

**REPORT TO: TAYSIDE VALUATION JOINT BOARD – 28 AUGUST 2023**

**REPORT ON: DATA PROTECTION ANNUAL REPORT**

**REPORT BY: DATA PROTECTION OFFICER**

**REPORT NO: TVJB 20-2023**

## **1 PURPOSE OF REPORT**

1.1 To present to the Joint Board current status and relevant background information in relation to matters arising in respect of Data Protection issues.

## **2 RECOMMENDATIONS**

2.1 The Joint Board is asked to note the content of this report.

## **3 FINANCIAL IMPLICATIONS**

3.1 None.

## **4 POLICY IMPLICATIONS**

4.1 This report has been screened for any policy implications in respect of Sustainability, Strategic Environmental Assessment, Anti-Poverty, Equality Impact Assessment and Risk Management. There are no major issues.

## **5 BACKGROUND**

5.1 The General Data Protection Regulations (GDPR) and the Data Protection Act 2018 provide the underlying legal basis by which data controllers must comply when processing personal data. Requirements include, but are not exhaustive of, security, rights, compliance and retention.

5.2 Personal data is defined as information that is from an identifiable, living individual.

5.3 Data controllers are most likely to be organisations, but can be individuals such as Councillors, etc, which process personal data. The Assessor is included in the category of data controller as his service processes (holds, uses, shares, retains) personal data.

5.4 As a data controller, the organisation must not only comply with the requirements of the legislation, but is also required to evidence compliance as determined by GDPR. The legislation also places some additional requirements on public authorities, no matter how small. The most identifiable of these being the requirement to have a Data Protection Officer. The Assessor has utilised the Service Level Agreement with Dundee City Council to provide the Assessor with the relevant expertise, in the form of their Information Governance Manager/Data Protection Officer to fulfil this role. Due to the Data Protection Officer being from Dundee City Council, the Assessor has also complied with the legal requirement that the Data Protection Officer remains independent.

## **6 DATA PROTECTION**

- 6.1 GDPR brought in a new requirement for data controllers which involved them needing to have, and evidence, on-going compliance. The Data Protection Officer essentially audits that compliance to ensure proper handling and security of the personal data in the organisation's possession.
- 6.2 On-going compliance is not accurately defined in the legislation but would take the form of refresher training, reviewing policies and procedures regular audits, etc.
- 6.3 As part of the Data Protection Officer's role, he undertook an in-person visit to the office of the Assessor (pre-pandemic) and has discussed with the Assessor with regards to the significant change that the pandemic brought, namely Working From Home and hybrid working.
- 6.4 The Data Protection Officer has provided an overarching Information Governance section (FOI, Data Protection, Records) to the Annual Governance Audit for the Assessor to complete annually.
- 6.5 From the results of both the internal audit from Henderson Loggie as well as the Annual Governance Audit, the Data Protection Officer has no major concerns around the current compliance.
- 6.6 It should, however, be noted that on-going compliance requires that for the Assessor maintain a similar standard going forward. The Data Protection Officer advises that using a more structured approach may assist with ensuring that refresher training, reviewing of policies and procedures are carried out timeously, thereby ensuring compliance and reducing any risk to the personal data held by the Assessor.
- 6.7 The other area of risk around compliance is that of significant change. Unlike the pandemic and working from home, most significant change for the Assessor is likely to be anticipated, given the highly legislative nature of the Assessor's work.

## **7.0 DATA BREACHES**

- 7.1 A data breach is where a breach of security leading to the accidental or unlawful. destruction, loss, alteration, unauthorised disclosure of, or access to, personal data occurs.
- 7.2 Under GDPR, the Assessor is required to record all data breaches by reporting all incidents to the Data Protection Officer. The Data Protection Officer will provide advice, guidance and recommend actions to mitigate future risks. Should the incident cross the risk threshold, the incident and actions taken are required to be reported to the Information Commissioner's Office (ICO), the UK's data protection regulator.
- 7.3 The Data Protection Officer has received no data breaches from the Assessor, and as such, no breaches have been reported to the ICO.

## **8 CONSULTATION**

- 8.1 The Clerk and Treasurer to the Board have been consulted on this report.

## **9 BACKGROUND PAPERS**

- 9.1 None.