

MINUTES OF THE FINANCE AND GENERAL PURPOSES COMMITTEE MEETING HELD AT 8PM ON MONDAY 21st MAY 2018 AT THE CIVIC HALL, POYNTON

PRESENT

Chairman: Cllr C Gorst

Cllrs: M Beanland, L Clarke, Mrs R Horsman-Johnson, G King, L Podmore and G Smith

In attendance: L Osborn – Town Clerk and H Barlow – Deputy Town Clerk

1. Recording of the meeting

The Deputy Clerk confirmed that the meeting is recorded for the purposes of minute taking. There were no other declarations of a recording of the meeting.

2. Questions from members of the public.

No members of the public were present.

3. Apologies for absence

Cllrs: H Murray, Mrs J Saunders and Mrs N Wylie.

4. Declarations of disclosable pecuniary or other interests

None.

5. Previous meeting minutes

Cllr Gorst requested an update regarding the application to list the railway station. The Clerk confirmed that the Railway Station building does not meet the criteria for achieving listed building status as it was not considered to be of significant historical interest

RESOLVED: That the minutes of the Finance and General Purposes Committee meeting held on the 26th February 2018 are approved as an accurate record (4 for, 3 abstentions)

6. To receive and consider a report on the General Data Protection Regulations 2018 from the Town Clerk

The Clerk provided a verbal report on the progress made towards compliance with the General Data Protection Regulations 2018 (GDPR).

GDPR will come in to force from the 25th May 2018. Personal data must be processed lawfully, fairly and transparently and only used for specific purposes. It must be accurate and up to date and retained no longer than necessary and processed in a manner that ensures appropriate security and protection. Changes include new rules on obtaining consent and privacy notices, new reporting requirements, increased fines if the regulations are breached and a greater emphasis on transparency, openness and the documents need to show that the Council is complying with the legislation.

The GDPR applies to data controllers and data processors. The Town Council and Officers is the Data Controller and is registered as such with the Information Commissioners Office (ICO). Going forward The Town Council will need to continue to notify ICO that it is a data controller and continue to pay an annual fee, which will be £60 based on the size of the Council.

Data Processors are another organisation or person who processes data on the Data Controller's behalf. The Town Council is currently seeking compliance agreements from the Town Council's processors. These include the pay-roll company, Cheshire pensions and the HR advisors.

The Data Protection Officer (DPO) is someone with expertise in data protection law, who informs and advises on data protection.

The ICO and National Association of Local Councils (NALC) advise that it is unlikely the DPO can be the Clerk due to a conflict of interest. A number of options are available for outsourcing this by purchasing from:

- Wirehouse: the Council's HR advice provider. They offer three main services at costs of £495, £595 or £55 per month for a minimum of 12 months, all plus VAT
- JDH Business Services Ltd: the Town Council's internal auditor. This would cost £1,500 for the first year and £1,300 for the second year
- A county-led shared DPO service from Cheshire Association of Local Councils (ChALC). This would cost £100 for the Town Council
- A national service
- A sector led body
- A reciprocal arrangement with a nearby Town Council

However, the government's recent amendment to the Bill exempts all parish and town councils from the legal requirement to appoint a DPO, but it remains discretionary and may be regarded as good practice to do so.

ChALC have confirmed that their service would provide a report on how compliant the council is and also provide advice if required.

The Council also needs to consider the use of private email accounts. These email accounts remain subject to the Freedom of Information Act 2000 and also subject access requests.

Individual councillors need to be aware of their legal responsibilities when holding and handling personal data.

Members discussed requiring all members to have a Town Council email address. The format of the email addresses would be name@poyntontowncouncil.gov.uk. The Clerk listed the benefits of moving to this system:

- More security than a personal email address
- The Society of Local Council Clerks (SLCC) recommend that councillors should have a .gov.uk email addresses
- The emails would be stored on the cloud in Europe and not in the US
- Freedom of Information or Subject Access Requests could be dealt with more easily

Councillors may need to notify the ICO if they are data controllers who process personal data on computers for purposes other than council business ie for ward casework.

