

ILLOGAN PARISH COUNCIL

Minutes of the Governance Review Committee held at The Council Office, Tolvaddon Energy Park on Wednesday 14<sup>th</sup> March 2018 at 7pm.

PRESENT: Councillors Mrs Thompson (Chairman), Ford (Vice Chairman), Crabtree and Pavey

ALSO PRESENT: Ms S Willsher, Clerk

The Chairman explained the safety procedures.

**GR18/03/1 TO RECEIVE APOLOGIES FOR ABSENCE**

There were no apologies received; all members were present.

**GR18/03/2 MEMBERS TO DECLARE DISCLOSABLE PECUNIARY INTERESTS AND NON-REGISTERABLE INTERESTS (INCLUDING THE DETAILS THEREOF) IN RESPECT OF ANY ITEMS ON THE AGENDA AND ANY GIFTS OR HOSPITALITY OVER £25**

There were no interests declared.

**GR18/03/3 TO CONSIDER APPLICATIONS FROM MEMBERS FOR DISPENSATIONS**

There were no applications from members for dispensations.

**GR18/03/4 PUBLIC PARTICIPATION**

There were no comments from the public.

**GR18/03/5 TO RECEIVE AND APPROVE THE MINUTES OF THE MEETINGS OF THE GOVERNANCE REVIEW COMMITTEE HELD ON THE 24<sup>TH</sup> JANUARY 2018 AND THE CHAIRMAN TO SIGN THEM**

It was proposed by Cllr Crabtree, seconded by Cllr Mrs Thompson and

**GR18/03/5.2 RESOLVED: that the minutes of the meeting of the Governance Review Committee held on the 24<sup>th</sup> January 2018 are received and approved and signed by the Chairman.**

On a vote being taken on the matter there were 3 votes FOR and 0 votes AGAINST.

**GR18/03/6**

**MATTERS ARISING FROM THE MINUTES AND A REPORT ON PROGRESS OF ACTIONS, FOR INFORMATION ONLY**

**Page 104 – Minute GR18/01/5.2** – the typo's in the minutes had been corrected.

**Page 105 – Minute GR18/01/7.2** – the Clerk had added a page to the 'About Us; tab on the website named 'Budget and Precept' and had uploaded the budget and precept breakdowns for 2016-2017, 2017-2018 and 2018-2019.

The amendments to the criteria for the Local Council Award Scheme had all been made.

The Clerk had also drafted the Disclaimer and Process for publishing draft minutes online, this was waiting to be received and approved at a future meeting of the Governance Review Committee.

**Pages 106, 107, 108 and 109 – Minute GR18/01/8.2** – The Clerk had completed the booking form for the CALC GDPR training. Unfortunately, it was only the Clerk who could get a space, CALC had prioritised spaces for officers due to the extremely high demand for the training; Cllrs Crabtree and Ford had been put onto a cancellation list. The training was scheduled to be held on the 2<sup>nd</sup> March, however, this had to be postponed due to the snow and would now be held on Thursday 3<sup>rd</sup> May 2018.

The information to highlight to Full Council was on the action list and would be included in the wider report regarding the GDPR which would be presented to the Full Council.

The Clerk and Cllr Mrs Ferrett had telephoned the Parish Council Support Line and had asked for advice on backups. A report had been compiled which the Clerk and Cllr Mrs Ferrett agreed and it had been circulated to members.

The Clerk had compiled the draft risk register and circulated it to members.

The Clerk had completed an audit of personal data, she had compiled a report and circulated it to members.

The Clerk had drafted a Privacy Notice. The Clerk reported that since drafting the Privacy Notice and circulating the agenda for this meeting, NALC had released a GDPR toolkit and templates, where it suggested that the Council should have two privacy notices, one for the general public and one for officers, councillors and others involved in the Council.

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All of the agenda items requested had been included for this meeting and the additional information had been circulated.

The Clerk had compiled and circulated a report identifying areas and activities which could cause compliance problems under the GDPR.

The Clerk had produced and circulated a report on the work completed on the GDPR since the last meeting.

The Clerk was continually monitoring updates on the GDPR.

