

UK GDPR – Report to P&F Committee July 2022

Compliance continues to be monitored and there is a good level of understanding of requirements amongst staff. The annual audit has been delayed due to staffing issues but will be completed for report to the next meeting of the Committee.

Guidance and toolkits from the Information Commissioner's Office (ICO) continues to evolve and processes will be reviewed and refined as necessary. The announcement in the Queen's Speech in May of the upcoming Data Reform Bill may also bring changes to requirements and responsibilities placed on the Town Council. Regular newsletters are received from the Information Commissioner's Office that will notify of any changes to requirements to be actioned as will NALC and the SLCC.

Actions undertaken

Following the refusal under section 40 (1) (2) of a Freedom of Information request where the requester was advised (following guidance from the ICO) that this request may be made as a Subject Access Request (SAR), a request was subsequently received.

This was the first such request received since the introduction of GDPR in May 2018. The Town Clerk made the decision to engage an external company, Breakthrough Communications, on an annual contract to manage the request although this still required considerable administration support in house. This request has now been completed.

Background

The rules regarding requests made under UK GDPR differ from those made under the FOIA with different time compliance parameters, checks that need to be made and the ability to apply charges. Under the FOIA charges can be applied if more than 18 hours work is required and certain items can also be charged for although this is at the discretion of the authority. The Right of Access in UK GDPR does not allow charges to be applied and it is also manifestly more difficult to refuse a request. However, it is reasonable (and advised by the ICO) to assist by suggesting refinements to requests to make them more manageable (e.g. a specific time period for emails; a particular social media platform; CCTV at a particular location).