

ABERDEEN CITY COUNCIL

COMMITTEE	Audit, Risk & Scrutiny
DATE	22 February 2018
REPORT TITLE	Information Governance- Data Governance Standards
REPORT NUMBER	CG/18/007
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1. PURPOSE OF REPORT

To provide an update on the development of Data Governance Standards in support of compliance with the General Data Protection Regulation.

2. RECOMMENDATION(S)

- 2.1 It is recommended that Committee note the content of this report.

3. BACKGROUND

- 3.1. The Council's Audit Risk & Scrutiny Committee considered a report on the Council's Information Governance performance & the incoming General Data Protection Regulation on 28 September 2017. Committee requested a further update be provided on the Council's development of Data Governance Standards.
- 3.2 The Council's current key information governance priority is readiness for the changes to data protection law which become enforceable on 25 May 2018. The Council's readiness approach focusses on the following key areas:
- Information & Data
 - Systems & Processes
 - People & Behaviour
- 3.3 **Appendix 1** provides an overview of the key activities in each of these areas. GDPR Readiness work is overseen by the Governance Delivery Board. As part of the Systems and Processes work, a revised, GDPR compliant Data Protection Impact Assessment Procedure and Template (**Appendix 2**),

Record Retention and Disposal Procedure (**Appendix 3**) and Information Asset Owner Handbook (**Appendix 4**) have been developed and approved.

- 3.4 Existing Corporate Data Protection Procedures and Guidance are currently being revised to ensure that they are ready to support GDPR compliance, and will be finalised prior to GDPR becoming enforceable on 25 May 2018.

4. FINANCIAL IMPLICATIONS

There are no direct financial implications arising from this report. There are potential indirect financial implications related to penalties for non-compliance, as outlined at section 5.3, below.

5. LEGAL IMPLICATIONS

- 5.1 The Council's use and governance of its information is subject to a variety of legislation including: the Data Protection Act 1998, the General Data Protection Regulation (from 25 May 2018), the Public Records (Scotland) Act 2011, the Freedom of Information (Scotland) Act 2002, the Environmental Information (Scotland) Regulations 2004, and the Re-use of Public Sector Information Regulations 2015.
- 5.2 The Council's GDPR readiness preparations and supporting data standards and procedures forms part of the Council's wider Information Governance Assurance Framework, and is a key component of ensuring that the Council is compliant with the above legislation.
- 5.3 The incoming General Data Protection Regulation will bring in significantly increased penalties for non-compliance with data protection law than currently apply. The maximum penalty for non-compliance with the General Data Protection Regulation is 4% of turnover, or €20 million, whichever is higher.
- 5.4 As outlined in this report, the General Data Protection Regulation introduces other changes to data protection law which the Council will be required to adhere to. The revised GDPR compliant Data Protection Impact Assessment Procedure and Template forms part of the data standards required to ensure that the Council is in a position to comply with the provisions of the new General Data Protection Regulation when it comes into force, and mitigate the risk that the Council will be subject to enforcement action and financial penalty.
- 5.5 The UK Government has confirmed that the General Data Protection Regulation will be implemented into UK law, so it is not anticipated that the UK's exit from the EU will impact the Council's requirement to comply with GDPR.

6. MANAGEMENT OF RISK

6.1 Financial

The Council's data governance standards and procedures forms part of the Council's wider Information Assurance framework, in mitigation against the risk of non-compliance with applicable Data Protection law, which may lead to enforcement action with monetary penalties and/or financial liability for damages to customers.

6.2 Employee

The Council's data governance standards and procedures forms part of the Council's wider Information Assurance framework, in mitigation against the risk that our staff and elected members do not have the systems and processes to support them to play their part in the proper use and governance of the Council's information and data.

6.3 Customer

The Council's data governance standards and procedures forms part of the Council's wider Information Assurance framework, in mitigation against the risk that customers are put at risk of harm due to inadequate management of personal data, and the risk that customers are unable to exercise their legal rights in relation to information and data held by the Council.

6.4 Environmental

No risks.

6.5 Technological

No risks.

6.6 Legal

Any new or revised data governance standards identified from the GDPR improvement programme approach are a fundamental aspect of the Council's wider Information Assurance framework, and form part of the Council's mitigation against the risk that Council is exposed to enforcement or legal action resulting from non-compliance with information legislation.

6.7 Reputational

Realisation of any of the above risks would also be likely to lead to significant reputational damage to the Council.

7. IMPACT SECTION

7.1 Economy

Information and data are key assets of the Council, and recognised in the Aberdeen City Local Outcome Improvement Plan 2016-26 and the Strategic Aberdeen City Council Strategic Business Plan as critical enablers of the Council achieving its priorities for people, place and economy.

The Council's data governance standards and procedures forms part of the Council's wider Information Assurance framework, to ensure our information is fit to enable the Council to deliver outcomes for our people, place and economy.

7.2 People

As at section 7.1, above.

7.3 Place

As at section 7.1, above.

7.3 Technology

The General Data Protection Regulation requirements will need to be considered where technology is used by the Council to process personal data to ensure functionality meets our compliance requirements.

8. BACKGROUND PAPERS

Annual Governance Report & the General Data Protection Regulation 26 September 2017.

9. APPENDICES (if applicable)

Appendix 1: Overview of GDPR Readiness approach

Appendix 2: Corporate Data Protection Impact Assessment Procedure and Templates

Appendix 3: Record Retention and Disposal Procedure

Appendix 4: Information Asset Owner Handbook

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