

**St Cleer Parish Council**

**Minutes of the Parish Council Meeting on 26 June 2019, held at Council Sports Pavilion, Hockings House, St Cleer.**

Penelope Andrews, Councillor		In attendance
Kelvin Buckley, Councillor		Apology Accepted
Sue Harbord, Councillor	Elected as Chair of Council	In attendance
Suzanne Horsfield, Councillor		In attendance
Peter Lockley, Councillor		Apology accepted
Jon Prinn, Councillor		In attendance
Clive Sargeant, Councillor		In attendance
Brian Seage, Councillor		Apology Accepted
Martin Shead, Councillor		In attendance
Brian Smith, Councillor		In attendance
Tony Turton, Councillor		In Attendance
Derris Watson, Councillor		In attendance
Andy Webb, Councillor	Elected as Vice Chair of Council	In Attendance
Martin Eddy, Cornwall Councillor	St Cleer, St Neot and Warleggan	Apology Accepted
Roni Jones		
Members of the Public		3

<b>Item</b> 1	<b>Apologies for Absence</b> As above	
2	<p><b>Members declarations</b></p> <ul style="list-style-type: none"> <li>a. Disclosable pecuniary interests</li> <li>b. Non-registerable interests</li> <li>c. Declarations of gifts</li> <li>d. Applications for dispensations</li> </ul> <p>C. SH disclosed she had been sent flowers anonymously Congratulating her on her renewed appointment as Chair and thanking her for her work for the community. Value unknown; hence the declaration.</p>	
3	<p><b>Minutes of Previous Parish Council meeting</b></p> <p>To receive and approve minutes of the last meeting(s)</p> <ul style="list-style-type: none"> <li>a. 22.5.19 (EXO)</li> </ul> <p>The minutes of the EXO meeting on the 22.5.19 were accepted as an accurate record DW proposed this and BS seconded and the motion was carried</p> <ul style="list-style-type: none"> <li>b. FGPC 19.6.19 (To Note)</li> <li>c. Update from Councillors who have attended or will be attending meetings on behalf of the Parish</li> </ul>	

	<p><b>SH made the following summary of meetings attended on behalf of the Parish Council</b></p> <ul style="list-style-type: none"> <li>• On the 9th of May, Derris and I attended a highway engagement session. Cormac is now operating a new highways defect reporting scheme. They have introduced a computer system that updates in real time what works have been requested, carried out and how they will be prioritised. We also saw a demonstration of how single potholes are repaired and a new machine that will repair up to 100 potholes that day on minor roads. It was a very interesting and informative session. Derris and I have volunteered to take part in a proposed highways panel.</li> <li>• RJ and I attended a Road safety and community speed event in Truro on the 14th of May. Presentations were given on road safety initiatives that are concentrating on education, policing our roads, and the Cornwall Road casualty reduction strategy. St Day parish Council gave a presentation on radar speed signs. This information has been very helpful with the compilation of the motion that will be put to you later this evening. Devon and Cornwall police are reorganising the community speed watch program and are hoping to have more teams trained.</li> <li>• On the 20th May PL and I attended the Siblyback Meeting. This was an initial consultation for future plans and priorities. A variety of suggestions were put forward, there will be a meeting later in the year to continue to develop the Southwest Lakes trusts action plan. As you will be aware sailing and camping are no longer available for members of the public. We were informed it was not financially viable at present. However, they have not ruled out a return to these activities in the future. There will be another meeting later in the year to continue to develop the action plan and we have been invited to attend.</li> <li>• Liskeard and Looe community network panel- I would like to congratulate DW, who was elected as Chair of the panel for the civic year and Martin Eddy as Vice Chair. This network panel concentrated on local policing, the new tri service and business fire prevention and inspections. We also discussed the highways scheme. It has been decided to combine two of the four years of government funding. So, this year £100,000 will be allocated to highway schemes put forward in our network panel area. The final years and £50,000 will be allocated in 2021. Cornwall Council praised our network area as we have put forward well researched and deliverable schemes in the last two years. We were informed one panel area has yet to allocate any money as they cannot decide what schemes to fund. The scheme put forward by Martin last year to install bollards on the pavement at Claremont place has been completed.</li> <li>• On The 13th of June, I attended a meeting with Paul Allen from Cormac and Steve Edser our local PCSO. We drove around the parish looking for possible locations for the mobile speed monitor. Thank you to everyone who put in suggestions. It was a very interesting afternoon riding around in the back of a large police land rover. So, if you heard of any reports of the chairman of the Parish Council being driven away in police car, there is a perfectly innocent explanation. Paul produced a report and this has been circulated with tonight's meeting papers. I asked if it was possible to locate a pole on the Siblyback and Redgate road. Unfortunately, these locations are on national speed limit roads, we cannot put up a Speed monitor to flash a warning to slow down at any speed below 60mph.</li> <li>• DW and I attended the East area planning committee meeting this Monday. Despite Martin, Derris and myself speaking against the application to demolish Coronation Villa and replace it with two dwellings we were unsuccessful and the application has been approved.</li> </ul>	
4	<p><b>Matters Arising</b></p> <p>None not on the agenda</p>	
3	<p><b>Close the meeting to allow up to 15 minutes for public questions</b></p> <p>Correspondence from Parishioners</p> <ul style="list-style-type: none"> <li>• Letter from potential home owner for St Cleer was discussed noting his concern about the vexatious complainant and it's actual impact on village life</li> </ul>	