Councillor M Beanland confirmed that the advice from Cheshire East was to use the council email addresses when conducting council business rather than a personal email address. However, Cheshire East had never advised that councillors may need to register as data controllers.

The cost of setting up new council email addresses would be £3 per email address per month. Other councils use other contact systems.

The Deputy Clerk explained that the law around councillors being data controllers is complex and unclear and further clarification is being sought.

The Clerk advised that she would seek quotes from ITG for the insertion of a signature and a disclaimer to all emails.

NALC advises that 'Councillors who are data controllers independently of their council and process personal data using a computer for purposes such as constituency casework or election canvassing will not be exempt from payment of the data protection fee'.

Currently, the Council is required to register with the ICO and to pay a notification fee of £35. Under GDPR, data controllers will not need to register with the ICO but will need to pay a data protection fee to the ICO. As a data controller with more than ten but under 250 members of staff, the Town Council will pay £60 from June 2018 when the registration expires.

The Clerk identified the following next steps for the Town Council:

- Decide on the appointment of a Data Protection Officer
- Documentation to be agreed:
 - Information and data protection (Privacy) policy
 - Document retention policy
 - Privacy notice for officers, councillors and role holders
 - Subject access request policy
 - Social media and electronic communication policy – to be drafted
 - Security incident response policy – to be drafted
- Finalise the data audit and continue shredding and deleting information no longer required

RESOLVED: That the report is noted (NC)

RESOLVED: Town Clerk to approach ChALC to take on the data protection officer role for the Town Council (NC)

RESOLVED: That reviews of compliance with GDPR are undertaken at future Finance and General Purposes committee meetings and Town Council as required (NC)

RESOLVED: That the PTC email addresses are put in place for all councillors (NC)

7. To receive and consider the adoption of:

- Information and data protection policy
- Privacy notice for staff, councillors and role holders
- Document retention and disposal policy
- Subject access request policy

Information and data protection policy

A number of minor amendments were made following the Town Council meeting and these were outlined to Members. Clarification from NALC has also been sought as two of the reasons for lawfully processing data have been omitted from the document and it is possible that the Transparency Code referred to has been superseded. A response is awaited.

Members discussed the Transparency Code and the implications for the Town Council.

RESOLVED: That the Information and data protection policy is approved subject to the response from NALC (NC)

Privacy notice for staff, councillors and role holders

The Clerk explained that a different notice was required for staff, councillors and role holders as consent cannot be freely given.

A Member asked if the Town Council was covered under its insurance policy for any breach. The Clerk confirmed that the insurance company will not provide insurance cover for data breach. NALC have advised that no insurance company will provide cover.

The biggest risk of a data breach assessed by the Clerk is sending out the newsletter to residents. In order to minimise the risk of an accidental breach Mail Chimp will now be used to send out the newsletter.

A Member asked if it was necessary to have the section on the transfer of data abroad. The Clerk confirmed that it was as the website could be viewed from overseas. In addition the Town Council also has contact with twinning associations in Haybes and Érd.

RESOLVED: That the privacy notice for staff, councillors and role holders is approved (NC)

Document retention and disposal policy

This has been amended from the previous policy agreed in 2017. The archiving of the minutes with the Higher Authority was discussed. There is a significant number of boxes

containing documents stored in the loft. The documents will need to be reviewed and disposed of, if appropriate.

RESOLVED: That the document retention and disposal policy is approved (NC)

Subject access request policy

A Member asked if the new policy would apply to the electoral roll. The Clerk confirmed that she doesn't request a copy of the electoral roll from Cheshire East. The Clerk will draft an appropriate Subject Access Request Form.

RESOLVED: That the subject access request policy is approved (NC)

8. To consider and agree any communication messages arising from this meeting.

RESOLVED: That the information and data protection policy and subject access request policy are published on the website (NC)

The meeting concluded at 8.55pm

Minutes approved

Signed.....

Date.....