Web Accessibility & GDPR

Cllr John Rivers

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Update on GDPR

Stacey Egerton, Senior Policy Officer, Information Commissioner's Office (ICO) wrote on the 14 August 2019:

"The advent of the GDPR in May 2018 brought new data protection obligations for many organisations…………

Now, well into the second year of the GDPR, it's clear that organisations have woken up to the importance of getting privacy right and the new rights that the GDPR delivers………..

But the focus is shifting to a new phase from basic compliance with the law, towards accountability and a real evidenced understanding of the risks to individuals in the way they process data and how those risks can be mitigated.

Update on GDPR

What is the ICO looking at now?

- Emphasise that the ICO is now moving from the 'start-up' phase of GDPR towards **more accountability and evidence of a real understanding of what those data risks are for your Council, and how you might lessen them.**

- KALC would encourage you to consider your Data Protection Officer's reports in a Council meeting so that it is recorded in the minutes.

- How you might lessen those risks depend upon your Council's own circumstances, but your Data Protection Officer should have already advised you of this.

Update on GDPR

The ICO then give a link to 'Own Devices':

- Holding personal data on personal laptops or mobile phones and the use of non-council email addresses by councillors instead of the council system.

- Recommend you click on this link in order to download it: https://ico.org.uk/media/fororganisations/documents/2615578/parish-councils-own-device-fact-sheet.pdf

Update on GDPR

Here are the main points from that Fact Sheet:

- The General Data Protection Regulation (GDPR) and the Data Protection Act 2018 (DPA) don't say which email systems or devices should be used. **But if the use of personal email addresses and devices is something your council does, you should be aware of the risks and the council's data protection obligations and responsibilities.**

Update on GDPR

- Councils must ensure the confidentiality, integrity and availability of all personal data they hold, even if the data is being processed through personal email accounts or is stored on a privately-owned device.

- As a data controller, a council has obligations relating to the confidentiality, integrity and availability of all personal data it holds. This means that the council is accountable for any council business conducted involving personal data on any device or through any email account.

Update on GDPR

- If copies of data (such as email attachments) are stored on many different devices, there's an increased risk that it'll become out-of-date or inaccurate over time. There's also an increased risk that it'll be retained for longer than necessary, because it's difficult to keep track of copies.

- You may also find it difficult to respond on time to a subject access request if you have to search multiple devices or if you aren't aware of all the devices on which personal data may be stored.

Update on GDPR

- Councils must have 'appropriate technical and organisational measures' in place to prevent the personal data it holds being accidentally or deliberately compromised.

- This includes physical and organisational security measures and also cybersecurity.

- If data is shared around multiple devices this introduces more points of failure and vulnerability.

Update on GDPR

In essence, Councils must demonstrate that they are GDPR-compliant, and the use of personal email accounts and privately-owned devices may make this more complicated and will make it harder to satisfy the **ICO's current phase: accountability and evidence**.

Update on GDPR

KALC recommends that you download the Parish Councils Resource Pack in order to help you:

https://ico.org.uk/media/for-organisations/documents/2615588/parish-councils-resource-pack-201908.pdf

The factsheets will guide you through the various points that your Council should consider.

Update on GDPR

GDPR

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Local Councils Data Protection Toolkit	L05-17 GDPR Summary of Main Provisions
ICO Fact sheet for Councils: the use of personal email address and devices	L05-18 Data Protection Fees
Data Protection 2018 - Emails	L06-17 GDPR Application to Parish Meetings
Data Protection 2018 - Encryption	L08-17 Privacy Notices and the Legal Basis for Processing Personal Data
Data Protection 2018 - Storage in the Cloud	L09-17 General Data Processing Regulation and Subject Access Requests
GDPR Workshop Presentation	L10-17 Data Protection Officers

