

East Herts Council Report

Overview and Scrutiny Committee

Date of meeting: 8 June 2021

Report by: Tyron Suddes – Information Governance and Data Protection Manager

Report title: East Herts Council Data Retention Policy and Schedule

Ward(s) affected: All

Summary – This report presents the revised East Herts Council Data Retention Policy (Appendix A) and newly drafted East Herts Council Data Retention Schedule (Appendix B). This policy updates and replaces the previously drafted but unadopted EHDC Data Retention Policy 2018.

The policy and related schedule aim to:

- set out limits for the retention of personal data and to ensure that those limits, as well as further data subject rights to erasure, are complied with;
- ensure that the council complies fully with its obligations and the rights of data subjects under Data Protection Legislation;
- ensure that excessive amounts of data are not retained by the council and to improve the speed and efficiency of managing data.

This committee is asked to consider the draft policy and its related schedule, propose any amendments to include prior to consideration by Executive and recommend the policy and schedule, with any amendments, to Executive for **adoption**.

RECOMMENDATIONS FOR Overview and Scrutiny Committee:

- (a) That the Committee considers the revised Data Retention Policy and its related schedule and provides any observations and suggested amendments to the Information Governance and Data Protection Manager for inclusion in the final version; and**
- (b) That the revised Data Retention Policy and its related schedule be recommended to Executive for adoption.**

1.0 Proposal(s)

- 1.1. As above

2.0 Background

- 2.1 Following an audit of the council's information management arrangements, it was identified the council's retention documents require updating and that an archiving log, including where data is stored, should be developed.
- 2.2 The audit also found that the council should define its procedures for the disposal and destruction of information, which should include, but not be limited to, identification and authorisation procedures and the roles and responsibilities of members of staff and third parties.
- 2.3 Although the council has detailed retention schedules and policies in place, these needed to be reviewed and updated.

3.0 Reason(s)

- 3.1 The revised policy ensures that the council is able to minimise data retention where possible and assists in setting out procedures to determine how and when to dispose of

personal data. Additionally, having a well-managed and enforced data retention policy in place can help to reduce the amount of excessive, and often redundant, information stored on the council's servers.

3.2 The revised policy sets out where and how personal data is held, provides a brief overview of data subjects' key rights under data retention, and a summarised overview of the various technical and organisational protection measures that the council should enforce under data retention. It also sets out the roles and responsibilities for ensuring that data retention periods are enforced.

3.3 This policy governs and ensures compliance with the newly drafted East Herts Council Data Retention Schedule. The revised retention schedule layout combines all service retention periods which were previously captured in separate schedules and policies and includes a requirement to set out what action is taken after the retention period has ended. These actions are either to destroy, anonymise, use pseudonyms or archive under certain conditions. The revised schedule layout, with inclusion of set actions, should aid in the enforcement of retention periods and satisfies the audit requirement to identify and record information that is archived by the council. The schedule content is currently being reviewed with data administrators using an updated version of the LGA's guidance on data retention.

4.0 Options

4.1 Not to adopt this policy and maintain the existing data retention schedule and policies. NOT RECOMMENDED as this would work against audit recommendations and the council's aim to ensure compliance with its obligations and the rights of data subjects under Data Protection Legislation.

4.2 To consider and recommend this policy and schedule to Executive for adoption. RECOMMENDED as a means of ensuring that the council has an up-to-date data retention policy and schedule in place to ensure that it complies with Data Protection Legislation.

5.0 Risks

5.1 Failing to comply with the storage limitation and closely related data minimisation and accuracy principles can lead to substantial fines that would have a high impact on the council.

5.2 There may be additional reputational implications if the Information Commissioner's Office were to investigate the council following a failure to comply with UK GDPR principles regardless of the final decision.

6.0 Implications/Consultations

Community Safety

No

Data Protection

Yes – The adoption of this updated policy and schedule would ensure that the council has in place documented and enforceable retention periods and details about how to ensure sufficient data storage and deletion methods. This will also ensure the council's compliance with the relevant UK GDPR principles.

Equalities

No

Environmental Sustainability

No

Financial

No

Health and Safety

No

Human Resources

No

Human Rights

No

Legal

Yes – The Council is under an obligation to ensure it complies with UK data protection law, and the adoption of this policy strengthens the council's compliance with the relevant data protection legislation.

Specific Wards

No

7.0 Background papers, appendices and other relevant material

7.1 **Appendix A** – DRAFT – East Herts Council Data Retention Policy 2021

7.2 **Appendix B** – DRAFT - East Herts Council Retention Schedule – 2021

Contact Member: Councillor George Cutting, Executive Member for Corporate Services.
george.cutting@eastherts.gov.uk

Contact Officer: James Ellis, Head of Legal and Democratic Services, Tel: 01279 502170
james.ellis@eastherts.gov.uk

Report Author: Tyron Suddes, Information Governance and Data Protection Manager, Tel: 01279 502148
tyron.suddes@eastherts.gov.uk