



## AUDIT & GOVERNANCE COMMITTEE

Monday, 13 March 2023

|                           |  |
|---------------------------|--|
| <b>Subject</b>            | Annual Data Protection Plan 2023/2024  |
| <b>Report by</b>          | Councillor Maurice Cook, Cabinet Member with responsibility for Resources<br>Councillor Edward Back, Assistant Cabinet Member for Resources          |
| <b>Supporting Officer</b> | Siobhan Martin<br>Head of Internal Audit<br><a href="mailto:siobhan.martin@eastsoffolk.gov.uk">siobhan.martin@eastsoffolk.gov.uk</a><br>01394 444254 |

|                               |      |
|-------------------------------|------|
| Is the report Open or Exempt? | OPEN |
|-------------------------------|------|

|   |                 |
|---|-----------------|
| Category of Exempt Information and reason why it is <b>NOT</b> in the public interest to disclose the exempt information. | Not applicable. |
| <b>Wards Affected:</b>  | All Wards       |

## Purpose and high-level overview

### **Purpose of Report:**

To review and approve the annual data protection plan.

This report presents Members with an overview of the planned work to be undertaken from April 2023 to March 2024 by Data Protection services. The data protection services plan is based on annual core activities and project/initiatives identified as part of the 2022/23 ICO self-assessment.

The data protection services plan is carried out in line with and adhering to the legal obligations under both the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018. The plan is fundamental to support the Council's foundations of corporate governance, risk, and control.

This report has been prepared in accordance with the Audit and Governance Committee's terms of reference to: *Review the effectiveness of the system for monitoring compliance with laws and regulations and the results of management's investigation and follow-up of any instances of non-compliance.*

### **Options:**

There are no options to be considered in relation to this report.

### **Recommendation:**

That having reviewed and commented upon the Annual Data Protection Plan 2023/24, the Audit and Governance Committee notes its contents.

## Corporate Impact Assessment

### **Governance:**

This report is being presented to the Audit & Governance Committee to inform Members of corporate governance arrangements specifically data protection, and in accordance with the Committee's terms of reference.

### **ESC policies and strategies that directly apply to the proposal:**

The entire annual Data Protection Plan and its outcomes are essential to supporting and improving the governance environment, which proactively contributes to delivering the East Suffolk Strategic Plan.

### **Environmental:**

There are no environmental implications.

### **Equalities and Diversity:**

There are no equalities and diversity implications.

### **Financial:**

The annual Data Protection plan directly links to the Council's framework of corporate governance, which encompasses the East Suffolk Strategic Plan and activities that support the Maintaining Financial Sustainability Theme, where applicable.

**Human Resources:**

The annual Data Protection plan directly links to the Council's framework of corporate governance, which encompasses the East Suffolk Strategic Plan and activities that support Officers training and to support Human Resources with disciplinary's should the need arise relating to data protection.

**ICT:**

The annual Data Protection plan directly links to the Council's framework of corporate governance, which encompasses the East Suffolk Strategic Plan and activities that support the Council's technical controls over applications, information, infrastructure, and people, where applicable.

**Legal:**

The UK GDPR and the Data Protection Act 2018 are legal frameworks which all organisations nationally must adhere to. The annual Data Protection plan evidences how the Council is meeting and adhering to its legal obligations under both pieces of legislation.

Data Protection actions completed in line with the above legislations are fundamental to support the Council's foundations of corporate governance, risk, and control.

The Head of Internal Audit is the Council's Data Protection Officer and Senior Information Risk Officer. The annual Data Protection Plan is an essential component for the Council's compliance with the Data Protection Act 2018 and UK GDPR.

**Risk:**

Non-compliance with UK GDPR and the Data Protection Act 2018 could result in damage to citizens privacy, potential damage to the Council's reputation and possible fines by the Information Commissioner's Office (ICO).

**External Consultees:**

No external parties were consulted in the preparation of this report.