For more information, please go to our KALC website & look under the Members' Area.
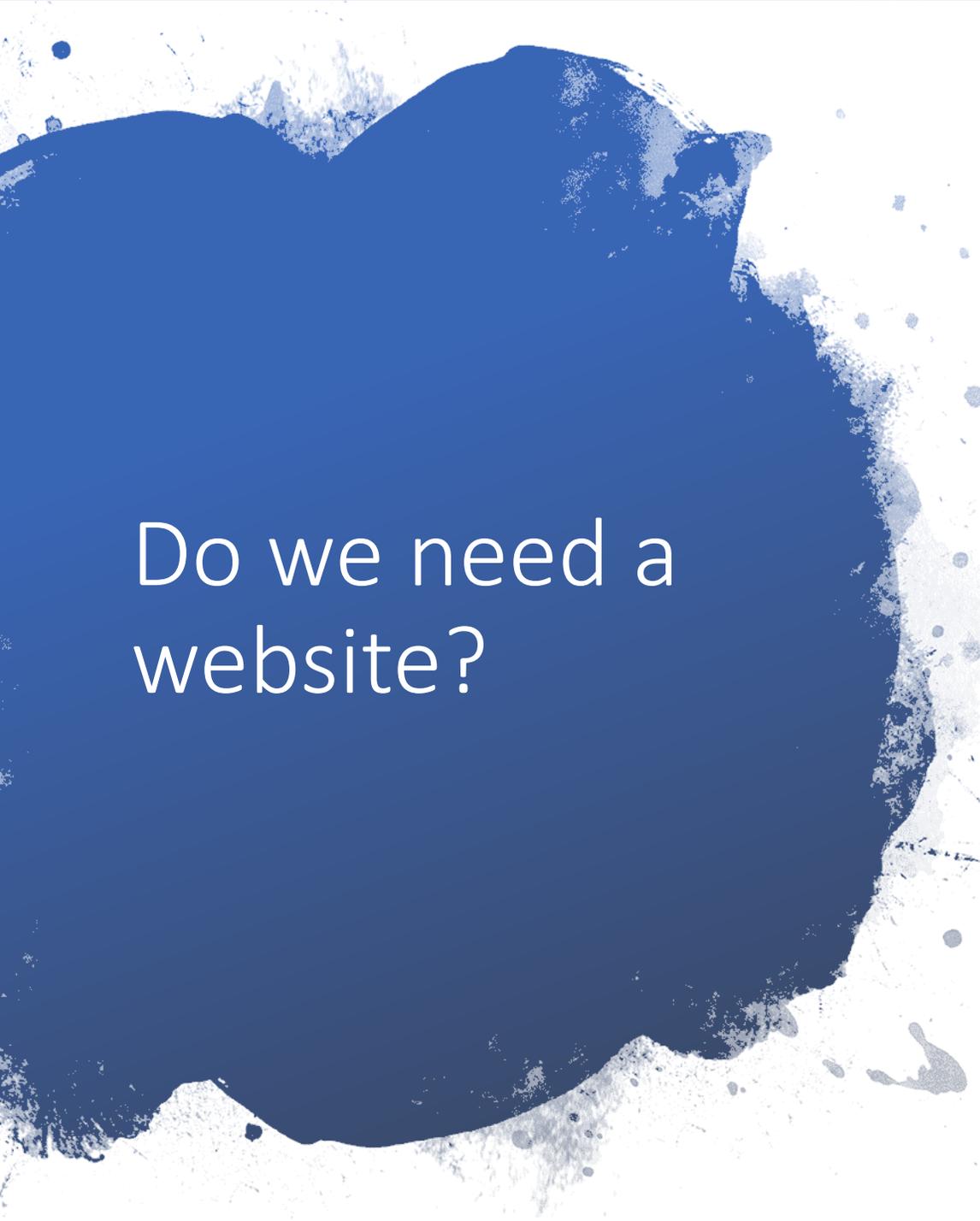