	<ul style="list-style-type: none"> <li>Royal British Legion has asked Parish to Organise the 2020 VE75 celebrations</li> <li>A parishioner asked that Parish consider assisting in a plan to dedicate an acre to manage the impact of global warming by reducing carbon dioxide in a re-wilding scheme – Agenda next meeting</li> </ul>	
4	<b>Reopen the meeting (public may only contribute on invitation)</b>	
5	<p><b>Update from Cornwall Council</b></p> <p><b>Carbon neutral for 2030</b> ME Spoke to little changes that could be made to create a huge difference in the Parishioners of St Cleer’s Carbon Footprint. He spoke to an initiative called REIMAGINE which encouraged green electricity supplies, bee friendly initiative and recommended a leaflet about. It was agreed to circulate information about the next meeting which Councillors were free to attend and the Clerk indicated that this could be shared on social media An article in St Cleer News was also planned</p> <p>Other parish work continues with homelessness and planning continuing to feature.</p>	
6	<p><b>Update from FGPC Meeting 19.6.19</b></p> <p><b>GDPR Report and Policy adoption (From 22.5.19)</b> The appended report was provided by the DPO and recommended for adoption by Bs and seconded by JP; Motion Carried</p> <p><b>Complaints Policy adoption (From 22.5.19)</b> The previous policy had been enhanced as requested and was recommended for adoption by BS and seconded by DW; Motion carried</p> <p><b>Risk Register/ Action List</b> It was suggested that there could be in house Code of Conduct Training to manage availability of Councillors. With this note the Risk Register was proposed by MS and seconded by SxH for adoption. Motion carried The Action Plan was noted.</p> <p><b>Best Value Statement</b> The Best Value Statement was proposed by PA and seconded by DW; motion carried and the document adopted</p> <p><b>Finance April and May 2019 - Noted</b></p> <p><b>Living Wage Foundation</b> A proposal by SxH and seconded by BS to have St Cleer PC accredited as a Living Wage employer was made and carried</p> <p><b>Public Rights Notice – Published</b></p> <p><b>Due Diligence audit – Undertaken and noted</b></p>	
7	<p><b>Football Pitch</b></p> <p><b>Motion to allow SCFC to fence the adult pitch in to comply with FA regulations in their new division</b> This was proposed by SxH and seconded by DW; carried</p> <p><b>Motion to rescind decision to delegate Pitch improvement to Estates and reclaim that authority at Parish</b> This was proposed by JP and seconded by DW, SxH and MS; motion carried</p>	

