

Extract from the draft minutes of the Governance and Audit Committee meeting of 7 September 2021

276. Review of the Council's Processing of Special Category and Criminal Convictions Personal Data Policy

Nicola Cooke, Information Services Manager, attended the meeting to present the report and assist the Committee with its enquiries. The Committee were advised that Colchester Borough Council (the Council) had a need as a local authority to have a policy that covered the processing of the Council's Special Category and Criminal Convictions Data, and this Policy was a requirement of the Data Protection Act 2018. The proposed Policy covered additional information which was processed under certain circumstances, and covered the distinction between personal data, special category data and criminal convictions information. There were only a limited number of areas of the Council which processed this kind of data routinely, however, there was a requirement to implement measures to ensure the safety of personal data. The proposed Policy was a new Policy which the Committee were asked to read, review and approve for inclusion in the Council's Policy Framework.

Councillor Willetts praised the clarity of the proposed Policy, and expressed surprise that the information classed as special category data was not already covered by the Council's procedures which had been designed to provide comprehensive protection to personal data. He enquired whether there was, in reality, a real change in what the Council had to do to, to meet the requirements of the legislation in respect of special category data.

Nicole Cooke confirmed that the Council's processes and procedures were already in line with the requirements of the legislation, however, when the legislation had been introduced there had been significant ambiguity as to whether existing data protection policies would cover the processing of special category data. The Council had initially included special category and criminal conviction data within its original Data Protection Policy, however guidance now issued by the Information Commissioners Office stated that two separate policies were required. The Committee were assured that all the correct processes and procedures were being followed, and had always been followed, with regard to the legislative requirements of processing special category data, and appropriate controls were in place. It was confirmed to the Committee that existing information technology that was used was already compliant with the requirements of the Policy, and a data protection impact assessment was carried out when a new computing system was introduced to ensure that the required safeguards remained in place. In addition to this, as part of the Council's procurement process, suppliers were now being asked what measures

they put in place to ensure that data was secured, particularly in cloud based systems.

Councillor Bentley voiced his support for the proposed Policy, and considered that its implementation was necessary and appropriate.

RESOLVED that the Processing of Special Category and Criminal Convictions Personal Data Policy be adopted and *RECOMMENDED TO COUNCIL* that it be included in the Council's Policy Framework.