

18 APRIL 2018

PB01-18 | INFORMATION COMMISSIONER'S OFFICE STATEMENT ON THE GENERAL DATA PROTECTION REGULATION

The Information Commissioner's Office (ICO) has issued a statement setting out their views on the particular challenges facing the local council sector regarding the General Data Protection Regulation.

This statement of reassurance for local councils by the data protection regulator has been welcomed by the National Association of Local Councils (NALC) and has been prepared following lengthy discussions with NALC and also relevant Government departments:

NALC would urge local councils to continue their preparations and would draw your attention to this particular section of the statement:

"The Commissioner has said previously that the GDPR is a journey rather than a destination. She will be looking to councils to demonstrate that they are committed to making progress towards embedding the right processes and procedures. She wants to reassure councils that if they have a positive attitude to finding practical solutions to some of the challenges of implementation, they will find a pragmatic, fair and proportionate regulator."

We are also working with the ICO and others to establish sensible arrangements for the requirement to appoint a DPO and will provide further updates as discussions progress.

There is a wealth of information on the ICO website <https://ico.org.uk/> and NALC's GDPR toolkit and Legal Briefings in the members area of the NALC website provide all you need to get on the journey to compliance.

NALC will continue to lobby on your behalf for a proportionate regime for the sector during the passage of the Data Protection Bill. This will be having its final stages in Parliament over the coming weeks and we would urge you to contact your local MP and press upon them the importance of having a system that works for the sector and reflects its size and data usage. You can read more about our concerns in our Parliamentary Briefing.

The full text of the ICO reassurance statement is below:

The General Data Protection Regulation (GDPR) requires all public authorities to appoint a Data Protection Officer (DPO). The new Data Protection Act (when passed) will define 'public authority', but it is likely to have the same definition that is in the Freedom of Information Act 2000 (FOIA) and therefore includes all councils.

The Information Commissioner is sympathetic to the challenges that appointing a Data Protection Officer (DPO) may pose for parish and town councils, especially those with limited budgets. She has already acknowledged that smaller councils are unlikely to hold large amounts of personal data, and as a result tend to be less prepared for regulatory changes. But regardless of size, if councils hold personal information, from 25 May 2018, the General Data Protection Regulation (GDPR) applies.

The Commissioner has said previously that the GDPR is a journey rather than a destination. She will be looking to councils to demonstrate that they are committed to making progress towards embedding the right processes and procedures. She wants to reassure councils that if they have a positive attitude to finding practical solutions to some of the challenges of implementation, they will find a pragmatic, fair and proportionate regulator.

In the meantime, we recognise that there's still plenty of work parish and town councils need to do to implement the necessary steps to comply with GDPR. We've already provided a lot of tools and support to help with these steps, including our Guide to the GDPR, frequently asked questions, toolkit and helpline for smaller organisations.

We're also committed to working closely with the National Association of Local Councils (NALC) and the Society of Local Council Clerks (SLCC) to consider alternative solutions to the specific issue of appointing DPOs. For example, we see promise in the idea of developing a shared DPO service allowed under Article 37(3). Whilst such a shared service may not be an immediate fix in time for 25 May, it could in the long term enable smaller councils to manage their data protection requirements effectively.