



# Department for Digital, Culture Media & Sport

Data Protection Bill Team  
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Chief Executive  
The National Association of Local Councils  
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21 September 2017

Dear Jonathan,

## **DATA PROTECTION BILL**

Thank you for your letter of 17 July following up on our meeting to discuss the impact of the Data Protection Bill on Parish Councils. I am writing to update on progress.

Yesterday I met with your colleagues Justin Griggs, Meera Tharmarajah and Jane Moore as well as colleagues from the Information Commissioner's office and the Department for Communities and Local Government. We have agreed the following:

- For the purposes of the future data protection regulatory scheme, parish councils as well as parish meetings will count as public authorities. This is because clause 6 of the Bill adopts the definition of public authorities used in the Freedom of Information Act 2000. Schedule 1 of the 2000 Act then lists both parish councils in England and a parish meeting constituted under section 13 of the Local Government Act 1972.
- A consequence of being a public authority is that a data protection officer ("DPO") must be appointed. There is, however, considerable flexibility as to how this requirement is met.
- It is a matter for each public authority to determine who should act as the DPO and what level of knowledge and expertise they require as they have the best knowledge of the personal data they process, any risks involved and the wider context in which they operate. In order to avoid a conflict of interest a DPO should not determine the purpose or manner of processing



personal data. Provided that a parish council is satisfied that a clerk does not do this then they could act as the DPO.

- We also believe that an alternative is to appoint someone external to the council. Various options exist including sharing a person between parish councils or sharing with the district council or other principal local authority. The LGA has an active GDPR online knowledge sharing portal with over 400 registered users and we should engage them to discuss these possibilities.
- The Information Commissioner is preparing generic guidance about the requirements of the GDPR, including content aimed at SMEs. It is also committed to providing input to guidance that different sectors develop for themselves. It is this sector guidance that, in the ICO's experience, is often the most practical and accessible because it sets the advice into a context that is relevant and familiar to the reader. The government is also considering what further support we can offer.

Parish councils and parish meetings should be compliant with the existing Data Protection Act but we accept that there is a step-up needed to meet GDPR standards. We will now:

- Work with the Information Commissioner's office as well as NALC to find a way to ensure that generic ICO guidance can filter into more specific content to assist parish councils and parish meetings to prepare for and comply with GDPR.
- Engage the LGA to see how their members may be able to assist with sharing of DPOs.
- DCMS has also just appointed an officer to reach out and help our stakeholders implement the GDPR and she will discuss further what can be done by way of communication and readiness awareness.

The new data protection framework is designed to be a proportionate set of regulation, fit for the new digital age. It contains flexibilities and we hope that with the right guidance it can be implemented with minimal impact on organisations that process the relatively small and straightforward personal datasets that parish councils process. While the new law is an opportunity to refresh data protection systems and cyber security, it is also should not be a cause for concern. I hope that we can continue to work together to help small local councils comply with the new law.

Yours sincerely,

**Andrew Elliot**  
Deputy Director, Data Protection Bill

**Department for Digital, Culture, Media & Sport**

cc.

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