

FLINTSHIRE COUNTY COUNCIL

REPORT TO: DEMOCRATIC SERVICES COMMITTEE

DATE: 30 JANUARY 2013

REPORT BY: DEMOCRACY & GOVERNANCE MANAGER

SUBJECT: MEMBER DATA PROTECTION NOTIFICATIONS

1.00 PURPOSE OF REPORT

1.01 For the committee to consider a change in the Council's practice concerning the cost of individual Member notifications to the Information Commissioner's office (ICO).

2.00 BACKGROUND

2.01 The ICO is responsible for both providing advice on the Data Protection Act and also taking enforcement action for breach of the Act.

2.02 Organisations or individuals that process personal information covered by the Data Protection Act may need to notify the ICO about their processing on an annual basis. Where notification is required there is a fee payable to the ICO.

2.03 Whilst it is clear that Flintshire County Council needs to complete an annual notification it is less clear when individual elected Members also need to do so. The ICO has issued guidance explaining the circumstances in which individual Members will need to complete an annual notification and pay a fee of £35. The guidance indicates that individual elected Members will need to complete a notification when basically they have electronic records about identifiable residents of their ward which are not covered by the Council's own notification.

2.04 Over recent years the ICO has been more proactive in seeking individual notifications from elected Members than was previously the case. The practice in Flintshire has been to provide advice and assistance to elected Members over their individual notifications but for the cost to be met by the Member themselves.

3.00 CONSIDERATIONS

3.01 The Council has liaised with the Welsh Local Government Association (WLGA) over this issue. Firstly, to ask that it make representations to prevent the need for individual Members to complete annual

notifications and for this to be covered by the Council's notification. Secondly, to ascertain the practice of other authorities. This has revealed that the majority of authorities pay the £35 fee rather than expecting the individual Member to do so.

- 3.02 The WLGA have also sought clarification on this matter from the Independent Remuneration Panel for Wales (IRPW) who have indicated that the local authority should make the payment on behalf of their Members. The IRPW has indicated that notification is required as a direct result of the Member's work with their constituents and the cost arising is similar to that concerning the provision of laptops, telephones, postage, etc. which the Panel recommended in its 'moving forward' report dated May 2010 should be provided without charge to individual Councillors.
- 3.03 It is considered that in view of the practice of other authorities and the advice from the IRPW the Council should in future meet the cost of the notifications by individual Members. The notification will still need to be made by the Member and to detail their particular circumstances but as at present advice and assistance in the process will be provided by the Information & Support Team in Democratic Services.

4.00 RECOMMENDATIONS

- 4.01 That in future the Council meets the cost of individual notifications made by Members to the ICO.

5.00 FINANCIAL IMPLICATIONS

- 5.01 The annual cost of approximately £2000 can be met from the underspend on the budget for Members' allowances.

6.00 ANTI POVERTY IMPACT

- 6.01 None as a result of this report.

7.00 ENVIRONMENTAL IMPACT

- 7.01 None as a result of this report.

8.00 EQUALITIES IMPACT

- 8.01 None as a result of this report.

9.00 PERSONNEL IMPLICATIONS

- 9.01 None as a result of this report.

10.00 CONSULTATION REQUIRED

10.01 None as a result of this report.

11.00 CONSULTATION UNDERTAKEN

11.01 With the WLGA.

12.00 APPENDICES

12.01 None

**LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985
BACKGROUND DOCUMENTS**

None

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