

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Personnel Committee

25th June 2018

Report of the Head of ICT & Procurement

Matter for Decision

Wards Affected:

All wards

Creation of Two Posts to address the Council's obligations under the new GDPR legislation.

Purpose of the Report

1. The purpose of this report is to create two posts within the ICT Division of the Finance and Corporate Services Directorate to ensure that the Authority complies with the new Data Protection Act and its GDPR obligations. The posts are:-

2 x Records Officers (Grade 8 JE ID 3081)

Executive Summary

2. Two additional staff will be seconded into the IT Division until March 2020. These additional staff will work with Accountable Managers, Head Teachers, the Data Protection Officer and the Senior Information Risk Officer in addressing the requirements imposed under the new Data Protection Act.

Background

3. The new Data Protection Act and associated General Data Protection Regulation (GDPR) came into force in May 2018.

4. The Act enhances data subject's rights to access, correct and delete the information organisations hold about them, puts in place obligations for better data management for organisations and includes a new regime of fines.
5. The Act means that the Authority must have documentation relating to the reason that information is being collected and processed, descriptions of the information that's held, detail of how long it will be kept for and descriptions of technical security measures in place to protect that personal data and special categories of personal data (previously called sensitive personal data).
6. Failure to be compliant with this new act risks the Authority facing a financial penalty which could reach up to 20 million euros.
7. The two seconded staff will work with accountable managers and head teachers to cover all of the areas mandated by the new act.
8. It is envisaged that at the end of the period of secondment accountable managers and head teachers will be in a position to be self-sufficient in terms of compliancy with the Data Protection Act.

Financial Impact

9. The costs associated with the two staff will be £146,118 over the two year period.
10. Funding for one of these posts will be met by the existing ICT budget. The second post will be funded in the first year with an increased guideline allocation. The costs for this post in the second year will be met with an allocation from school based budgets. This funding has been agreed with the Director of Finance & Corporate Services and the Director of Education.

Equality Impact Assessment

11. There are no equality impacts associated with this report

Workforce Impacts

12. The two posts will be filled internally from within the authority via the normal recruitment processes.

Legal Impacts

13. The two staff will be seconded to ensure that the Authority complies with the new Data Protection Act.

Risk Management

14. The secondment to the two posts will help to mitigate the risk of the Authority being subject to a financial penalty imposed by the Information Commissioner's Office (ICO), defend against any reputational damage any transgression might deliver or both.

Consultation

15. There is no requirement under the Constitution for external consultation on this item.

Recommendations

16. It is recommended that Members APPROVE the creation of two posts to the ICT of the Finance and Corporate Services Directorate to ensure that the Authority complies with the new Data Protection Act and its GDPR obligations. The posts are:-

2 x Records Officers (Grade 8 JE ID 3081)

FOR DECISION

Reasons for Proposed Decision

17. The initial workload imposed by the introduction of GDPR is significant and cannot be met with existing resources. Failure to recruit two extra staff to address these new duties will expose the Council and its schools to significant risk; both financial and reputational.

Implementation of Decision

18. The decision is proposed for implementation after the three day call in Supplementary information

Appendices

19. Appendix 1 - Financial Appraisal

Appendix 2 - Equality Impact Assessment Screening Form

List of Background Papers

20. No background papers

Officer Contact

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