	<p><b>Restricted item - A motion to restrict was proposed by SH and seconded by DW</b></p> <p><b>Motion to award contract for Pitch improvement</b> The contract was awarded to Sandow for £5,346.80</p>	
8	<p><b>Speed Camera and Camera Posts</b></p> <p>Update on Survey and Action Plan</p> <div style="border: 1px solid black; padding: 5px;"> <p><b>Proposed Motion</b> To approve the suggested location of posts for the radar speed sign. (See attached report from Paul Allen.)</p> <p>To await the outcome of the Liskeard and Looe Community Network Panel highways scheme funding panel (October) If St Cleer is successful in its bid for funding for the required posts and relevant permissions from Cornwall Council. To purchase one Evolis radar speed sign with rechargeable batteries at £1843 + Vat and mounting brackets as required at £24.03 + VAT per bracket.</p> <p>If St Cleer is unsuccessful in its bid for money from the highways scheme the matter will be brought back to Parish for consideration.</p> </div> <p>Proposed by PA and seconded by BS; Carried</p>	
9	<p><b>Planning Applications since the last meeting (additional applications received prior to the meeting will be added to this list)</b></p> <p><b>Extension to front of property</b> Planning Application Davelna 9 Fernside Park Tremar Coombe PL14 5HY Ref. No: PA19/04623   Received: Fri 31 May 2019   Validated: Fri 31 May 2019   Status: Pending Consideration</p> <p>Key considerations are impact on the character of the building and the surrounding area, as well as any neighbour impact concerns. Whilst I have not yet visited the site, the works appear to be of an appropriate size and design. No public comments, WHS no impact. CS proposed and SxH seconded a motion that supported this application; Carried</p> <p><b>Refurbishment and alterations to existing dwelling to include linked self-contained annex and replacement of the garden room.</b> Planning Application Higher Tretharrup Darite Liskeard Cornwall PL14 5JT Ref. No: PA19/04743   Received: Tue 04 Jun 2019   Validated: Mon 10 Jun 2019   Status: Pending Consideration</p> <p>The current condition at the property is very poor. This is an extensive refurbishment, the foot print of the property remains unchanged but the height of the roof would increase by 1.5 m. There are no overlooking properties that would be affected by this change. The garden room replacement is slightly smaller than the one it would replace. There are no comments on the planning portal. CS proposed and SH seconded a motion that supported this application; Carried</p> <p><b>Refurbishment and extension of existing staff rooms and shop - variation of condition 3 in respect of decision notice 596/0124/F dated 30/04/1996</b> Planning Application Horizon Farm Shop Tremar Liskeard Cornwall PL14 6EA Ref. No: PA19/04259   Received: Fri 17 May 2019   Validated: Fri 17 May 2019   Status: Pending Consideration</p> <p>As there is no longer any production at the site all goods have to be imported. These clauses are usually reserved for a farm shops that is being granted planning permission in areas where shops would not normally be allowed. This is the only shop in the Parish that provides a vital service for community. I will propose that we support the removal of this clause, to ensure the continued operation of the shop. If the restriction was lifted it would still be compliant with the Neighbourhood development plan. No comments on the plan-</p>	

	ning portal DW proposed and SxH seconded a motion that supported this application; Carried		
10			
11	<b>Receipts and Payments</b> See Below  The payments were proposed by JP and seconded by DW and carried		
<b>PAYEE</b>	<b>REASON</b>	<b>GROSS</b>	<b>NET</b>
Husband	Monthly	1015	
S Harbord	Disposable wipes (Amazon)		
HMRC, Salaries, Nest			

## St Cleer Parish Council - Best Value Statement 2019-2020

### 1. Purchasing

Budget holders (Committees or Officers) can purchase items to the limit set in the Financial Regulations 2019 and not incur a deficit, without the approval of the Responsible Financial Officer.

The Council requirement is that all purchasing decisions are made after adequate market testing or research. Quotations and tenders as appropriate are required as illustrated below. A note of verbal quotes for lower value items should be made and retained

ESTIMATED VALUE OF GOODS OR SERVICES (Net of VAT)	NUMBER OF QUOTATIONS REQUIRED
Goods under £1,000	Delegated to the RFO to purchase #1
£1,000 - £2,500	Two verbal quotations
£2,500 - £10,000	Above £1,500 (£5,000 for works) and up to £10,000 – Three written estimates.
£10,000 - £25,000	Three formal quotations to be submitted in writing by a specified date and time and based on a written specification and evaluation criteria as indicated in section 3
£25,000 to EU Thresholds	Use of the Government Procurement Portal Above EU Thresholds Use of the Government Procurement Portal.

