

Appendix B –Update from the Fraud and Data Team

Ref	Comments & Action Taken
35702	<ul style="list-style-type: none"> • The ICO recommends that as part of any proposed changes in policies, procedures or practices, a Privacy Impact Assessments (PIAs) is undertaken to assist the organisation, in a systematic way, to identify and minimise any privacy risks to individuals brought about by the change e.g. when deciding when to outsource a service or part of it. <p>When undertaking PIAs we have been identifying where DPs are being used and checking that the legal requirements are met (ideally before the data processing commences!). The suspected prevalence of non-compliance when using DPs led to the Fraud and Data Manager commissioning the SWAP DP audit on this issue. Since the commissioning of this Audit, the position of the Homefinder Scheme Co-Ordinator has changed and she is now employed by Taunton Deane Borough Council on behalf of Homefinder Somerset and therefore there are no compliance issues now.</p> <ul style="list-style-type: none"> • Incidentally, all new SSDC employees receive data protection (DP) training as part of their induction and there has been a comprehensive round of staff awareness sessions on DP. Normally, we do not supply training to Data Processors (DPs) i.e. 3rd parties who are undertaking work on the Council's behalf such as contractors. • As part of our preparations for the General Data Protection Regulation (GDPR) a review of SSDC's use of DPs is lawful by checking that <ol style="list-style-type: none"> a) there is a contracts/agreement in place that covers the necessary DP conditions to make the processing lawful and that will be adequate to meet the GDPR requirements too; b) the DP has provided sufficient information on their arrangements for keeping personal data secure to meet these requirements (including data protection training for its staff); • Where DPs are used, the manager managing the contract should be checking that adequate training on DP has taken place as part of the other checks – see above – so as to ensure the use of the DP is lawful. • As another part of our GDPR preparations we are undertaken a full review of the Council's Information Asset Register (IAR) including identifying where services have appointed DPs. This review allows identification of any gaps in our compliance with the DPA and GDPR. • As part of this review, it has been identified that some DPs who are supporting the work of the Transformation Team may not meet these requirements. The Fraud and Data Team raised the potential risk of non-compliance of the Data Protection Act 1998 (DPA) at an early stage and has met, recently, with Caron Starkey, the Strategic Lead for Transformation, to discuss the potential gaps in compliance and provide guidance re what data processing conditions should be included in the contracts and what security questions need to be answered so any issues can be addressed promptly.. We are awaiting a progress update from Caron's so as to be satisfied that the matter has been addressed • In the past year we have reviewed SSDC's Volunteer Agreement and Policy so that, where volunteers are processing personal data on behalf of SSDC, the Agreement contains the appropriate and adequate data processing conditions. We have also

	<p>identified the key volunteers who process personal data and provided them with a training leaflet and face to face training in some cases.</p>
35703	<ul style="list-style-type: none"> It is noted that the Recommended Action does not appear to fit with the weakness found and the risk identified and it may be that this has been wrongly transposed. Comments on the 'weakness' found is given above and elsewhere. No comment is given in relation to the recommended action.
35704	<ul style="list-style-type: none"> The Fraud & Data Manager issued a reminder to CPT and the Directors in May 2018 of the need to carry out a PIA; of the necessity to have a written contract containing the mandatory data processing conditions; of the need to ensure that the DP has sufficient security measures in place commensurate with the sensitivity of the data being processed; and that all these steps need to be taken prior to the appointment of the DP or processing of any personal data. Copies of the draft data processing conditions and the security questions to ask potential Data Processors were made available of the Data Protection and Information Security page on Insite. CPT signposted to this information in the email sent in May 2017. Following the email and the introduction of PIAs, and the DP Audit we have noticed an increased awareness of the DP requirements and increased contact being made with the Fraud & Data Team for support, advice and guidance on services' use of DP however this still represents one of the Council's biggest DP risk areas.
35707	<ul style="list-style-type: none"> Where the Fraud & Data Team are involved in the drafting or negotiating of the contract - for data processing or other purposes - purposes, then the lead officer for the service is told that the original contract (plus a copy) needs to be signed and passed to the Legal Services team to formalise the contract and then store it in the Deed Room. We are not, however, usually involved in the contract procurement so cannot comment on whether the recommendation has been met but it is thought unlikely. As the Procurement and Risk Manager is no longer in post, the Fraud & Data Team will send a reminder email to CPT about the need to store contracts and data processing agreements in the Deed Room. If there is compliance with this request we should be able to monitor the number of contracts which are received and stored in the Deed Room as well as identifying the use of DPs .
35708	<p>As above (Ref 35704)</p>
35709	<ul style="list-style-type: none"> We are not aware whether there is a contract/agreement in place with the Deane Helpline Service or whether this has been put in place since the commission of the Audit. Although the Civil Contingencies Manager has been tasked with this action it is not clear if it has been accomplished (it is thought not) and, as she is no longer available, we are following up on this matter and offer our assistance in sorting out the data processing requirements of the contract/agreement. We have contacted the Deane Helpline Service and asked them to provide details of their security arrangements but as of yet we have had no response despite a chase.