

Forest Heath District Council

(This report is a key decision. This report has been subject to appropriate notice of publication under the Council's Access to Information Rules)

Report of the Cabinet Member for Resources, Governance and Performance

CABINET

31 JULY 2012

CAB12/015

DATA PROTECTION POLICY (Forward Plan Reference: JUL12(B)/06)

Summary and reasons for recommendation(s)

1. Forest Heath District Council is fully committed to compliance with the requirements of the Data Protection Act 1998 which came into force on 1 March 2000.
2. The Data Protection Act 1998 governs how organisations can use the personal information they hold, including how they collect, store, share or dispose of it. The Act includes eight data protection principles.
3. The Council has a Data Protection Policy which reflects the requirements of the Data Protection Act. It is good practice to review arrangements from time to time and as such a review of the policy has been undertaken to ensure it continues to reflect best practice and legislation. The revised policy is set out in **Appendix A** to this report. It is anticipated that a joint Data Protection Policy between Forest Heath District Council and St Edmundsbury Borough Council will be produced in the future to reflect shared services arrangements as soon as it is appropriate to do so.
4. All staff, individuals who work for, or on behalf of the Council including agency staff, contactors and also Members must comply fully with this policy.
5. This report seeks approval of the revised Data Protection Policy.

Recommendation(s)

It is recommended that the revised Data Protection Policy be adopted.

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How will the recommendations help us meet our strategic priorities?

1. The recommendation made in this report is intended to support and enhance the Council's ability to deliver its priorities.

Wards affected

2. All wards.

Key issues

3. Forest Heath District Council depends on information to carry out its duties and provide services to the local community; a lot of this information is personal. The Data Protection Act 1998 sets the legal framework regarding how organisations collect, handle and process personal information, and gives individuals the right to find out what information is held, to check whether it is correct and the right to correct information that is wrong.
4. The Information Commissioner's Office is the independent authority responsible for overseeing the implementation of the Act. There are a number of tools available to it for taking action to change the behaviour of organisations and individuals that collect, use and keep personal information. They include criminal prosecution, non-criminal enforcement and audit. The Information Commissioner's Office also has the power to serve a monetary penalty notice.

Other options considered

5. There are no alternative options as all personal information must be dealt with properly no matter how it is collected, recorded and used.

Community impact

6. None arising directly from this report.

What consultation has been undertaken and what were the outcomes?

7. No alternative consultation has taken place or is planned for this document.

Financial and resource implications

8. There are no specific financial implications arising from this report.
9. Breaches of the Data Protection Act can lead to significant fines being imposed on organisations by the Information Commissioner's Office.

Risk management implications

10. Unauthorised disclosure of personal information could involve legal action (including the imposition of penalties, compensation and/or costs) and reputational damage.

Legal/Policy implications

11. The Data Protection Act 1998 sets out principles governing the security of personal information held by organisations. The Council has a legal obligation to comply with the Act.

Documents attached

Appendix A – Data Protection Policy

Background papers

N/A