists wish to hear from BCC

Keep a record that people have 'opted in'

Provide an opportunity to unsubscribe each time

Will review regularly

Use the Corporate Comms Communicator system

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The Regulator

The Information Commissioner for Scotland, Wales and Northern Ireland.

Advise – Guide – Help

Enforcement powers:-

Issue monetary penalties

} Breach of the Act

Unlawful obtaining or disclosing
Procuring the disclosure to another person
Selling personal data

} Criminal Offences

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Breaching GDPR

Human error is at the centre of most data breaches

Emails

Disclosing data to someone who shouldn't have it

Discussing personal details on the telephone

Loosing data

Stealing personal data

High Risk = Emailing

Remember that no external email communication is 100% secure.

Careful with special category personal data =

Does the recipient actually need to be sent all the attached emails?

Do not give out multiple personal details in a single email reply

Use encryption

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Recent issue

Department for the Economy emailed this consultation to all RHI claimants today but in doing so inadvertently revealed hundreds of claimants' email addresses to each other, potentially outing some RHI claimants not yet named. One claimant says he's furious & it shows incompetence

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Non – compliance with GDPR

Not completing a Data Protection Impact Assessment

Not completing a Data Processor Agreement

Not completing an Information Sharing Agreement

Failing to complete a subject access request

Failing to notify a breach

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Recap

New Data Protection Law from May 2018

Stronger rules

Bigger Fines

More obligations

BCC is accountable

BCC must demonstrate compliance

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What do you need to do

Take Data Protection Seriously

Treat the data you handle properly

Keep it secure

Clear desks

Don’t give it to someone who shouldn’t have it

Follow any updates on Interlink

If unsure contact the Information Governance Unit

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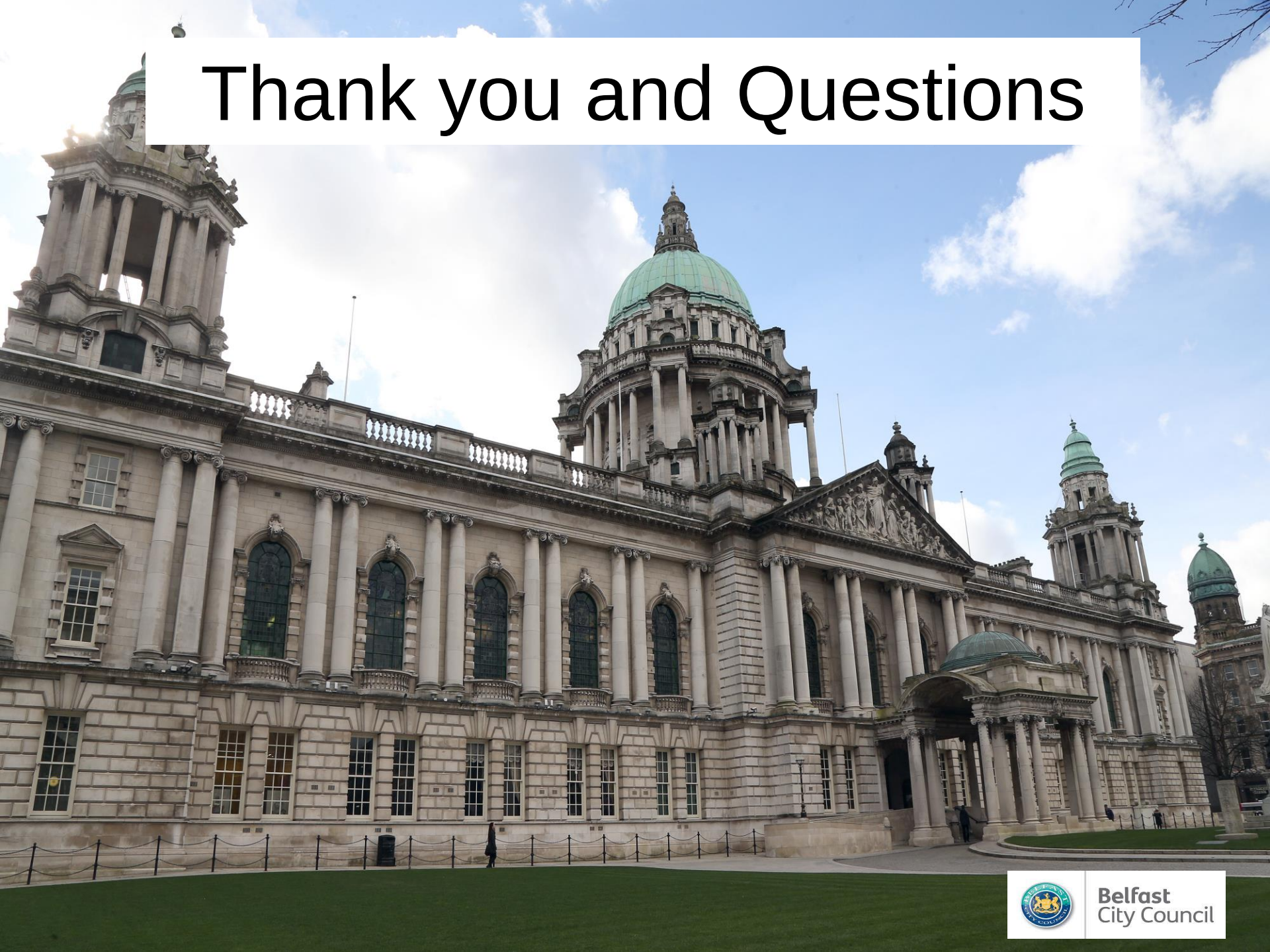
Thank you and Questions



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