## Strategic Plan Priorities

| Select the priorities of the <a href="#">Strategic Plan</a> which are supported by this proposal:<br><i>(Select only one primary and as many secondary as appropriate)</i>   |  | Primary priority                    | Secondary priorities                |
|--|--|-------------------------------------|-------------------------------------|
| <b>T01</b>   | <b>Growing our Economy</b>                                   |                                     |                                     |
| P01  | Build the right environment for East Suffolk                 | <input type="checkbox"/>            | <input type="checkbox"/>            |
| P02  | Attract and stimulate inward investment                      | <input type="checkbox"/>            | <input type="checkbox"/>            |
| P03  | Maximise and grow the unique selling points of East Suffolk  | <input type="checkbox"/>            | <input type="checkbox"/>            |
| P04  | Business partnerships  | <input type="checkbox"/>            | <input type="checkbox"/>            |
| P05  | Support and deliver infrastructure                           | <input type="checkbox"/>            | <input type="checkbox"/>            |
| <b>T02</b>   | <b>Enabling our Communities</b>                              |                                     |                                     |
| P06  | Community Partnerships                                       | <input type="checkbox"/>            | <input type="checkbox"/>            |
| P07  | Taking positive action on what matters most                  | <input type="checkbox"/>            | <input type="checkbox"/>            |
| P08  | Maximising health, well-being and safety in our District     | <input type="checkbox"/>            | <input type="checkbox"/>            |
| P09  | Community Pride  | <input type="checkbox"/>            | <input type="checkbox"/>            |
| <b>T03</b>   | <b>Maintaining Financial Sustainability</b>                  |                                     |                                     |
| P10  | Organisational design and streamlining services              | <input type="checkbox"/>            | <input type="checkbox"/>            |
| P11  | Making best use of and investing in our assets               | <input type="checkbox"/>            | <input type="checkbox"/>            |
| P12  | Being commercially astute                                    | <input type="checkbox"/>            | <input type="checkbox"/>            |
| P13  | Optimising our financial investments and grant opportunities | <input type="checkbox"/>            | <input type="checkbox"/>            |
| P14  | Review service delivery with partners                        | <input type="checkbox"/>            | <input type="checkbox"/>            |
| <b>T04</b>   | <b>Delivering Digital Transformation</b>                     |                                     |                                     |
| P15  | Digital by default   | <input type="checkbox"/>            | <input type="checkbox"/>            |
| P16  | Lean and efficient streamlined services                      | <input type="checkbox"/>            | <input type="checkbox"/>            |
| P17  | Effective use of data  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| P18  | Skills and training  | <input type="checkbox"/>            | <input type="checkbox"/>            |
| P19  | District-wide digital infrastructure                         | <input type="checkbox"/>            | <input type="checkbox"/>            |
| <b>T05</b>   | <b>Caring for our Environment</b>                            |                                     |                                     |
| P20  | Lead by example  | <input type="checkbox"/>            | <input type="checkbox"/>            |
| P21  | Minimise waste, reuse materials, increase recycling          | <input type="checkbox"/>            | <input type="checkbox"/>            |
| P22  | Renewable energy   | <input type="checkbox"/>            | <input type="checkbox"/>            |
| P23  | Protection, education and influence                          | <input type="checkbox"/>            | <input type="checkbox"/>            |
| <b>XXX</b>   | <b>Governance</b>  |                                     |                                     |
| XXX  | How ESC governs itself as an authority                       | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| <b>How does this proposal support the priorities selected?</b>   |  |                                     |                                     |
| <p>The annual Data Protection plan is an overview of the Council's data protection activities over the financial year. The core responsibility on the Data Protection team is to help the organisation adhere to its legal obligations under UK GDPR and Data Protection Act 2018 by bringing a systematic, disciplined approach to improve the effectiveness of data protection arrangements within the Council.</p> <p>The priority data protection links to most strongly is therefore governance, although the scope of governance and therefore data protection can extend to all Council activities and all activities that support the delivery of the East Suffolk Strategic Plan.</p> |  |                                     |                                     |

## Background and Justification for Recommendation

| 1 Background facts |  |
|--------------------|--|
| 1.1                | <p>The Data Protection team forms part of the wider Internal Audit team but remains independent in its reviewing, advice, and reporting and therefore this is separate plan to the Internal Audit Plan.</p> <p>The Data Protection team is responsible for supporting the Council arrangements for data protection, providing advice and guidance in adhering to and complying with the Data Protection Act 2018 and UK GDPR.</p> <p>The Head of Internal Audit has the strategic responsibility of Data Protection Officer. The Data Protection team support this role to ensure the Council's compliance with data protection legislation.</p> |

| 2 Current position |   |
|--------------------|---|
| 2.1                | The annual Data Protection Plan is to be considered by the Committee at its March meeting and details the work that will provide confidence to the Council in terms of ensuring that the Council is compliant with data protection legislation, and to minimise the risk of significant fines for non-compliance. |
| 2.3                | The staff resource allocation available are detailed within Appendix A  |

| 3 How to address current situation |  |
|------------------------------------|--|
| 3.1                                | An annual Data Protection Plan is required in order for the Head of Internal Audit/Data Protection officer to provide confidence to the Council by ensuring that the Council is compliant with data protection legislation in the year to 31 March 2024. |
| 3.2                                | The Data Protection Plan for 2023/24 will continue to identify weaknesses and/or non-compliance with UK GDPR and the Data Protection Act 2018, and to bring these to the attention of management.  |

| 4 Reason for recommendation |  |
|-----------------------------|--|
| 4.1                         | To ensure the Committee fulfils its terms of reference and supports the data protection process. |

## Appendices

| Appendices: |                                     |
|-------------|-------------------------------------|
| Appendix A  | Annual Data Protection Plan 2023/24 |

| Background reference papers: |         |                |
|------------------------------|---------|----------------|
| Date                         | Type    | Available From |
| 2018                         | UK GDPR | ICO            |

|      |                             |                        |
|------|-----------------------------|------------------------|
| 2018 | Data Protection Act 2018    | HM Government          |
| 2020 | East Suffolk Strategic Plan | Head of Internal Audit |
| 2023 | ESC Risk Register           | Head of Internal Audit |