



Cyngor Castell-nedd Port Talbot  
Neath Port Talbot Council

## **NEATH PORT TALBOT COUNTY BOROUGH COUNCIL**

### **Democratic Services Committee**

**11<sup>th</sup> July 2019**

### **Report of the Head of Legal Services**

#### **Matter for Information**

#### **Wards Affected:**

All Wards

#### **Data Protection Act 2018 training and Data Protection Fees**

#### **Purpose of the Report:**

1. To provide an overview to members of the data protection training that has taken place since the implementation of the Data Protection Act 2018 and to provide an update on changes in respect of the payment of fees to the Information Commissioner's Office

#### **Executive Summary:**

2. This report provides an overview to members of the data protection training that has taken place since the implementation of the Data Protection Act 2018 and to provide an update on changes in respect of the payment of fees to the Information Commissioner's Office

#### **Background:**

## Data Protection Training

3. In order to ensure members are fully aware of their obligations under the Data Protection Act 2018 there was a need to ensure that members were trained in their respective obligations. If members handle personal data in their role as a ward member (i.e. advising, assisting or acting as an advocate for residents within their ward), it is essential that they are aware of the requirements
4. Training Sessions were carried out on the following dates:
  - Friday 1<sup>st</sup> Feb
  - Tuesday 5<sup>th</sup> February
  - Wednesday 6<sup>th</sup> February
  - Tuesday 16<sup>th</sup> April
5. As some members were unable to attend the training on those dates, a number of individual training sessions were arranged.
6. Since this date the Head of Legal Services has provided to members the following documents to assist in compliance with data protection matters:
  - A guidance note on the implementation of the Data Protection Act 2018 and the General Data Protection Regulations 2018 for Members
  - A template Privacy Notice
  - A template Data Sharing Agreement (incorporating authorisations to act on behalf of residents)

7. For those members who have not yet undergone the training, individual sessions will be arranged with the Head of Legal Services (or an officer of the Legal Section) to go through any aspects of training that might be required and members should contact the Head of Legal Services accordingly to arrange a convenient time to undertake this.

### Data Protection Fees

8. On 25 May 2018, the Data Protection (Charges and Information) Regulations 2018 (the 2018 Regulations) came into force, changing the way data protection work was funded by the Information Commissioner's office
9. Under the 2018 Regulations, organisations that determine the purpose for which personal data is processed (Data Controllers) must pay a data protection fee unless they are exempt. Elected representatives were caught by this definition meaning all local government members would have to pay a fee of £40 for registration with the Information Commissioner's Office.
10. The Council proceeded to pay this sum for members and registration took place accordingly.
11. From 1 April 2019, the Data Protection (Charges and Information) (Amendment) Regulations 2019 has now exempted the processing of personal data by elected representatives, meaning there will no longer be a requirement to pay this sum.
12. Members will still be required to register with the Information Commissioner's Office as a Data Controller but a fee will no longer be payable to do this.

### **Financial Impacts:**

13. Previously, in order to register members as Data Controllers, the Council was under an obligation to pay the sum of £40 per member to the Information Commissioner's Office. A sum of £2,560 sum was earmarked in budgets accordingly. This sum will no longer require payment

**Integrated Impact Assessment:**

14. There is no requirement to undertake an Integrated Impact Assessment as this report is for information purposes only.

**Valleys Communities Impacts:**

15. No implications

**Workforce Impacts:**

16. No implications

**Legal Impacts:**

17. No specific implications but Members will note the requirement for compliance at all times with the provisions of the Data Protection Act 2018.

**Risk Management Impacts:**

18. Failure to comply with the requirements of the Data Protection Act 2018 can expose Members to financial penalty. The registrations of members with the Information Commissioner's Office as Data Controllers and the training provided by the Head of Legal Services are part of an attempt to ensure that members are aware of their obligations in respect of data protection and to ensure the safeguarding of information they are provided as part of their role in representing their constituents.

**Consultation:**

19. There is no requirement for external consultation on this item'

**Recommendations:**

20. It is recommended that Members note the outcome of the training that has been undertaken by the Head of Legal Services in respect of member compliance with the Data Protection Act 2018 and the position in respect of members now being exempt from data protection fees.

**Reasons for Proposed Decision:**

21. To provide an update for Member on the training provided to members on compliance with the Data Protection Act 2018 and to notify them of the exemption in respect of members for the payment of data protection fees.

**Appendices:**

22. None

**List of Background Papers:**

23. None

**Officer Contact:**

Mr Craig Griffiths  
Head of Legal Services  
Email: [c.griffiths2@npt.gov.uk](mailto:c.griffiths2@npt.gov.uk)  
Tel: 01639 763767