- The Parish Council regards this sum as material in relation to legislation also regard this sum as “material” in terms of the Local Government Meetings and Documents (England) Local Audit and Accountability Act 2014, section 40 (see also financial regulation 7.6).
- The values are for single items or groups of items, which must not be disaggregated artificially.
- The sterling equivalents of EU thresholds (net of VAT) are €209,000 (£164,176) for 2016-17 for supplies and Part A services and €5,225,000 (£4,104,394) for works. [The Public Contracts Regulations 2006]. The sterling equivalents are changed on 1st January of each even-dated year.

### 2. Extra-ordinary circumstances

In the event of an extra-ordinary event arising (e.g. when a “special offer” or bankrupt stock is available and /or an immediate decision is called for) then the tendering process may be waived with the authority of the Responsible Financial Officer in consultation with either the Chairman or Vice Chairman of the Council. In this event the process situation must be reported to the next meeting of the Finance and General Purposes Committee to be included in the formal minutes when an explanation can be given.

### 3. Purchasing Policy

The following principles will apply to all procurement which is based on MEAT (Most Economically Advantageous Tender rather than lowest price)

<b>Non-Discrimination</b>	<p>St Cleer sets out to be anti-discriminatory in all of its procurement activity and will seek to protect suppliers from the following as laid out in the Equality Act 2010</p> <ul style="list-style-type: none"> <li>• age</li> <li>• disability</li> <li>• gender reassignment</li> <li>• marriage and civil partnership</li> <li>• pregnancy and maternity</li> <li>• race</li> <li>• religion or belief</li> <li>• sex</li> <li>• sexual orientation</li> </ul>
<b>Transparency</b>	<p>St Cleer will abide by the regulations in relation to Transparency and will carry out due diligence audit of these matters which will be reported to Parish.</p> <ul style="list-style-type: none"> <li>• St Cleer operates a Preferred Provider listing which will be published on the website and which it is possible to join at any time. This listing is based on a supplier questionnaire (SQ) and receipt of insurance, references and some limited due diligence checks in relation to health and safety, PLI / Professional Indemnity and EU Insurance, risk assessment and method statements.</li> <li>• St Cleer reserves the right to use competence and capability shown in past</li> </ul>

	contracts to inform future contracting arrangements
<b>Equal Treatment</b>	<ul style="list-style-type: none"> <li>• St Cleer will ascertain supplier suitability based only on the items noted in the Preferred Provider SQ. Where practicable it will employ a 30-day procurement process (save where exigent circumstances are noted).</li> <li>• It will use central purchasing organisations (KCS, CCS, YPO, NEPO, ESPO, Bloom) where possible</li> <li>• JCTLtd.Co.UK, NECContract.com and TED Daily are also acceptable commissioning portals.</li> </ul>
<b>Proportionality</b>	<ul style="list-style-type: none"> <li>• St Cleer Parish Council actively endorses the notion of proportionality in relation to commercial value of procurement and will purchase accordingly whilst acknowledging the Public Contracting Regulations 2015.</li> <li>• St Cleer will seek to purchase in such a way as the Consumer Credit Act coverages may also be added to purchasing safeguards</li> </ul>
<b>Recognition of Standards and Industry accreditations</b>	St Cleer will recognise standards and equivalent standards as laid down by Lead Industry Bodies such as CORGI, BSIF etc
<b>Aspirations</b>	<p>The following principles will be asked and positively contribute to all purchasing decisions:</p> <ul style="list-style-type: none"> <li>• Lack of zero hours contracts</li> <li>• Living Wage employment practices</li> <li>• Anti trafficking policy</li> <li>• Low transport impact</li> <li>• Use of local economy</li> <li>• Sustainable and environmentally friendly practices</li> <li>• Demonstrated social value or community benefit</li> </ul>

Ratified by FGPC 19.6.19  
Parish 24.6.19

#### Privacy Notice for Suppliers

St Cleer Parish Council is the Data Controller under the new data protection law and will only use your information for purposes relating to your company supplying goods and services to us.

#### Information Held

It is necessary for us to collect and hold information about you to meet contract obligations. This information will include:

- Contact name, address, business and mobile telephone numbers, email address and other relevant contact information;
- Bank account and other relevant financial details;
- Details of at least two referees.

