



Overview & Scrutiny Committee

Date: Tuesday 21 November 2017
Time: 10.00 am **Public meeting** Yes
Venue: Room 109, 16 Summer Lane, Birmingham, B19 3SD

If you have any queries about this meeting, please contact:

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SUPPLEMENTARY AGENDA

No.	Item	Presenting	Pages
Meeting Business Items			
7.	Update on General Data Protection Regulations Preparations by the WMCA	Tim Martin	1 - 4

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WEST MIDLANDS
COMBINED AUTHORITY

Overview & Scrutiny Committee

Date	21 November 2017
Report title	Update on General Data Protection Regulations Preparations by the WMCA
Accountable Chief Executive	Deborah Cadman, West Midlands Combined Authority email: deborah.cadman@wmca.org.uk tel. (0121) 214 7552
Accountable Employee	Tim Martin, Monitoring Officer email: tim.martin@wmca.org.uk tel: (0121) 214 7435
Report to be/has been considered by	

The Overview & Scrutiny Committee is recommended to:

- (1) Note the contents of this report.

Purpose

1. To provide an update on the preparations being undertaken by the West Midlands Combined Authority in respect of the General Data Protection Regulations 2016.

Background

2. Members will be aware of the principles in the Data Protection Act 1998 regarding personal information held by organisations. Briefly, these require that personal information must be used fairly and lawfully, for limited and specifically stated purposes, kept secure and safe, kept for no longer than necessary and only processed in accordance with the rights of the data subject.
3. In recent years there has been an increased focus on the principles of Information Governance, particularly in public authorities. With the advent of large scale digital record keeping and electronic communications, there has been an exponential growth in the amount of personal information that can potentially be held about individuals.
4. Bearing in mind the pace of change in this area and that it is almost 20 years since the Data Protection Act came into force, the protections afforded by the Act are being updated and added to by the new General Data Protection Regulations 2016, which come into force in May 2018.

The Implications of the General Data Protection Regulations

5. The General Data Protection Regulations (GDPR) does little to change the fundamental principles underlying Data Protection and Information Governance. The new Regulations enhance the rights of the data subjects and will place more obligations and tighter timescales on the Combined Authority to be accountable for its use of an individual's personal data.
6. The key areas which are under consideration are as follows:
 - Privacy by Design - technical and organisational measures to demonstrate integrated data protection.
 - Privacy Impact Assessments – to assess the impact of new projects or developments on individual privacy.
 - Data Processors – additional obligations on third party processors.
 - Privacy Notices – clear and transparent privacy notices to inform data subjects of our processes and their rights.
 - Right to be forgotten – the right to have your personal data erased.
 - Consent – Higher thresholds with regard to consent.
 - Children – additional protection in relation to children's data (particularly those aged under 13).
 - Subject Access requests – reduction in time limits for compliance
 - Appointment of Statutory Data Protection Officer – appointment of responsible officer who has expert knowledge of Data Protection.
 - Additional reporting, compliance and enforcement provisions.

Response by the West Midlands Combined Authority

7. The Combined Authority already has staff who are trained in Data Protection, Information Governance and Cyber Security. A planning process began some time ago with regard to the implementation of the new GDPR requirements. Our policies relating to Information Governance are being updated and guidance prepared in relation to the new duties and responsibilities.
8. The Combined Authority is a regular participant in the Regional Network of Data Protection, participants who have been working on a co-ordinated response to these new challenges. We have recently been able to strengthen our preparations by the appointment of an officer who is responsible for cyber security and information governance, particularly in the IT area, but who is also very familiar with GDPR preparations and who is undertaking a gap analysis with regard to our GDPR preparations.
9. As Members will be aware, the Combined Authority has been in the process of formation and transition over the last 6 to 12 months. The new management team of Directors and Statutory Officers has been put in place during this Autumn and this is facilitating a more corporate response to a number of important issues, including Information Governance/GDPR. The responsibilities are contained within Corporate Services and led by the Director of Finance, the Head of IT and the Clerk and Monitoring Officer.
10. Our analysis to date is that much of our existing work on Data Protection and Information Governance will stand us in good stead with our on-going preparation for GDPR. The pace of our preparations is now increasing with the formation of the corporate management team and the recruitment of additional staff. Further work is already being done in relation to new areas of work for the Combined Authority eg. Skills and Learning, which will present additional challenges when they come on stream.

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