**Page 109 – Minute GR18/01/9.2** – The Clerk had contacted the Chief Paramedic for the South West Ambulance Trust, they were going to ask their colleague who dealt with defibrillators to make contact; although no contact had been made to date, the Clerk had the item on the action list to follow up. Cllr Ford said that he would ask a colleague in London who dealt with defibrillators for any advice they had.

**Page 110 – Minute GR18/01/11.2** – The Health and Safety Policy had been amended and the amended document had been uploaded to the Council's website.

**Page 110 – Minute GR18/01/12.2** – The Tree Safety Policy had been amended and the amended document had been uploaded to the Council's website.

**Page 111 – Minute GR18/01/13.2** – The Electrical Equipment and Plant Policy had been amended and the amended document had been uploaded to the Council's website.

**Page 112 – Minute GR18/01/14.2** – The Work Equipment Policy had been amended and the amended document had been uploaded to the Council's website.

**Page 113 – Minute GR18/01/15.2** – The Risk Assessment Policy/Arrangements had been updated and uploaded to the Council's website.

**Page 113 – Minute GR18/01/16.2** – The Display Screen Equipment Policy had been amended and the amended document had been uploaded to the Council's website.

**Page 113 – Minute GR18/01/17.2** – The Fire and Emergency Procedures Policy had been amended and the amended document had been uploaded to the Council's website.

**Page 114 – Minute GR18/01/18.2** – The First Aid Policy had been updated and uploaded to the Council’s website.

**Page 114 – Minute GR18/01/19.2** – The Control of Substances Hazardous to (COSHH) Policy had been amended and the amended document had been uploaded to the Council’s website.

**Page 115 – Minute GR18/01/20.2** – The Management of Contractors Policy had been amended and the amended document had been uploaded to the Council’s website. As the Council had live tenders, the Clerk waited until after the closing date for the tenders to make the changes to the document.

**Page 116 – Minute GR18/01/21.2** – The Employee Consultation Policy had been updated and uploaded to the Council’s website.

**Page 116 – Minute GR18/01/22.2** – The Lone Working Policy had been amended and the amended document had been uploaded to the Council’s website.

**Page 117 – Minute GR18/01/23.2** – The Work-Related Stress Policy had been updated and uploaded to the Council’s website.

**Page 117 – Minute GR18/01/24.2** – The Reporting of Accidents and Incidents (RIDDOR) Policy had been amended and the amended document had been uploaded to the Council’s website.

**GR18/03/7**

**TO RECEIVE INFORMATION ON THE GENERAL DATA PROTECTIONS REGULATION WHICH WILL APPLY FROM THE 25<sup>TH</sup> MAY 2018, CONSIDER THE IMPLICATIONS FOR THE COUNCIL AND AGREE ANY FUTURE ACTIONS AND ANY ASSOCIATED EXPENDITURE**

Members noted the ICO newsletter and the following report on work completed since the last meeting; the information had been circulated to members:

<b>Work Completed</b>	<b>Minute Number</b>	<b>References Used</b>
Clerk booked onto and attended the CALC GDPR training 02.03.18 – DC & GF on reserves list	GR18/01/8.2	
Risk register – covered in the Council’s existing General Risk Assessment	GR18/01/8.2	Read information on the ICO website
Audit of what personal data is held by the Council	GR18/01/8.2	Read information on the ICO website. Looked

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		through all Council files, filing cabinets and emails.
Printed advice notes to assist members with identifying the lawful basis for processing data		The following documents from ICO website: <ul style="list-style-type: none"> <li>• Lawful basis for processing</li> <li>• Consent</li> <li>• Contract</li> <li>• Legal obligation</li> <li>• Vital interests</li> <li>• Public task</li> <li>• Legitimate interest</li> <li>• Special category data</li> <li>• Criminal offence data</li> </ul>
Drafted Privacy Notices	GR18/01/8.2	Printed the Council's Privacy Policy from the website.  ICO – Privacy Notices, transparency and Control – A code of practice on communicating privacy information to individuals.  Cornwall Council, Falmouth Town Council and Bodmin Town Council Privacy Notices
Found advice found on the GDPR in relation to children	GR18/01/8.2	ICO Consultation: Children and the GDPR guidance  Sensitive data and lawful processing children
Found further advice on how to detect, report and investigate personal data breaches	GR18/01/8.2	ICO Personal data breaches
Found further information on Privacy Impact Assessments	GR18/01/8.2	ICO Conducting privacy impact assessments code of practice
Compiled a report identifying areas and	GR18/01/8.2	Read information on the ICO website

