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**To: Renfrewshire Integration Joint Board Audit Committee**

**On: 29 June 2018**

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**Report by: Head of Administration**

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**Heading: General Data Protection Regulations (GDPR) and new Data Protection Act**

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**1. Purpose and Background**

- 1.1. To provide the IJB Audit Committee with an overview of the changes and implications arising from new Data Protection laws and the implementation of the Public Records (Scotland) Act 2011.
- 1.2. Members will be aware, from 25 May 2018, the existing Data Protection Act 1998 was replaced by new legislation in the form of the General Data Protection Regulation (GDPR) and a new Data Protection Act.
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**2. Recommendation**

It is recommended that the IJB Audit Committee:

- Note the actions outlined in the report
  - Read and note the requirement to comply with the guidance
  - Approve the proposed arrangements for the IJB to ensure compliance.
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**Implications of the Report**

1. **Financial** – Failure to comply with GDPR and the new Data Protection Act requirements could lead to significant financial penalties.
2. **HR & Organisational Development** – GDPR and Data Protection Act upholds and strengthens the information rights of individuals and ensures that their personal data is processed appropriately and lawfully.
3. **Community Planning** – None.
4. **Legal** – The Integration Scheme between Renfrewshire Council and NHS Greater Glasgow and Clyde sets out certain information-sharing and data requirements. The ISP ensures there is appropriate and lawful information sharing between the relevant parties, thereby ensuring compliance with GDPR and the new Data Protection Act.
5. **Property/Assets** – None.

6. **Information Technology** – Managing information and making information available may require ICT input.
  7. **Equality & Human Rights** – None.
  8. **Health & Safety** – None.
  9. **Procurement** – None.
  10. **Risk** – Failure to adhere to GDPR and the new Data Protection Act could have a serious impact on the IJB's ability to meet its statutory obligations under data protection legislation leading to major financial and legal penalties, as well as significant reputational damage for the organisation.
  11. **Privacy Impact** – None.
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#### **List of Background Papers –**

Guide to the General Data Protection Regulation – UK Information Commissioner  
<https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr>

Draft Data Protection Bill – UK Information Commissioner  
<https://ico.org.uk/for-organisations/data-protection-act-2018/>

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# GENERAL DATA PROTECTION REGULATIONS (GDPR) REQUIREMENTS FOR INTEGRATION JOINT BOARD

## 1. Background

- 1.1 Data Protection laws changed on 25 May 2018. EU General Data Protection Regulations (GDPR) came into force on that date.
- 1.2 The legislation introduced new rules on how personal data is collected and processed to ensure individuals have greater control and privacy rights for their information we hold. It shortens timescales for certain processes and significantly increases penalties for failure to comply.
- 1.3 There is a need for greater transparency. Formal notifications of the nature of, reason for and parties involved in data processing and data sharing are mandatory. These are referred to as Privacy notices.
- 1.4 As the IJB is a statutory authority, it is subject to the new regulations. However, the IJB in practice handles very little personal data and the impacts on the IJB specifically, as opposed to the partner organisations, is anticipated to be quite limited.
- 1.5 There are a wide range of activities across Renfrewshire Council and NHS Greater Glasgow & Clyde aimed at putting suitable arrangements in place for these changes.
- 1.6 A more limited range of activities will require to be progressed for IJB itself to ensure compliance with the new legislation. All members should have awareness of these changes.

## 2. Key Actions for IJB

- 2.1 **Public Records Plan** – as part of existing legislation – The Public Records (Scotland) Act 2011 – we are required to establish an IJB Records Management Plan and submit this when requested by the Keeper.

Currently all the IJB information is held on the Council's Electronic Document Records Management System (EDRMS) so these records require a management plan to be established outlining details of the file location, what information is held and the retention periods for the storage of this data.

- 2.2 **Fair processing notice** – a Privacy Statement must be created for the IJB which will outline what personal data the IJB processes and why, the legal basis for processing, how this information is stored and retained and with whom it is shared.
- 2.3 **Data Protection Officer** – Given that any personal data processed by the IJB is likely to be held on Council or NHS Information systems, then it is proposed that we utilise Renfrewshire Council and NHS Greater Glasgow & Clyde's DPOs for the handling of Data Breaches.