

# GDPR AUDIT RECOMMENDATION UPDATE

Date: 2 February 2023  
Agenda Item: 7  
Contact Officer: Compliance & Data Protection Officer  
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Key Decision? NO  
Local Ward Members



## AUDIT AND MEMBER STANDARDS COMMITTEE

### 1. Executive Summary

- 1.1 This report seeks to update members on audit actions contained within the Internal Audit Report issued separately to Members of the Committee.

### 2. Recommendations

- 2.1 The committee note the updates to the action plan.

### 3. Background

- 3.1 A recent audit of the Council's Data Protection and UK GDPR Compliance that was conducted in July 2022 (prior to the appointment of the new DPO) reported limited assurance, with three high priority recommendations, eight medium recommendations and five low recommendations.
- 3.2 The council is fully committed to complying with the requirements of the General Data Protection Regulations and the Data Protection Act (2018) and has appointed an internal Compliance and Data Protection Officer to ensure the Authority prioritises and delivers on this commitment.
- 3.3 The Compliance and Data Protection Officer will provide further briefings on the progress of the plan to the Audit & Member Standards Committee in the March 2023 committee meeting, recognising that members will be keen to ensure all recommendations are resolved as swiftly as possible. The Compliance and Data Protection Officer will provide updates to each Audit and Member Standards Committee up until the completion of the approved action plan.
- 3.4 All of the recommended actions from the identified low priority risks have been completed.
- 3.5 Appendix A shows the status of the high priority and medium priority risks recommendations.

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| Alternative Options             | None, the council must comply with these regulations, however the committee can choose not to receive ongoing reports and instead have briefings.  |
| Consultation                    | We have ongoing support from South Staffordshire District Council legal team regarding current advice and guidance and a strong auditor who specialises in this area to highlight areas for development. The updated policy has also been signed off by the Audit advisor. |
| Financial Implications          | None – the role is now funded within the TOM as a permanent post on establishment.   |
| Approved by Section 151 Officer | Yes  |

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| Legal Implications             | None       |
| Approved by Monitoring Officer | <b>Yes</b> |

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| Contribution to the Delivery of the Strategic Plan | Data protection contributes to the sound running of the council. |
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| Equality, Diversity and Human Rights Implications | None |
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| Crime & Safety Issues | None |
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| Environmental Impact (including Climate Change and Biodiversity). | None |
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| GDPR / Privacy Impact Assessment | Not required for this report. |
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|   | Risk Description & Risk Owner  | Original Score (RYG) | How We Manage It   | Current Score (RYG)                     |
|---|--|----------------------|--|---|
| A | Legal challenge if no process is in place                                | Red                  | Ensure process is in place and regularly reviewed.   | Green<br>Likelihood – low / Impact -low |
| B | Assurance of processes in place  | Red                  | Issues highlighted in the audits have been addressed.  | Green<br>Likelihood- low/ Impact -low   |
| C | Data Protection Officer capacity to develop and improve processes        | Yellow               | New role appointed and action plan in place.   | Green<br>Likelihood – low/ impact - low |
| D | Ongoing development of processes and practice during transformation work | Red                  | Clear plan for digital transformation developed and regular review/compliance checks by DPO. | Green<br>Likelihood – low/ impact - low |
| E | Data Protection Policy no longer fit for purpose                         | Red                  | Regular review of the policy and updated guidance from suitably qualified DPO.               | Green<br>Likelihood – low/ impact - low |

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|  | Background documents<br>None |
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|  | Relevant web links<br><a href="#">Data protection policy – Introduction, purpose, scope and strategic ambitions (lichfielddc.gov.uk)</a> current policy |
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### High Priority Recommendations – Complete

Update and publication of the Data Protection Policy  
GDPR training for all staff has been delivered by the Compliance & Data Protection Officer

### Medium Priority Recommendations - Complete

- Service level leads for data protection should be formally identified and made aware of their roles and responsibilities.
- Staff should be periodically reminded about their data protection responsibilities and directed towards additional resources as required.
- All paper forms collecting personal data should have a privacy notice.
- The Personal Data Breach Plan should be reviewed and formally approved.
- Details of the person completing the DPIA should be noted on the document and all completed assessments filed in an agreed location. All required sign-offs should be obtained and a review period agreed for each DPIA. The DPO should be tasked with monitoring the performance of the DPIA.

### High Priority Recommendations – in progress

- GDPR Training module to be completed by all staff by 31 March 2023
  - 34 % completion to date
  - Any staff who have not completed by the 31 March 2023 will have access blocked on 1 April 2023 until training is completed
- Record of Process Activities to be updated by 31 March 2023

### Medium Priority Recommendations- in progress

- The GDPR retention schedule should be reviewed for completeness
  - This is held within the GDPR Hub on Teams and is under review by all services as well as the Compliance & Data Protection Officer
- The data processors identified on the ROPA as not having a formal agreement or contract should be followed up and addressed. In addition, the standard contract should include a clause on the controller's obligations and rights.
  - The Compliance & Data Protection Officer is reviewing the terms and conditions within the standard employment contract, this will be included and is schedule to be incepted from the 1 April 2023.
- **Project to commence 1 June 2023**
  - An assurance mechanism should be put in place to confirm compliance with the GDPR retention schedule
    - A full project to review all paperwork and systems will commence on the 1 June 2023 which will be led by the Compliance and Data Protection Officer as well as the Information Manager