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activities which could cause GDPR compliance problems		Thought about and went through Council areas and activities.
Completed the ICO Self-Assessment	GR18/01/8.2	Completed online on the ICO website – Results printed along with guidance notes
Found information on Contracts		ICO GDPR guidance: Contracts and liabilities between controllers and processors
The Clerk and Cllr Mrs Ferrett telephoned the GDPR Parish Council Support Line to ask about back-ups, whether the Council can use cloud back-up and what security measure would need to be in place	GR18/01/8.2	The Clerk has produced a report on the telephone conversation which has been agreed by Cllr Ferrett. All the advice and guidance the advisor directed the Clerk to has been printed and circulated with the report. The Clerk has read each piece guidance/advice note and has produced a written report on her thoughts.

**GR18/03/8 TO RECEIVE A REPORT FROM THE CLERK ON THE ADVICE RECEIVED FROM THE GDPR PARISH COUNCIL SUPPORT LINE AND AGREE ANY FUTURE ACTIONS**

It was proposed by Cllr Mrs Thompson, seconded by Cllr Pavey and

**GR18/03/8.2 RESOLVED: to invite Mr Pascoe from iCT4 Limited to attend a meeting to discuss cloud backup and other backup options; that the Clerk would send Mr Pascoe a copy of the information circulated by the Clerk for this item; that the Clerk would advise Mr Pascoe when inviting him that members would like to discuss how the Council’s cloud backup works; what sort of cloud service it is i.e. private, community, public or hybrid; procedures iCT4 have in place; where the servers are located for the Council’s cloud backup; discuss a contract in relation to the GDPR; and general background information on the Council’s IT setup.**

On a vote being taken the matter was approved unanimously.

**GR18/03/9 TO REVIEW THE GENERAL RISK ASSESSMENT, CONSIDER WHETHER THE GENERAL RISK ASSESSMENT SUITABLY IDENTIFIES AREAS THAT COULD CAUSE COMPLIANCE PROBLEMS UNDER THE GDPR, AGREE THAT THE GENERAL RISK ASSESSMENT IS THE SAME AS THE DOCUMENT THE ICO CALL THE RISK REGISTER AND AGREE ANY FUTURE ACTIONS**

It was proposed by Cllr Ford, seconded by Cllr Mrs Thompson and

- GR18/03/9.2 RESOLVED:** that the General Risk Assessment is the same as the document the ICO call the risk register and that the following amendments are made in relation to the GDPR and that the other items will be referred to at a future meeting:
- **Page 1 – the two items in relation to the Clerk being unable to complete their duties – Additional Controls Required – amend to read ‘Clerk to compile a ‘how do’ list and a ‘daily tasks’ list and ‘where to seek advice’ to assist replacements to include any actions etc in relation to the GDPR.’**
  - **Page 3 – Loss of Parish Council Records – Measures Taken – Amend to read ‘Computer backup procedures are in place – a full backup is completed daily to an external hard-drive which remains in the office, there is also daily backup to the cloud. ...’**
  - **Page 6 – Breach of Confidentiality – Measures Taken – Amend the first paragraph to read ‘The Parish Council is registered under the Data Protection Act and is implementing all requirements under the GDPR.’**
  - **Page 9 – Potential failure of computer systems ... - Measures Taken – Amend the first paragraph to read ‘The Council has an IT support contract.’ – Amend second paragraph to read ‘The support provider maintains ...’**
  - **Page 10 - Potential failure of computer systems ... - Measures Taken – Amend first paragraph to read ‘The Council has internet security ...’ – second paragraph would be amended once the meeting had been held with Mr Pascoe from iCT4.**

On a vote being taken the matter was approved unanimously.