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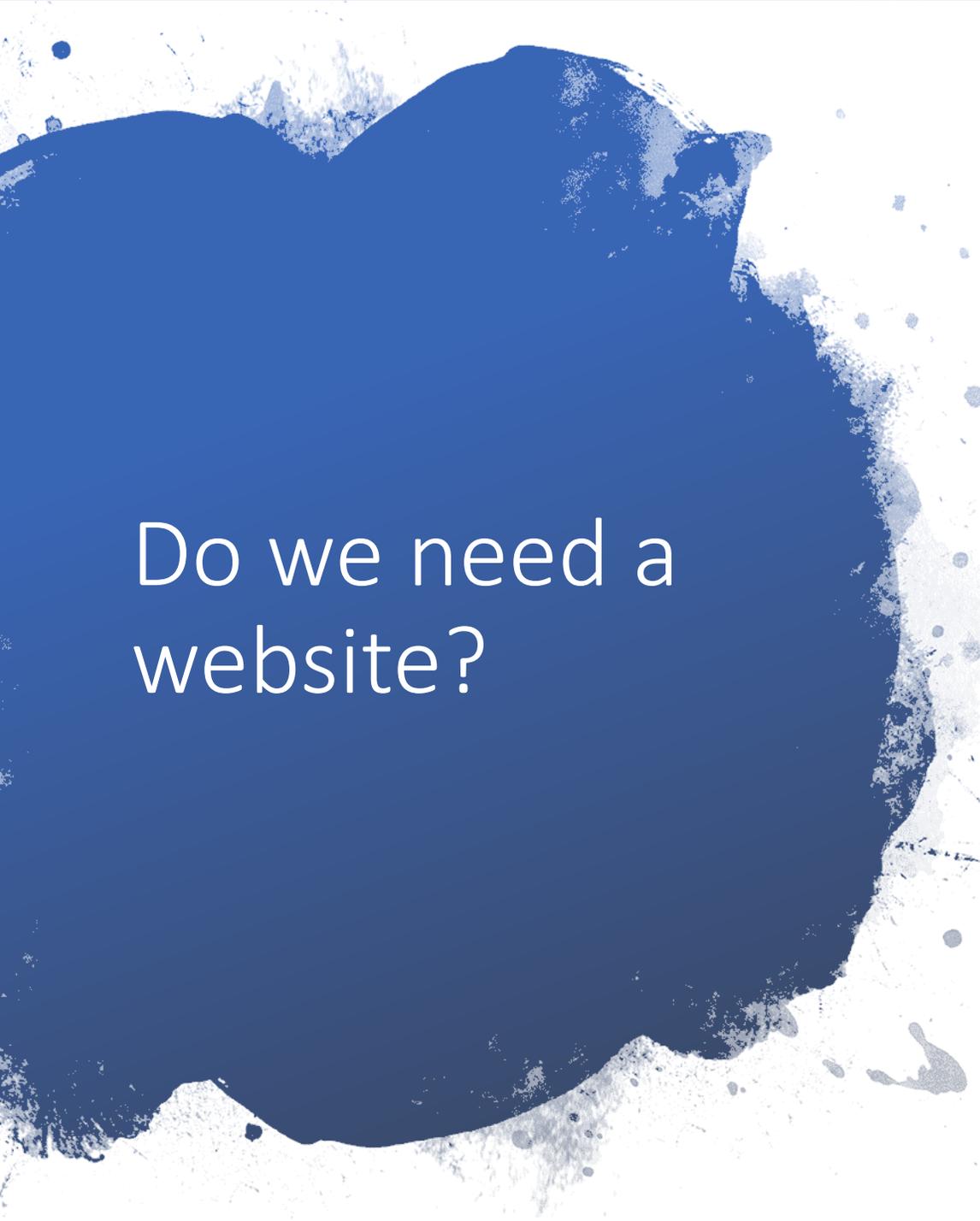
Do we need a website?