#### Who is processing my data?

All personal and other data held is processed in accordance with data protection law. The Data Controller for the information outlined in this privacy notice is St Cleer Parish Council.

#### How will we use the information we hold about you?

We will collect information about you (where applicable) to:

- Enter into a contract for the supply of goods and services;
- Comply with our legal obligations;
- Ensure that the information we hold about you is kept up to date;

#### What is the legal basis for us to process your data?

The legal basis for processing the data is:

- Perform a task in the public interest or for our official functions;
- Carrying out of a contract to which you are a party.

#### Who we will share your information with

We may share your information with partner organisations, including:

- Our Employees, agents and professional advisors;
- With other third party contractors who provide services to us;
- Where we are under a legal obligation to do so, for example where we are required to share information under statute, to prevent fraud and other criminal offences or because of a Court Order for example HMRC or the Police.

We will not normally share your information with organisations other than our partner organisations without your consent. However, there may be certain circumstances where we would share without consent such as where we are required to do so by law, to safeguard public safety, and in risk of harm or emergency situations. Any information which is shared will only be shared on a need to know basis, with appropriate individuals. Only the minimum information for the purpose will be shared.

#### How Long do we Keep your Records?

We will only keep your information for the minimum period necessary. Your information will be kept for six years. All information will be held securely and destroyed under confidential conditions.

#### Your rights

You have a number of rights under data protection law, including the right to request your information and to request that the information be amended or erased if incorrect.

To exercise these rights, you will need to put your request in writing and provide proof of identification to the Clerk, Hockings House, St Cleer PL14 6EE

You also have a right to make a complaint about our handling of your personal data to the Information Commissioner's Office <https://ico.org.uk/>

#### Providing Accurate Information

It is important that we hold accurate and up to date information about you in order to deliver the appropriate services. If any of your details have changed, or change in the future, please ensure that you inform us as soon as possible so that we can update your records.

#### Further information

If you have any questions or concerns about how your information is used, please contact St Cleer Parish Council, Hockings House, St Cleer PL14 6EE in the first instance.

More information about data protection and how it applies to you can be found on the Information Commissioner's Office website at <https://ico.org.uk/>

**ST CLEER PARISH COUNCIL**  
**GDPR REPORT 2019-2020**

**1. INTRODUCTION**

- 1.1 This report updates Council on the new General Data Protection Regulation (GDPR) which will replace the long-standing Data Protection Act (1998). GDPR will come into force on 25<sup>th</sup> May 2018. It significantly tightens up the rules on privacy and consent and the implications for councils are widespread. Local Councils and Parish Meetings must comply and put in suitable arrangements for the control of personal data held and processed by the Council (the Data Controller).
- 1.2 The concepts and principles of GDPR are broadly similar with the 1998 in that personal data must be:
- Must be processed lawfully, fairly and transparently;
  - Is only used for a specific processing purpose that the data subject has been made aware of and no other, without further consent;
  - Should be adequate, relevant and limited i.e. only the minimum amount of data should be kept for specific processing;
  - Must be accurate and where necessary kept up to date;
  - Should not be stored for longer than is necessary, and that storage is safe and secure.
- 1.3 However, Councils will have to do some things for the first time and be more proactive on the way they manage data. Changes include new reporting requirements, increased fines and penalties, new rules on obtaining consent and writing privacy notices. Other changes to note include:
- Councillors and staff must have suitable training;
  - It is not mandatory for town and parish councils to appoint a Data Protection Officer but it is considered good practice;
  - The £10 charge for a data subject access request has been removed;
  - Council must respond to a Subject Access Request (SAR) in a calendar month. Previously this was 40 days;
  - Councils will no longer be required to register with the Information Commissioner's Office (ICO) but will be required to pay an annual fee of £40 to £60 depending on the number of employees;
  - Breaches must be notified to the ICO normally within 72 hours;
  - Failure to comply with the new law places significant risk with fines of £17M or 4% of global turnover, whichever is the greater.
- 1.4 Among the many challenges to implement the changes as effectively and efficiently as possible is the data audit of data collected and identify whether consent was granted correctly, or at all. There will also be a requirement to delete records where consent was not given or where new consent is not provided.
- 1.5 In future, as part of GDPR, local authorities will also need to ensure that privacy is designed into their processes and services by default.
- 1.6 In order to achieve compliance with the new Regulations, Council has undertaken a data audit of personal and other data it has collected to establish what data is held, where and how it is stored, the purpose it is collected, whether consent has been granted, any measures in place to ensure data security and who controls it. Data Control may be by the Council itself or via a third party (payroll, pensions etc).
- 1.7 The data audit should also assess existing organisational processes for data protection and deletion and assess how vulnerable data held and stored may be.