**GR18/03/10 TO RECEIVE AND APPROVE THE AUDIT OF PERSONAL DATA HELD BY THE COUNCIL, WHERE IT CAME FROM AND WHO IT IS SHARED WITH AND AGREE ANY FUTURE ACTIONS**

It was proposed by Cllr Mrs Thompson, seconded by Cllr Ford and

**GR18/03/10.2 RESOLVED:** that the data audit is received and that the following amendments are made:

- **Employees details – How long is it held? and Future actions– amend to read ‘8 years’**
- **Unsuccessful applicants for vacancies – How long is it held? – amend to read ‘6 months’**
- **Previous employee’s details – How long is it held? – amend to read ‘8 years’**
- **Contractors current and previous – How long is it held? – amend to read ‘12 years’**
- **Contractors potential and successful – How long is it held? – amend to read ‘2 years’**
- **Suppliers – How long is it held? – amend to read ‘8 years’**
- **Members of the public – How long is it held? – amend to read ‘6 months’**
- **Planning applications – How long is it held? – amend to read ‘6 months’**

On a vote being taken the matter was approved unanimously.

**GR18/03/11 TO IDENTIFY THE LAWFUL BASIS FOR THE COUNCIL’S DATA PROCESSING ACTIVITIES, FOR RETAINING PERSONAL DATA, AGREE HOW TO DOCUMENT IT AND AGREE ANY FUTURE ACTIONS**

It was proposed by Cllr Ford, seconded by Cllr Mrs Thompson and

**GR18/03/11.2 RESOLVED:** that the following processing activities are completed using the described lawful basis below:

<b>Data</b>	<b>Lawful Basis</b>
<b>Employee details</b>	<b>Legal obligation</b>
<b>Unsuccessful applicant for vacancies</b>	<b>Legal obligation</b>
<b>Previous employee details</b>	<b>Legal obligation</b>



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<b>Councillors</b>	<b>Public task</b>
<b>Contactors – current and previous</b>	<b>Contract</b>
<b>Contractors – potential and unsuccessful</b>	<b>Contract</b>
<b>Suppliers</b>	<b>Contract</b>
<b>Members of the public</b>	<b>Public task</b>
<b>Planning applications</b>	<b>Public task</b>
<b>Cornwall Council, CALC, SLCC, South West Council and various outside bodies</b>	<b>Public task</b>

On a vote being taken the matter was approved unanimously.

**GR18/03/12 TO RECEIVE AND APPROVE THE DRAFT PRIVACY NOTICES AND AGREE ANY FUTURE ACTIONS**

The Clerk reported that since the agenda and background papers had been circulated, NALC had released a GDPR Toolkit. In the toolkit there are sample documents and that there should be two policies one for members of the public and one for officer, Cllrs and others connected to the Council.

It was agreed to defer this item until the NALC toolkit had been circulated.

**GR18/03/13 TO REVIEW THE COUNCIL’S PROCEDURES TO ENSURE THAT THEY COVER THE RIGHTS INDIVIDUALS HAVE, INCLUDING HOW THE COUNCIL WOULD DELETE PERSONAL DATA OR PROVIDE DATA ELECTRONICALLY AND IN A COMMONLY USED FORMAT AND AGREE ANY FUTURE ACTIONS**

It was agreed that this item will be deferred until the Committee had received clarification on the cloud backup.

**GR18/03/14 TO CONSIDER HOW THE COUNCIL WILL REACT TO REQUESTS TO DELETE DATA, CONSIDER SYSTEMS TO HELP LOCATE AND DELETE DATA, AGREE WHO WILL MAKE DECISIONS ABOUT DELETING DATA AND AGREE ANY FUTURE ACTIONS**

It was agreed that this item would be deferred for further information.

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**GR18/03/15 TO REVIEW HOW CONSENT IS SOUGHT, RECORDED AND MANAGED, CONSIDER COMPLETING THE ICO CHECKLIST AND AGREE ANY FUTURE ACTIONS**

It was proposed by Cllr Pavey, seconded by Cllr Crabtree and

**GR18/03/15.2 RESOLVED: that in the main consent is not appropriate for this Council and if consent was ever required as the lawful basis for processing data the Council would draft and implement the appropriate procedures before any data is processed.**

On a vote being taken the matter was approved unanimously.

