

DATA PROTECTION POLICY
WDA/01/19

Recommendation

That Members approve the Data Protection Policy (Attached at Appendix 1) in line with the Authority's statutory duties in relation to the Data Protection Act 2018 and the General Data Protection Regulation 2016.

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DATA PROTECTION POLICY**WDA/01/19****Report of the Chief Executive****1. Purpose of the Report**

- 1.1 To present to Members for consideration and approval, a proposed Data Protection Policy in line with the Data Protection Act 2018 (DPA 2018).

2. Background

- 2.1 The Authority is subject to a range of statutory duties including the safe and effective management of personal data. This legislation regarding the management of such data changed in May 2018 with the introduction of the General Data Protection Regulation (GDPR) 2016, which has been transposed into UK legislation as the DPA 2018.
- 2.2 The principles set out in the DPA 2018 help organisations to ensure that the details of their employees, clients and customers are properly protected.
- 2.3 In order to fulfil the obligations of the DPA 2018, a designated Data Protection Officer (DPO) was appointed. The remit of the DPO is to monitor internal compliance, inform and advise on data protection obligations, provide advice regarding Data Protection Impact Assessments (DPIAs) and act as a contact point for individuals and the Information Commissioners Office.
- 2.4 The DPO undertook an audit of the Authority's existing data arrangements and found that our current guidance, whilst adequate, was held across several documents. A subsequent report from the Authority's Internal Audit recommended a separate Policy be introduced, which incorporated all the necessary guidance into one Data Protection Policy document.
- 2.5 The proposed Data Protection Policy sets out how the Authority must collect, handle and store personal data in order to fulfil its statutory obligations and to comply with the DPA 2018.

3. Merseyside Waste Disposal Authority Data Protection Policy

- 3.1 The proposed Data Protection Policy (attached at Appendix 1) lists the objectives which must be met in order to ensure the Authority's compliance with DPA 2018.
- 3.2 The proposed policy provides guidance in respect of collection, secure storage and sharing of data in different situations with attention drawn to the necessary procedures and documentation.
- 3.3 In the event of a Data Breach the appropriate steps and reporting procedures are clearly detailed within the proposed policy. This would be implemented in the case of personal data being lost, stolen, mistakenly shared with another party and either partially or completely destroyed.
- 3.4 In addition the Authority has developed a Corporate Privacy Notice and a Human Resources Privacy Notice. These notices ensure that individuals are aware that their information is being collected the purpose for collecting the information, if it will be shared with any third parties and the period for which it will be held.
- 3.5 If approved, the Data Protection Policy will be reviewed on an annual basis to ensure it remains relevant and in line with best practice as DPA 2018 is embedded across the Authority.
- 3.6 The Data Protection Policy is applicable to all Authority Employees, Members and Organisations who act on our behalf and aims to ensure that personal data is treated lawfully and appropriately and that the Authority upholds the data rights of individuals.

4. Risk Implications

- 4.1 Failure to develop and implement a Data Protection Policy may potentially leave the Authority open to a breach of the Data Protection Act 2018, reputational damage and financial penalties.

5. HR Implications

- 5.1 The Policy will be included in the Authority's Induction Process so that all staff new, and returning, to the Authority are aware of their responsibilities and obligations.
- 5.2 Training of the MWDA Data Protection Policy will be provided to all employees of the Authority.

6. Environmental Implications

6.1 There are no environmental implications associated with this report.

7. Financial Implications

7.1 There are no Financial Implications as a result of the introduction of this Policy.

8. Legal Implications

8.1 The Authority has a range of statutory duties in relation to the Data Protection Act 2018 (General Data Protection Regulation 2016). Non-compliance with these duties could result in regulatory fines, the issuing of warning or reprimands and a temporary or permanent ban on the processing of personal data. Implications of non-compliance could affect both the Authority and the individual employee.

9. Conclusion

9.1 The Authority is subject to a range of statutory duties including the safe and effective management of personal data and is expected to put into place comprehensive, but proportionate governance measures in relation to the new Data Protection Act 2018.

9.2 A detailed policy and comprehensive training will ensure that all Authority employees and members will be aware of their responsibilities and obligations in relation to the handling of personal data.

9.3 Failure to produce and implement a Data Protection Policy puts the Authority and individual employees at risk of liability, reputational damage and financial penalties.

9.4 Members are therefore requested to approve the attached Data Protection Policy.

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The background documents to this report are open to inspection in accordance with Section 100D of The Local Government Act 1972 - Nil.