

# **East Herts Council Report**

## **Overview and Scrutiny Committee**

**Date of meeting:** Tuesday 21 March 2023

**Report by:** Councillor George Cutting – Executive Member for Corporate Services

**Report title:** Information Governance and Data Protection Policies Annual Review

**Ward(s) affected:** (All Wards);

**Summary** – This report presents updates on the Access to Information Policy; the Data Breach Policy; and the Data Retention Policy as part of the annual policy review.

## **RECOMMENDATIONS FOR OVERVIEW AND SCRUTINY COMMITTEE**

**(A) The Committee considers the content of the report and amendments made to the policies and provides any observations to the Information Governance and Data Protection Manager.**

### **1.0 Proposal(s)**

1.1. This report provides an update on the Access to Information, Data Breach and Data Retention Policies as part of the annual policy review.

### **2.0 Background**

2.1 Under paragraph 8.1.8 (n) of the Constitution, the Audit and Governance Committee has, as part of its terms of reference, a role to play in considering reports relating to the authority's Data Protection policies and procedures.

- 2.2 The Council is required to have appropriate information governance and data protection policies in place to demonstrate its accountability as required by the UK GDPR. These policies were last approved by Executive in 2021.
- 2.3 All policies required minor changes and these have been set out in paragraphs 2.3 to 2.5 below, apart from these amendments, the policies remain fit for purpose in all other regards.

### **General update**

- 2.4 The Access to Information Policy has had minor amendments made to reflect new council policies and to clarify that exemptions will be considered rather than directly applied. Information has been summarised to make the policy more succinct.
- 2.5 The Data Breach Policy has had minor amendments made to reflect new council policies and learning from data breaches.
- 2.6 The Data Retention Policy has had some minor amendments made to reflect new council policies and has been updated to reflect storage locations of data, particularly in backup, following the council's migration to Microsoft 365.

### **3.0 Reason(s)**

- 3.1 It is important that these policies are kept up to date to ensure that the council complies with developing information governance and data protection legislation and can demonstrate its accountability.

## **4.0 Options**

- 4.1 To not annually review these policies, this is NOT RECOMMENDED as to do so would inevitably lead to the policies eventually becoming out of date and place the council in a position where it was potentially not meeting its legal obligations.

## **5.0 Risks**

- 5.1 It is important that the council continues to operate in accordance with information governance and data protection legislation to ensure that it is able to effectively manage financial and reputation risks associated with non-compliance with this legislation.

## **6.0 Implications/Consultations**

- 6.1 Not regularly reporting on the council's information governance and data protection compliance would risk it slipping out of the consciousness of Members.

### **Community Safety**

No

### **Data Protection**

Yes – keeping relevant policies updated ensures that the council remains compliant with data protection legislation.

### **Equalities**

No

### **Environmental Sustainability**

No

## **Financial**

Not having up to date and legally compliant policies would place the council in a position of potentially falling foul of data protection legislation and facing fines of up to £8,700,000.

## **Health and Safety**

No

## **Human Resources**

No

## **Human Rights**

No

## **Legal**

Yes - The council is under an obligation to ensure it complies with information governance and data protection law, and keeping these policies updated strengthens the council's compliance with the relevant legislation.

## **Specific Wards**

No

### **7.0 Background papers, appendices and other relevant material**

7.1 **Appendix A** – Access to Information Policy with tracked changes

7.2 **Appendix B** – Data Breach Policy with tracked changes

7.3 **Appendix C** – Data Retention Policy with tracked changes

## **Contact Member**

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