**GR18/03/16 TO CONSIDER COMPLETING THE ICO SELF-ASSESSMENT AND AGREE ANY FUTURE ACTIONS**

It was proposed by Cllr Pavey, seconded by Cllr Mrs Thompson and

**GR18/03/16.2 RESOLVED: that the ICO Self-Assessment would be completed at a later date when sufficient work had been completed.**

On a vote being taken the matter was approved unanimously.

**GR18/03/17 TO RECEIVE ADDITIONAL INFORMATION REGARDING THE GENERAL DATA PROTECTION REGULATION REGARDING CHILDREN AND AGREE ANY FUTURE ACTIONS**

It was noted that currently the Council only processed data about children in relation to the Christmas Card Competition which was run through Illogan Primary School. The Council were only given the children's name and year groups and only retained their Christian name in minutes. Members felt that the onus in relation to the GDPR would be on the School, it was agreed that the Clerk would contact Illogan Primary School and ask them to confirm their understanding in writing.

Illogan Youth Football Team played on the Council's facilities at Illogan Park, however the Council did not have any information on the children. It was the same with the Cubs etc. completing litter picks etc.; no children's details were provided or processed.

**GR18/03/18 TO RECEIVE ADDITIONAL INFORMATION ON CONDUCTING PRIVACY IMPACT ASSESSMENTS AND AGREE ANY FUTURE ACTIONS**

It was agreed to defer this item for further information.

**GR18/03/19 TO RECEIVE A REPORT FROM THE CLERK ON AREAS AND ACTIVITIES WHICH COULD CAUSE GDPR COMPLIANCE PROBLEMS AND AGREE ANY FUTURE ACTIONS**

The report from the Clerk on areas and activities which could cause GDPR compliance problems was noted and that each item would be looked into in further detail at future meetings.

**GR18/03/20 TO RECEIVE ADDITIONAL INFORMATION ON HOW TO DETECT, REPORT AND INVESTIGATE A PERSONAL DATA BREACH, AGREE HOW TO OBTAIN ALL OF THE INFORMATION NECESSARY TO DRAFT AN APPROPRIATE POLICY, AGREE ANY FUTURE ACTIONS AND ANY ASSOCIATED EXPENDITURE**

It was proposed by Cllr Ford, seconded by Cllr Pavey and

**GR18/03/20.2 RESOLVED: that Mr Pascoe would be asked for advice on how the Council would know if there was a personal data breach in relation to the Council's IT system. The Clerk would check whether cookies are used, by who and what for. The Clerk would also ask questions about how the Council could identify data breaches during the CALC GDPR Training.**

On a vote being taken the matter was approved unanimously.

**GR18/03/21 DATE AND TIME OF NEXT MEETING**

The next meeting would be held on Wednesday 28<sup>th</sup> March 2018, 7pm in the Council Office. It was agreed that the future meetings would focus primarily on the GDPR and that other policies would follow on once the GDPR work has been completed.

There being no further business the Chairman closed the meeting at 8.23pm.

Signed: ..... Chairman

Date: .....

**List of General Data Protection Regulation Documents Circulated to Members with the Agenda for this Meeting**

- Latest news from the ICO (01.02.18)
- ICO Guidance on the use of cloud computing
- ICO Contracts
- ICO GDPR guidance: Contracts and liabilities between controllers and processors
- ICO Lawful basis for processing
- ICO Consent
- ICO Contract
- ICO Legal obligation
- ICO Vital interests
- ICO Public task
- ICO What is RPSI?
- ICO Legitimate interests
- ICO Special category data
- ICO Criminal offence data
- ICO Privacy notices transparency and control – A code of practice on communicating privacy information to individuals
- ICO Individual rights
- ICO Right to be informed
- ICO Right of access
- ICO Right to rectification
- ICO Right to erasure
- ICO Right to restrict processing
- ICO Right to data portability
- ICO Right to object
- ICO Rights related to automated decision making including profiling
- ICO Self-Assessment
- ICO children
- National Archives disposing of records
- National Archives information security
- ICO Data protection by design and default
- ICO Data protection impact assessments
- ICO Personal data breaches
- National Archives Step 2: Find out what information you have
- National Archives Identifying information assets and business requirements
- Information asset register template
- Degree of change – children
- ICO Consultation: Children and the GDPR guidance
- ICO Conducting privacy impact assessments code of practice