

**Agenda Item No 5e**

**DERBYSHIRE COUNTY COUNCIL  
PENSIONS AND INVESTMENTS COMMITTEE**

**1 August 2018**

**Report of the Director of Finance and ICT**

**COMPLIANCE WITH THE GENERAL DATA PROTECTION REGULATIONS  
(2016/679)**

**1 Purpose of the Report**

To update the Pensions and Investments Committee (the “Committee”) on the progress of Derbyshire Pension Fund (“DPF”) towards compliance with the General Data Protection Regulations and the Data Protection Act 2018 (together, “GDPR”).

**2 Background**

The GDPR legislation became effective from 25 May 2018. The legislation applies across Europe and is designed to harmonise standards and processes around data protection across the member states of the EU. Although UK law is already well developed in this area, work has been identified in a number of areas to enable DPF to meet the new GDPR standards.

DPF has worked collaboratively with West Midlands Pension Fund and the Local Government Association to share the associated workload, access legal advice and ensure compliance.

**3 Progress**

A GDPR Implementation Plan has been developed covering all the areas of data transfer, record retention and communication with stakeholders that required attention. The plan is attached at Appendix A.

While, in line with the advice of the Information Commissioner, most of the areas of improvement work are scheduled in the plan for dates in the future, certain actions were statutorily required to be completed by 25 May 2018, as follows:

- Privacy Notice – this provides DPF members with information about the data held about them, how it is used, what the members’ rights are in relation to it, and the safeguards that are in place to protect it. The full

notice was published before the deadline on DPF's web pages, and reference to it is now provided in every letter and benefit statement that DPF sends out.

- Memorandum of Understanding ("MoU") – this document sets out the basis upon which personal data will be shared between Derbyshire County Council, as the administering authority for DPF, and DPF's employing authorities, to ensure compliance with GDPR. The MoU was published before 25 May 2018 and employing authorities have been notified about it via the Employer Newsletter sent on 15 June 2018.

The GDPR Implementation Plan is reviewed every quarter to ensure satisfactory progress is being achieved.

#### **4 Legal Considerations**

The Director of Legal Services is satisfied that, on the basis of the information contained in this report, appropriate measures are being taken to comply with GDPR by DPF. Legal Services have assisted, and will continue to assist, DPF with GDPR compliance.

#### **5 Other Considerations**

In preparing this report the relevance of the following factors has been considered – equality and diversity, financial, health, environmental, transport, property and human rights considerations.

#### **6 Officer's Recommendation**

That the Committee:

Notes the progress made against the requirements of the GDPR.

PETER HANDFORD

Director of Finance and ICT

## Pensions GDPR final plan

Item to action	What needs to be actioned?	What has been done to prepare for GDPR deadline (25th May 2018)?	Does this comply with GDPR regulations and are we happy with the progress we have made?	Can we class this action as completed? YES/NO (excluding work that will be ongoing to always comply)	What do we need to continue to do to ensure compliance is continued?	What (if anything) still needs to be done to ensure we comply with all GDPR regulations?	When do we envisage outstanding actions to fully comply with GDPR regulations?	To be answered when the deadline in column H is met. Can we class this action as completed? YES/NO (excluding work that will be ongoing to always comply)	Any other notes
Internal Information Audit	Complete spreadsheet	Completed V1 and V2 and submitted to Legal	Yes, legal confirmed our information audit was completed to the correct standard and there were just a few additional comments we needed to add in to indicate the legal basis of holding certain data	YES	Keep information audit up to date		May 25th 2018		
H Drive	A cleanse of H Drive to ensure what is saved on there follows our retention policy	IT help desk cannot produce a print of what folders we have on H Drive, A print screen of H Drive, followed into top folder of eacg has been produced	WIP	NO		We have started to come up with a plan of how folder will be cleansed. Work has begun on dividing the folders between teams	Currently scoping and waiting further instruction from DCC.		Advised DCC would like teams to move away from saving anything on H Drive and use EDRM, but we don't need to do anything until we are advised of this needing to be day to day practice
G Drive	Cleanse of own personal G Drives		WIP	NO	Keep G Drives cleansed	G Drives need to be cleansed by all	End of July 2018		
Outlook	Outlook cannot be used as a 'filing system' no personal data should be stored on outlook	Some cleansing has started	WIP	NO	Personal cleanse of our own Outlook	All personal Outlook to be cleansed	Currently scoping and waiting further instruction from DCC.		
Secure emails	All staff must be using a secure email platform to send emails with personal data	Already have an encryption facility set up in outlook, GCSX and egress accounts. Already working practice to use secure emails by the team for personal data and Nigel has reminded staff in POM notes (06/04/2018)	Yes	YES	Continue to send secure emails for anything with personal data	Regular reminders to all staff to ensure continuous compliance	May 25th 2018		
Lock ups	To be cleansed	An overview of what is stored in both lock up rooms has been completed	We are happy that the overview has been completed, all stuff stored in the lock-up is relevant and necessary.	YES	Once the rooms have been cleansed, we will need to keep on top of the rooms to ensure we continue to know what is being stored, which will help us to follow the retention policy and remove paperwork when it is no longer required/relevant				

