

Chichester District Council

FULL COUNCIL

19 March 2024

Appointment of Data Protection Officer

1. Contacts

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2. Recommendation

- 2.1 That the Council appoint Mr Graham Thrussell to the role of Data Protection Officer to the Chichester District Council.

3. Background

- 3.1 The Council is under a duty to have a designated Data Protection Officer to carry out relevant statutory duties as to oversight of information management under the GDPR and other legislation.
- 3.2 Previously the Monitoring Officer (author of this report) was also authorised as Data Protection Officer. As part of an internal review of roles in the legal section of democratic services, it was noted that advice is that it is preferable for statutory roles not to be vested in a single individual.
- 3.3 Mr Thrussell has been acting as de facto deputy Data Protection Officer in his existing role where he specialises in information law amongst other civil law functions.

4. Outcomes to be Achieved

- 4.1 The primary objective of the appointment is to ensure legality of the Council position and that it is able to comply with legislation whilst also ensuring that all processes are fit for purpose.

5. Proposal

- 5.1 If the recommendation is approved the new Data Protection Officer (DPO) would take position from 1st April 2024. A handover from the existing officer would take place though Mr Thrussell has been carrying out many of the duties in conjunction with the existing DPO for some time.

5.2 The current DPO would support the new DPO in their workload and cover absences.

5.3 The current DPO could continue in the role but best advice is that this is not positive where a post holder covers another statutory role (in this case Monitoring Officer). For governance to be most effective it is preferable to spread the oversight responsibilities. When the current DPO was appointed this was a new statutory requirement and advice on that point was not then settled as it is now.

6. Alternatives Considered

6.1 The role of Data Protection Officer is required in statutorily organisations as large as the Council. The only other alternative to the recommendation is that the current DPO continues in the role or another person is recruited with the relevant skills and qualification.

7. Resource and Legal Implications

7.1 The amended post for Mr Thrussell will be regraded in accordance with Council procedures to assess whether a change of grade is required. Mr Bennett received no payment for the role of Data Protection Officer so any increase in salary will be at a cost to the Council. This will have to be absorbed by legal department budgets.

8. Community Impact and Corporate Risks

8.1 The role of Data Protection Officer provides assurance through oversight for information management at the Council and reports to the Corporate Governance Committee on a number of key activities as to how personal data is managed, data breach oversight, review of changes in procedure. It oversees transparently how decisions are made and that proper information governance achieved. Without such a role the public would be unable to have information decisions reviewed internally by a qualified person.

8.2 It would be a corporate risk to the Council not to have the statutory role fulfilled.

9. Other Implications

Are there any implications for the following?		
If you tick "Yes", list your impact assessment as a background paper in paragraph 13 and explain any major risks in paragraph 9		
	Yes	No
Crime and Disorder The Council has a duty "to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area". Do the proposals in the report have any implications for increasing or reducing crime and disorder?	Yes, this role will oversee investigation into information crime and liaise with police or	

	other agencies.	
Biodiversity and Climate Change Mitigation Are there any implications for the mitigation of/adaptation to climate change or biodiversity issues? If in doubt, seek advice from the Environmental Strategy Unit (ESU).		X
Human Rights and Equality Impact You should complete an Equality Impact Assessment when developing new services, policies or projects or significantly changing existing ones. For more information, see Equalities FAQs and guidance on the intranet or contact Corporate Policy.		X
Safeguarding and Early Help The Council has a duty to cooperate with others to safeguard children and adults at risk. Do these proposals have any implication for either increasing or reducing the levels of risk to children or adults at risk? The Council has committed to dealing with issues at the earliest opportunity, do these proposals have any implication in reducing or increasing demand on Council services?		X
General Data Protection Regulations (GDPR) Does the subject of the report have significant implications for processing data likely to result in a high risk to the rights and freedoms of individuals? Processing that is likely to result in a high risk includes (but is not limited to): <ul style="list-style-type: none"> • systematic and extensive processing activities and where decisions that have legal effects – or similarly significant effects – on individuals. • large scale processing of special categories of data or personal data relation to criminal convictions or offences. • Any larger scale processing of personal data that affects a large number of individuals; and involves a high risk to rights and freedoms e.g. based on the sensitivity of the processing activity. • large scale, systematic monitoring of public areas (including by CCTV). Note - If a high risk is identified a Privacy Impact Assessment must be provided to the Data Protection Officer.		X whilst the role clearly has a GDPR focus, it is simply a change of post holder, no other changes to processing will apply.
Health and Wellbeing The Council has made a commitment to ‘help our communities be healthy and active’. You should consider both the positive and negative impacts of your proposal on the health and wellbeing of communities and individuals living and working in the district. Is your proposal likely to impact positively or negatively on certain groups and their ability to make healthy choices, for example low income families, carers, older people/children and young people. Are there implications that impact on areas of the district differently? eg the rural areas or those wards where health inequalities exist. If in doubt ask for advice from the Health and Wellbeing team.		X
Other (please specify)		X

10. Appendices

None

11. Background Papers

None