**2. CONSENT**

- 2.1 As part of the new Regulations Councils must put into place proactive processes to ensure consent is obtained where required. The Regulations stipulate that individuals must give their explicit and 'informed' consent for their data to be retained. That consent will include the period of time information will be held and processed. This will mean that individual must be made aware of how their information will be used, whether it will be shared and who is responsible.

- 2.2 In order to comply with this requirement the following actions will be required:
- GDPR states that consent has to be specific, informed, unambiguous and freely given, which means that individuals cannot be chased or unduly pressed for their consent. Therefore, Councils will need to apply much more rigour to this process, because records also need to be kept to evidence that consents have been properly secured;
  - Councils will need to consider the position of minors, because children under the age of 13 cannot give consent;
  - There are issues with 'sensitive personal data', which includes data revealing racial or ethnic origin, political opinions etc. Councils, like any other organisation, will need explicit and specific consent for the exact purpose or purposes for which any of this sensitive personal data will be used.
- 2.3 GDPR does not allow Consent for one type of data processing to give councils permission to do anything else with the personal data. Therefore if consent is required from a resident to be added to a newsletter mailing list and their details are used for a different purpose such as promoting the facilities of the Council the Council would need to request consent separately. The two elements can be included on the same form but there would need to be two consent boxes explaining why each consent is required. Where councils collect consents that are to be added to a email mailing list, these consents will need to be recorded. Councils may need several different consent forms (or elements within a single form) to cover different areas of data processing within the activities of the council.
- 2.4 The ICO has issued draft guidance on consent and recommend that consent should be relied on sparingly. There may be other legal grounds available and councils should only consider consent as 'the last resort' particularly as it can be easily withdrawn.
- 2.5 For staff, volunteers, and councillors, councils should not rely on consent because under GDPR, and the present law, consent must be freely given. As it is necessary to process certain personal data for these staff, councillors and other role holders to allow them to perform their roles, and the balance of power between them and the council is unequal, consent cannot be said to be 'freely given'. However, even where there is no requirement to obtain specific consent, these individuals should be sent a "Privacy Notice" explaining why the council is holding their data, what it will do with it, how long it will be kept and how it can be amended/updated

### **3. PRIVACY NOTICES**

- 3.1 The transparency requirements under the GDPR require councils to provide individuals with extensive information about how their personal data is collected, stored and used. In practice, this means that councils will need to include more information in their privacy policies, as well as retaining more detailed records of their data processing activities in relation to their staff, customers and third parties. This means developing a new, much more user friendly Privacy Policy and Privacy Notices written in plain English.
- 3.2 The GDPR sets out six lawful bases for processing data. Unless an exemption applies, at least one of these will apply in all cases. It is possible for more than one to apply at the same time. One of the new requirements for Privacy Notices is that councils must set out in the Privacy Notice which Lawful basis they are relying on. For most councils, the relevant ones will be:
- 1 – Consent (but not for staff, councillors and other role holders),
  - 2 – Compliance with a legal obligation (which includes performance of statutory obligations),
  - 3 – Contractual necessity (for example with contractors)
  - 4 – Public interest

### **4. DATA PROTECTION OFFICER (DPO)**

- 4.1 Town and parish councils will not now be required to appoint a DPO but it will be considered best practice. The DPO may be an internal or external appointment. This means that the DPO may be a staff member or engaged under a service contract. However, anyone who makes decisions regarding the processing data would be deemed to have a conflict of interest and cannot act as a DPO. This is because one cannot undertake due diligence or governance on oneself.

