



## **AGENDA ITEM 12**

### **CENTRAL SCOTLAND VALUATION JOINT BOARD**

**Subject: GDPR REPORT**  
**Meeting: CENTRAL SCOTLAND VALUATION JOINT BOARD**  
**Date: 29 JUNE 2018**  
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#### **1. INTRODUCTION**

- 1.1 The General Data Protection Regulation (GDPR) is a new, Europe-wide law that replaces the Data Protection Act 1998 in the UK. It is part of the wider package of reform to the data protection landscape that include the Data Protection Act 2018 (DPA 2018). The GDPR and Data Protection Act 2018 came into effect on the 25 May 2018.
- 1.2 The GDPR has direct effect across all EU member states and will not be affected by Brexit. This means CSVJB will have to comply with this regulation and look to the GDPR for most legal obligations. However, the GDPR gives member states limited opportunities to make provisions for how it applies in their own country. One element of the DPA 2018 is therefore details of how GDPR will apply to the UK. It is therefore important that the GDPR and the DPA 2018 are read side by side.
- 1.3 GDPR primarily provides individuals with greater protection of their personal data and increased rights such as the right to be forgotten. The way information is collected, stored and processed has changed significantly since the DPA 1998 and the GDPR and the DPA 2018 reflect these changes.
- 1.4 Prior to the introduction of the GDPR a significant amount of preparatory work was required both at a local office level and in collaboration with the Scottish Assessors Association. This report sets out the main steps undertaken to ensure compliance with these changes ahead of the 25<sup>th</sup> May 2018.
- 1.5 It should be noted that the Joint Board is the Data Controller for its own records e.g. Board Minutes, Staff Records, the Assessor is a separate Data Controller for the information held in connection with

non-domestic rating and Council Tax and finally the ERO is a separate Data Controller for all information relating to Electoral Registration.

- 1.6 This report covers the action taken in respect of all three Data Controllers.

## 2. GDPR CHECK LIST

- 2.1 The Information Commissioner's Office (ICO) produced guidance in 2016 outlining the main steps organisations should take in preparation for the introduction of the GDPR. The main steps required by CSVJB were therefore as follows:

- (i) **Awareness** - Ensure senior staff are aware of the introduction of GDPR and the likely impact
- (ii) **Staff Training** - Ensure that all staff are made aware of GDPR and the likely impact.
- (iii) **Information Audit** – To document what personal information they hold, the purpose for processing and the legal basis for processing, as well as who we share it with.
- (iv) **Consent** – To identify any personal information collected which requires consent under GDPR
- (v) **Fair Processing Notices** – To review Privacy Notices on forms and websites to ensure they are GDPR compliant
- (vi) **Data Breach Policy** – To ensure they have GDPR compliant Data Breach Policies and Procedures in place.
- (vii) **Data Protection Officer (DPO)** – To identify and appoint a suitably qualified DPO
- (viii) **Individual Rights** – To ensure adequate procedures in place to for the increased rights of individuals under GDPR e.g. the right to be forgotten.
- (ix) **Policy & Procedure Review** – To update existing Data Protection Policies to reflect GDPR including revised timetable for Subject Access Requests (SAR)
- (x) **Contract Review** – To ensure contracts are GDPR compliant
- (xi) **Data Processors** – Review of Data Processor agreements to ensure GDPR compliant
- (xii) **Data Protection by design and Privacy Impact Assessments (PIA)** – To consider IOC guidance on PIA and identify where required.

## 3. GDPR PROGRESS UPDATE

- 3.1 Progress in respect of above recommendations is as follows:

- (i) **Awareness** – Members of the Management Team have all undertaken Data Protection Training, with the Principal Administration Officer having recently qualified as a Practitioner in Data Protection. Progress with GDPR compliance has been reported at monthly Management Team Meetings since early 2017.
- (ii) **Staff Training** – All staff have received face to face training in April 2018 and were previously provided with handouts outlining the main changes. Annual Data Protection and GDPR training is also required via online modules available through Clacks Academy.

- (iii) **Information Audit** – The Assistant Assessor chaired the SAA working Data Audit working group which agreed a standard data audit template for all Assessors throughout Scotland. A full audit of all personal information processed on behalf of CSVJB, the Assessor and Electoral Registration Officer functions was carried out during 2017/18
- (iv) **Consent** – It was established that personal information processed by CSVJB is covered in the main by Article 6(1)b or 6(1)e of the GDPR and as such consent is not required
- (v) **Fair Processing Notices** – The Assistant Assessor was a member of the SAA working group charged with producing Privacy Notice templates for all Assessors throughout Scotland. Revised Privacy Notices have now been published on Central Scotland's page of SAA.gov.uk website and links to these notices appear in Privacy Statements on all forms collecting personal information issued by CSVJB. Additionally staff collecting information over the telephone or on site now provide Privacy Statements to data subjects at the point of collection of personal information.
- (vi) **Data Breach Policy** – A revised CSVJB Data Security Breach Policy has been published on Central Scotland's page of SAA.gov.uk website.
- (vii) **DPO** – Stephen Coulter, Head of Resources and Governance at Clackmannanshire Council has been appointed as Data Protection Officer for CSVJB, the Assessor and ERO with effect from 25<sup>th</sup> May, 2018.
- (viii) **Individual Rights** – These are referred to in the revised Data Protection Policy published on Central Scotland page of SAA.gov.uk website.
- (ix) **Policy & Procedure Review** – A revised Data Protection Policy and Data Security Breach Procedure were published prior to 25<sup>th</sup> May 2018. Reviews of Subject Access Request guidance, Freedom of Information and other Data Protection related policies ongoing.
- (x) **Contract Review** – Review of all relevant contracts ongoing with all new contracts now required to be GDPR compliant.
- (xi) **Data Processor** – Review of all data processing agreements ongoing to ensure compliance
- (xii) **Privacy Impact Assessments (PIA's)** – PIA's now undertaken prior to any changes involving the processing of personal information e.g. proposals to introduce telephone recording.

## 4.0 RECOMMENDATIONS

- 4.1 The Valuation Joint Board is asked to consider and comment on the ongoing commitment to compliance with the GDPR Regulations and the DPA 2018.

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**Jane Wandless**  
**Assistant Assessor**  
**Date: 11<sup>th</sup> June, 2018**