

	<i>Meeting (No)</i>	Policy Committee ()
	<i>Date</i>	27 February 2018
	<i>Document</i>	<i>Ref No</i>
	GDPR – NALC update	PO10 /132

Background

At the Policy committee meeting 19.12.17 the committee deferred (items 112 b & c); for a compliance review and report, and to receive on-line support to include a library of template documents relating to GRDP, and requested that advice was sought from ChALC.

NALC have provided an activities update which outlines their current position:

- They will continue to provide legal briefing and topic notes on GDPR
- They have commissioned externally a GDPR Guidance Note or “Toolkit” for NALC members (this is not yet available)
- They are lobbying government to ensure the implications for parishes are well know, that the ICO provides sector specific advice and support
- Data Protection Officers: NALC are of the view that generally clerks cannot be data protection officers and they are considering how best councils can be supported.

Options include:

1. Working with a County assoc. to ensure that Councils have access to reputable firms that understand the sector (“trusted suppliers”)
2. Look to see if it may be cost effective to work with a supplier to provide a national service which Councils can access, delivering economies of scale
3. Setting up a sector led body, to provide a national DPO service and other support. Or developing a count based structure with national co-ordination/support.

Options being considered and negotiated by NALC (I have listed the information pertinent to Neston Town Council only)

Option 1

In general terms it appears that services are being offered by a range of companies including legal firms. There appears to be some limited offers from principal authorities. Cost are generally structured to reflect the size of the council and usually include a first year cost and then an ongoing annual fee. Various and ranging packages and costs are offered.

Option 2a

NALC are negotiating with a company, and should this be commissioned nationally and they could guarantee take-up, then the costs could be negotiated downwards.

£11,200 Year 1 set up fee with ongoing costs £7,200

Option 2b

NALC have spoken to a legal firm active in the public sector who would be interested in working with them to set up a national "on-demand" DPO service which at base would cost £350 and provide email support with a reply service within 24 hours to answer and advise Councils. There would be a schedule of other fees for greater engagement. This appears to be the most immediately available option.

Option 3a

This would entail setting up a new company, recruiting a project manager and training DPOs and providing back up support and management.

Estimated costs – set up for the sector £100K recruiting and training 50 DPOs at £2K per person £100K Annual salary 50 x 45K £2.25m There may be in addition IT considerations.

Option 3b

An alternative model could be to recruit and train county based DPOs and then individual counties employ £40 x £45 (?)K £1.8m plus central advice and support £200K £2m (for the sector)

Option 3a & 3b entail a fair amount of risk. Smaller Authorities' Audit Appointments (SAAA) which in many ways is similar, was pump primed by Govt., councils were deemed to have opted-in ensuring 100% take up and there was reasonable lead time. NALC would have no guarantee of take-up and unless they secure new burdens funding no pump priming funding which effectively rules this out.

Notes – General

The Council – Your Responsibilities

- a) The council is responsible for compliance with the GDPR and data protection law and not the DPO whose role is to independently assess compliance on an ongoing basis.
- b) The council is responsible for maintaining an effective system of internal control over personal data
- c) The council is responsible for carrying out an assessment of the risks facing the council with regard to personal data held or collected and taking appropriate steps to manage those risks, including, where required, the introduction of improved systems and internal controls to deliver compliance with the GDPR
- d) The council must inform the DPO as soon as an officer or member becomes aware of a personal data breach

The DPO shall have access to any member or officer to discuss and to receive information and explanations in connection with any matter arising relating to compliance with the GDPR.

A Kunaj
Council Manager