



Serving Parish & Town
Councils in Kent

KALC GDPR INFORMATION NOTE

Don't forget! GDPR comes into effect on 25 May 2018

Guiding Principles for Processing Personal Data (Article 5, GDPR)

Personal data must be:

1. Processed lawfully, fairly and in a **transparent** manner in relation to the individual/data subject;
2. Collated for specified, **explicit** and legitimate purpose(s);
3. Adequate, relevant and limited to the purpose(s) for which they are processed;
4. Accurate and kept up to date; **inaccurate data shall be erased or rectified without delay**;
5. Kept for no longer than is necessary for the purpose(s) for which it was processed;
6. Secure, using appropriate technical or organisational measures.

The Kent Association of Local Councils has a long tradition of identifying potential partners and providers for the Local Councils of Kent. In recent years, the Association for example has compiled a list of *Independent Internal Auditors* for its members. The thinking behind this approach is that whilst KALC does not have the resources (and being aware of issues like liability); to become directly involved in providing such services, it believes it has a valuable role in identifying potential service providers.

Late in 2017, and at the behest of its members concerned about the advent of the GDPR, KALC began working with other County Associations and NALC to look at potential providers of packages that included: basic awareness training; information audits; and a long running support package to include a Data Protection Officer (DPO). The problem in this area remains that although there are now several providers they offer a range of packages and comparing these is difficult in terms of the actual services they offer and the cost.

KALC met with SATSWANA Ltd in October and November to ascertain if they would be interested in providing a bespoke package aimed at Local Councils that would offer a comprehensive service and structured around prices that reflected the size of the council in terms of electorate, activity levels and staff/resources. In addition to this, there was agreement that SATSWANA would provide three (now 4) extended

workshop sessions that would: 1) explain the background to information law for Local Councils; 2) frame the main issues with the advent of GDPR in May 2018; and 3) outline the potential packages that members could avail themselves of through SATSWANA. The thinking has remained the same that whilst SATSWANA offer the most developed package that we have seen so far (as at January 2018), members of course may need to obtain several quotes as required by their Standing Orders and are encouraged to look at all other DPO service providers, which might include: other private/commercial providers (such as The DPO Centre Ltd, Microshade VSM, GDPR-INFO), local arrangements, Principal Authorities, etc.

The KALC Executive Committee has confirmed that KALC should appoint an external DPO to help ensure that KALC is compliant with GDPR and we are appointing Satswana Ltd to undertake that role for the Association.

It is important to realise that SATSWANA are just one option and we will also be developing a list by the spring for our members which will set out the range of options and include providers known to us. This will follow the pattern with SATSWANA that whilst they are known to us we cannot as ever recommend them and any arrangement between a Local Council and them will be a private and commercial arrangement. It follows that KALC will have no legal responsibility or liability arising from that relationship. We advise members, as ever, to apply any legal process and expected due diligence including: seeking quotations; procurement requirements (if applicable); and oversight, including on-going monitoring and review.

As previously highlighted, NALC has externally commissioned a GDPR Guidance Note/Toolkit for member Councils offering practical Action Plans, checklists and other useful documents. This Guidance Note/Toolkit should be issued by NALC very shortly and will be circulated to all member councils. In the meantime, a copy of the Contents Section of the Toolkit is attached so that you can see what it will be covering.

All relevant resources, including the NALC Toolkit and Legal Briefings will be available in the members section of the KALC website under Information Law/Data Protection (www.kentalc.gov.uk)

Kent Association of Local Councils
6 February 2018