Fiches and films	To be digitilised or destroyed	Discussions have happened with Heywoods for a future project to have all fiches and films scanned onto the system. Current retention is when a member is deceased remove rom storage to be filed separteley then destroyed in line with current retention arrangement		NO	Progress with digitalising and destroying as per retention	Project to be organised to get fiches and films digitalised	Before end of 2020, subject to project being organised/authorised		
Retention Policy	Need to review and update Retention Policy in line with what has been approved on information audit	Amendments have been made to previous Retention Policy, retention periods themselves still need to be agreed, work still to be done on policy to bring it in line with what is needed moving forward	We are complaint and happy that progress is being made, but new policy still needs to be finished and agreed by all	YES	In the short term continue to follow existig policy and when new policy is ready continue to follow this in daily practice	Currently working on updating our policy to ensure it reflects new guidance	End of September 2018		
Privacy Notices	Short Privacy Notices on all documents sent out from the Pensions department, Full Privacy Notices to go on website	Short Privacy Notices wording is ready and are on all ABS, Stat Notices and May Pensioner Payslips, Full Privacy Notices are on website	Yes	NO	Any new documents produced will need to have the Privacy Notice	We need to ensure short Privacy Notices go on all documents	By ensuring we have the Short Privacy Notice on ABS, May Pensioner Payslips and Stat Notice we are reaching majority of our members which helps us to be GDPR compliant and informing our members of what we do. Short Privacy Notices to be on all documents by March 2019 as we would like to use migration to new system as part of this exercise (as things may be able to be done in bulk and this makes good productivity sense)		<i>Our Privacy Notices need to go to legal - Jane advised, we send and say unless we hear otherwise we will use these documents.</i>
Sharing Agreement	It has been agreed we do not need Sharing Agreements with our employers as we are all data controllers in our own rights. However we will need one for exercises such as address tracing.	There is a DCC Sharing Agreement we can use	Yes	YES	Sharing Agreements used when required		May 25th 2018	MoU explains to our employers that we don't need sharing agreements with them, DCC sharing agreements are ready to be used for when we may need one.	Note from Squire Patton Boggs - "There is no requirement under GDPR for data controllers to enter into formal contractual relationships with other data controllers with whom they share and from whom they receive personal data."

Memorandum of Understanding	Need to ensure we have a DPF MOU and send this out to employers	MOU being prepared to be sent to employers and to go on website	Yes, it is doing that extra bit to ensure we are	YES			May 25th 2018	Yes this document is on our website and employers have been informed of this through a newsletter.	
Data Maps	Data Maps produced to go on our website to, alongside Privacy Notices, help show members how we handle there data	Data Maps have been produced ready to go on website	Yes, it is extra to Privacy Notices, it means we are confident our members are fully informed around how we handle there data	YES	Keep them up to date	To be checked and uploaded to website	To go on new website		
Process for dealing with Subject Access Requests	Members would need to write into request access and then we will use general enquiry process to write back - a lot of the new Subject Access Requests are not compulsory to the Pensions Department and therefore we have a legal basis for keeping hold of the data	Agreed how Subject Access Requests will be handled within the department	Yes	YES	Ensure we continue to respond to any Subject Access Requests within one month				"Each Party shall, in respect of personal data of which it is a data controller, respond to any requests from Members to have access to any of their personal data or a complaint or enquiry relating to that Party's processing of the Members' personal data received by that Party in line with its own obligations under the Data Protection Law." (Squire Patton Boggs)
Process for dealing with Data Protection Breaches	Staff need to be aware of what to do if we have a data breach	Confirmed the policy and we must continue to follow the DCC policy	Yes	YES	Keep up to date and always follow the most current DCC policy	Ensure all staff are aware of the policy and what may be a data breach	12th June 2018	Data breach policy was explained to all staff at training session 12/06/2018	
Staff training	All staff to complete Information Governance Course, GDPR online training and attend Pensions Briefing where additional points for GDPR training will be given	Notes for extra training have been done (but need to be finished) DCC have uploaded the training to learning portal. Staff have been advised training will need to be done	Yes	YES	Keep staff training up to date and ensure all new staff are trained	Staff to complete online training and extra training/information to be given at next Pensions team meeting	12th June 2018	GDPR training was delivered to all team on 12/06/2018	
Policies	A pensions specific GDPR policy	Confirmed that there is a DCC GDPR policy, but it would be good practice to have our own sub-policy specific to Pensions	Yes it complies	YES		We need to write/produce our specific GDPR policy			Jane advised us there will be a DCC GDPR policy but this will be very high level, therefore will be best practice to create our own sub-policies