- 4.2 This will mean that Clerks, Chief Officers and RFOs cannot be designated as a Council’s DPO. There will be a conflict of interest between the role of a clerk and RFO. The DPO must be allowed to perform tasks in an independent manner and should not receive any instructions regarding the exercise of their tasks.
- 4.3 The council, as data controller, remains responsible for compliance with the data protection legislation including the GDPR. Monitoring of compliance does not mean that it is the DPO who is personally responsible where there is an instance of non-compliance. The GDPR makes it clear that it is the controller, not the DPO, who is required to implement appropriate technical and organisational measures to ensure and to be able to demonstrate that processing is performed in accordance with this Regulation.
- 4.4 A DPO’s duties include:
- Informing and advising the council and its staff of their obligations under GDPR and other data protection laws;
  - Monitoring compliance of the council, both its practices and policies, under GDPR and other data protection laws;
  - Raising awareness of data protection law;
  - Identifying relevant training to staff and councillors;
  - Organising and carrying out data protection-related audits;
  - Providing advice to the council, where requested, in relation to the carrying out of data protection impact assessments (‘DPIAs’) and the council’s wider obligations with regard to DPIAs;
  - Acting as a contact point for the Information Commissioner’s Office.

## 5. INCREASED RIGHTS OF INDIVIDUALS

- 5.1 GDPR stipulates enhanced rights of citizens. These include:
- The right to be forgotten;
  - The right to make a Subject Access Request (SAR) at any time;
  - The right to have their data protected by processes of encryption or pseudonymisation;
  - The right to prevent direct marketing;
  - The right to prevent automated decision-making and profiling, and
  - The right to obtain and reuse any data held
- 5.2 The GDPR will give people more rights over their data. This will include individuals being given the right to have personal data deleted. In order to do this Councils will need to be able to find the data and to have someone who is responsible for making sure that happens.
- 5.3 Individuals also have the right to know what data is held on them, why the data is being processed and whether it will be given to any third party. They have the right to be given this information in a permanent form (hard copy). This is known as a ‘subject access request’ or “SAR”. Councils need to be able to identify a SAR, find all the relevant data and comply within one month of receipt of the request. Under the GDPR the time limit for responding to SARs is reduced from 40 days to one calendar month and the £10 fee is abolished.
- 5.4 With regard to risks, the GDPR will impose new burdens on councils, including new reporting requirements that will place additional pressures on staff resources. The increase in fines (from £500,000 in the UK to the greater of £17 million or 4% of global annual turnover) also places significantly additional risk on councils. The GDPR will also allow users to claim damages where there has been a data breach or where processing of data is unlawful.

## 6. ACTION PLAN

- 6.1 The table below sets out the initial actions required to be undertaken by Council and the basic documentation that the Council will need to put in place to demonstrate that it is working towards compliance. A more detailed action plan has been provided as part of the data audit undertaken.

Data Audit	The Data Audit has: <ul style="list-style-type: none"> <li>• Identification of what personal data is held;</li> <li>• How personal data is collected;</li> </ul>	New Document Retention Policy to be adopted as part of GDPR compliance
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	<ul style="list-style-type: none"> <li>• Records management;</li> <li>• Information sharing</li> </ul>	
Data Processing Log	A log will be provided as part of the Data Audit.	New activities will be included.
Consent Forms	Data audit has identified required consent forms.	Record will be kept of how and when consent is obtained
Privacy Notice and Privacy Policy	Review/update existing Must be transparent and clear in plain language, easy to access. Provided as part of the Data Audit.	Detailed privacy notices to be uploaded onto the website
Data Protection Policy	Adopt revised Policy.	Upload onto website
Data Subject Access Request Policy	Adopt revised policy	Sample response letters have been included

## 7. RECOMMENDATIONS

7.1 Council is requested to consider the following:

- That Council adopts this report;
- That Council adopts the Data Audit report and the action plan;
- That Council adopts the following policies and procedures:
  - Data Protection Policy
  - Data Retention Schedule
  - Data Privacy Impact Assessment procedure
  - Privacy Notices and Consent forms
  - Data Subject Access Request information and form
  - Data Breach Procedure
- That Council considers the appointment of a Data Protection Officer as good practice and to provide on-going advice to the Clerk and Council.