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Board paper title		Paper 10/05/18 - 1
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Report by	Wayne Hubbard	
Job Title	Chief Operating Officer	
Date of decision	Board meeting: 10 May 2018	

Summary
<p>This paper reports on decisions taken via the Written Resolution Procedure since the last meeting of the Board, changes to membership of the Board and preparations for introduction of the General Data Protection Regulations.</p>

Recommendations
<p>The Board is recommended to</p> <ul style="list-style-type: none"> • Note the approval of paper <i>WR 2017-18 5 LWARB Business Plan 2018-20</i> by the written resolution procedure. • Note the departure from the Board of Nicholas Paget-Brown and the resulting vacancy on the Audit Committee. • Note the preparations underway for compliance with the introduction of the General Data Protection Regulations.

Risk Management	
Risk	Action to mitigate risk
Risks were identified for the individual written resolution. This current paper is for information only.	N/A

Implications
Legal N/A
Financial N/A
Equalities N/A

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Why the paper is being presented

The Board's Standing Orders require that all decisions taken via the written resolution procedure are reported at the next Board meeting. Other items are presented for information only.

Written Resolution

One paper has been issued under the written resolution procedure since the previous Board meeting:

WR 2017-18 5 LWARB Business Plan 2018-20

This paper was issued on 13 March 2018 and sought approval for the 2018-20 Business Plan. All members of the Board responded to the written resolution which was approved unanimously.

The 2018-20 Business Plan was published on the LWARB website in advance of the 31st March deadline stipulated in the LWARB Order.

Membership Changes

The LWARB Order stipulates that members of the Board appointed by the London councils as Council members may only remain Board members while they remain elected members of a London council.

Nicholas Paget-Brown was a Council member of LWARB. He did not stand in the recent elections so he ceased to be an LWARB member after 3rd May 2018.

We are awaiting confirmation from London Councils of their replacement appointee.

Due to Nicholas Paget-Brown's departure there is now a vacancy on the Audit Committee. Membership of the Audit Committee comprises five LWARB Board members, with a quorum of three, so is able to continue to function with only four members. It is proposed that the vacant space is not filled until a replacement for Nicholas Paget-Brown has been appointed to the Board.

General Data Protection Regulations

Background

The EU General Data Protection Regulations come into force on 25 May 2018 and their provisions will replace those of the Data Protection Act (1998).

The regulations cover the processing of personal data only, with personal data being

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defined as any information relating to an identified or identifiable natural person.

The general principles of the GDPR stipulate that all personal data processed by an organisation must be:

- a) Processed lawfully, fairly, transparently.
- b) Collected for specified explicit purposes and not processed further in manner incompatible with these.
- c) Adequate, relevant and limited to what is necessary for the purpose for which they are processed.
- d) Accurate and kept up to date.
- e) Kept in identifiable form no longer than is necessary.
- f) Processed in manner that ensures appropriate security of personal data.

The GDPR provides certain rights to individuals:

1. The right to be informed
2. The right of access
3. The right to rectification
4. The right to erasure
5. The right to restrict processing
6. The right to data portability
7. The right object
8. Rights in relation to automated decision making and profiling

The GDPR places certain requirements on organisations to ensure these principles and rights are respected.

LWARB Approach

LWARB is a small organisation that is not generally public facing and does not process large amounts of personal data. The procedures to be put in place will be appropriate to the size of the organisation and the small amount of personal data that is processed.

This document provides a brief outline of the procedures being put in place. The procedures themselves have been written by LWARB officers following guidance from the Information Commissioner's Office and will be reviewed by the LWARB lawyers and the Audit Committee.

Requirements & Procedures

Data Protection Officer

As a public authority LWARB is required to appoint Data Protection Officer (DPO) to inform and advise the organisation and its employees about their data protection obligations, monitor compliance with data protection regulations, and be the first point of contact for those whose data is processed. The DPO is required to report to the highest level of the organisation and therefore the Chief Executive Officer will be appointed as DPO. The DPO will be assisted on a day-to-day basis by the

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Governance and Secretariat Officer (GSO).

Documentation/Data Audit

The GDPR makes specific requirements for the documentation of all personal data processed by an organisation (for example: what data is held, how it was obtained, who it is shared with).

Officers have undertaken a review of all personal data that held and compiled the relevant documentation.

Lawful Bases for Processing

A key requirement of the GDPR is that the lawful basis on which personal data is processed is identified. Six lawful bases are identified in the GDPR, of which four are relevant to LWARB's data processing activities:

- Consent – the data subject has consented to the processing.
- Contract – processing is necessary for a contract
- Legal obligation – required to comply with the law
- Public task – processing necessary to perform a task in the public interest or for official functions which have a clear basis in law.

For the majority of LWARB's personal data processing the lawful basis has been identified as either contract, legal obligation or public task. For only a small proportion of data processed is consent relied upon as the lawful basis for processing – such as individuals who have signed up to receive various LWARB newsletters and updates. The GDPR makes specific requirements on how consent is obtained (for example, 'opt-ins' only and including a statement of rights). Those individuals for whom consent is relied on to process their data will be contacted in the coming weeks to re-obtain their consent in a manner compliant with the GDPR. Between three and four hundred people will need to be contacted in this manner, mainly recipients of the Advance London and other LWARB updates.

Communicating Privacy Information

As with the Data Protection Act requirements, the GDPR require that when personal data is collected, individuals are given information on, for example, what data is collected and how it is used. However, the GDPR include some additional items that must be communicated, such as the lawful basis for processing, data retention periods and a statement of individuals rights. To comply with these requirements, the LWARB privacy policy is being updated and will be published on the website and referred to whenever personal data is collected.

Data Protection Impact Assessments

The GDPR require organisations to undertake a Data Protection Impact Assessment (DPIA) only if they are using new technologies or when the data processing undertaken is *likely* to result in a *high risk* to individuals (such as profiling and large scale processing of special category data, or data relating to criminal convictions/offences). It is the view of the DPO that this does not apply to LWARB and therefore DPIAs are not required.

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Subject Access Requests

Individuals about whom LWARB holds personal data have a right to access that data and any supplementary information (for example, the lawful basis under which it is being processed), and LWARB must put in place procedures for handling any subject access requests. This right is broadly similar to the right of access defined in the DPA. Since its establishment in 2008, LWARB has received no subject access requests and there is no reason to think this will significantly change under GDPR. A brief procedure on handling request has been drawn up but It is not anticipated that any new systems will need to be put in place to handle them.