Transparency Code for smaller Authorities

- This code is issued to meet the government's desire to place more power into citizens' hands to increase democratic accountability.

- **It applies to parish councils with an annual turnover not exceeding £25,000**

- The code is mandatory from 1 April 2015 and requires the online publication of key spending and governance information on the occasions specified in the Code.

Do we need a website?

Smaller authorities should publish:

- All items of expenditure above £100 (see paragraphs 13 - 15)
- End of year accounts (see paragraphs 16 and 17)
- Annual governance statement (see paragraphs 18 and 19)
- Internal audit report (see paragraphs 20 – 22)
- List of councillor or member responsibilities (see paragraph 23)
- The details of public land and building assets (see paragraphs 24 - 27)
- Minutes, agendas and meeting papers of formal meetings (see paragraphs 29 and 30)

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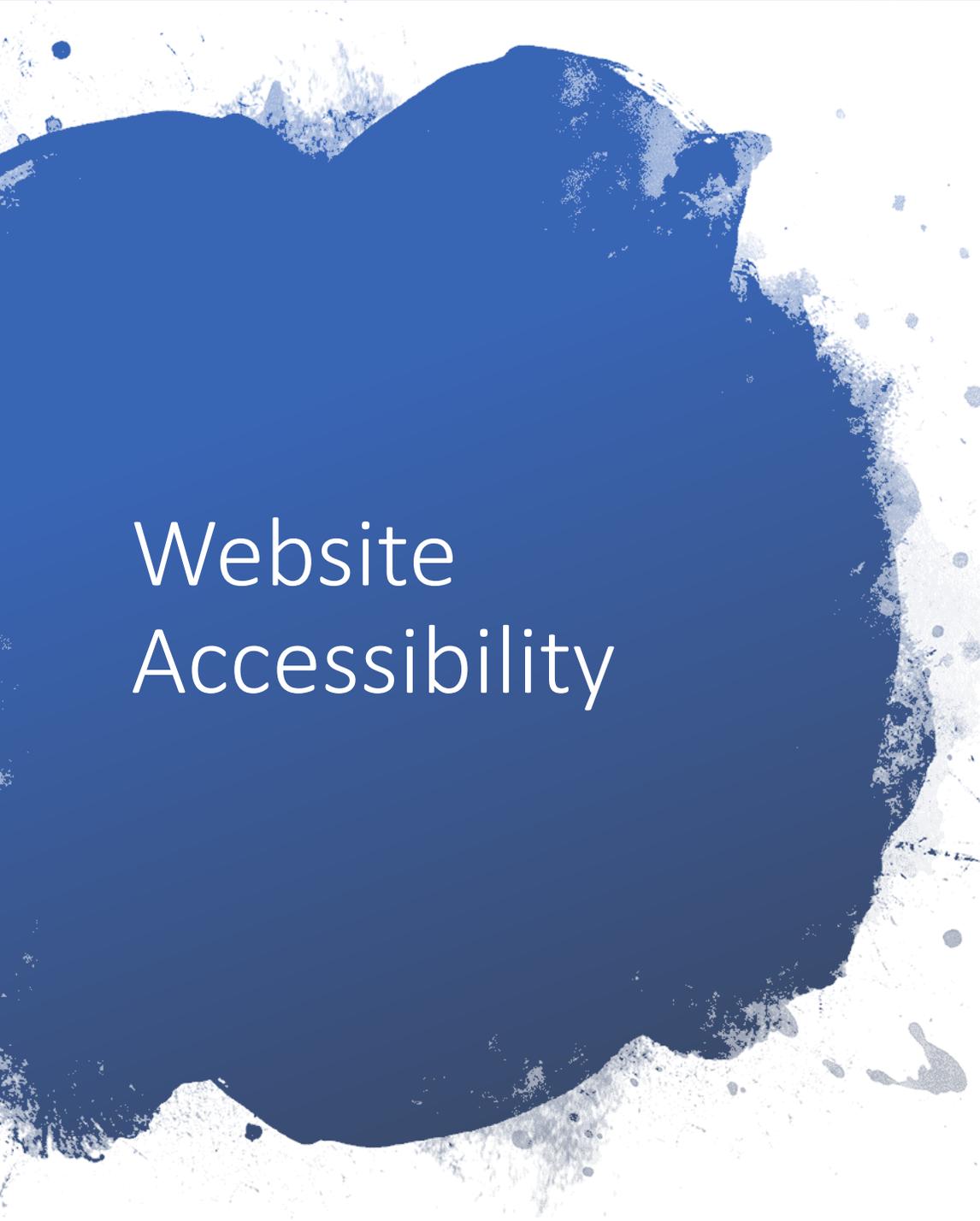
Website Accessibility

Background

- As you will be aware, changes in legislation last year meant that there is a need to ensure that Parish/Town Council websites meets **The Public Sector Bodies (Websites and Applications) Accessibility Regulations** and those of GDPR.

Website Accessibility

- Does your current website meet the Accessibility Regulations & GDPR requirements?

- Has this been tested by your provider? Have they used a manual as well as an automated system? (You need both)

Website Accessibility

- Problems? Transfer to another provider? The cost of completely rewriting the existing web page could be out of proportion to starting afresh: a clean beginning would likely enable a more suitable design and upgrade your site more effectively and quicker.

- Considering the budget for your website's maintenance, and annual fees, this month?

- Need to increase this?

- A new provider should transfer all your existing data onto your new website.

- Does a possible new provider have examples of websites to show you? Do they have history?

- Is the provider ' safe ': more likely to stay in business; look after your data in UK data centres; ensure all your data belongs to you; give you support when needed?

- Should contact the provider of your choice as soon as possible, after a decision has been made'.

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Next Steps

- Look at the ICO Parish Council Toolkit & discuss/agree at Full Council level.
- Data Protection Officer reports on your Full Council Agenda?
- Contact your web provider: does your site meet Web Accessibility?
- Are your Councillors still using 'non-Council' emails? Clerk?
- Consider Council tablets, netbooks or laptops?
- Decide if your Council needs a website overhaul or a new site?
- Action accordingly.
- **Website Deadline is September 2020.**

Questions