

## GDPR and PECR

24 May 2018

### Background

This paper sets out the LEP's work to comply with the GDPR and PECR regulations coming in to force from May.

### Recommendation

That F&R notes the contents of the paper and the LEP's intention to continue to work with SCC's data protection officer in the LEP's approach to GDPR.

### Policy context and actions

The LEP needs to ensure compliance with two separate but complimentary pieces of work – the GDPR (General Data Protection Regulations) and PECR (Privacy and Electronic Communications Regulations); GDPR covers privacy around data, PECR protection from junk/spam etc. GDPR comes in to effect from 25 May and PECR sits alongside this as it has done with the 1998 Data Protection Act.

As the LEP's accountable body, SCC have been advising on the steps and timescales necessary to ensure compliance. These involve a series of actions to LEP contacts (below) and updating of the LEP's information policy. SCC will hold different policies for its different departments as that required for e.g. children's services, will be different for that required for economic development, and the LEP's policy will be lodged as one of these. A draft policy is set out in the separate Annex; note that at the time of writing several areas remain to be confirmed by SCC and Bluegrass.

Broadly speaking (and case law will clarify this further), SCC's guidance is that

- where data has been shared on behalf of an entity in the course of normal business, that data is not covered by GDPR. For example, an employee of a business or local authority sharing their work contact details for business dealings with the LEP.
- where an individual shares their data with the LEP, e.g. for a job application, this does fall under GDPR and PECR
- there may be cases where an individual could be in both categories, e.g. a sole trader who shares their personal email address which they use both privately and for business. In this case the data is assumed to fall under GDPR and PECR
- the LEP should be able to show its development of its approach as well as the process and actions themselves.

The European Commission has developed the GDPR regulation and SCC have advised that personal data collected in particular needs to comply with Article 13 of that, which covers the responsibilities of the data controller (the LEP) towards the individual's data. The actions below, developed in conjunction with SCC's advice, are designed to ensure LEP compliance with the regulations.

Existing data	One communication to LEP contacts receiving LEP comms, (c3,000) to cover the following: <ul style="list-style-type: none"><li>- GDPR: explanation that the LEP holds their data and what is done with it as per A13 guidelines, and</li></ul>
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	<ul style="list-style-type: none"> <li>- PECR: ability to opt in/out of communications. A simple opt in/out choice was agreed and the statement will also make clear that an individual can opt out at a future stage</li> </ul>
Existing data	<p>Communication to LEP contacts that don't receive LEP comms (c.700, e.g. Directors) to cover</p> <ul style="list-style-type: none"> <li>- GDPR: explanation that the LEP holds their data and what is done with it</li> </ul>
New data	<p>Development of wording for interfaces where the LEP collects data</p> <ul style="list-style-type: none"> <li>- GDPR: explanation that the LEP will hold their data and what will be done with it, as per A13 guidelines</li> </ul> <p><i>Existing forms updated now, e.g. contacts through call centre. Will also be ongoing as new data is collected, e.g. for annual conference</i></p>
General	LEP information policy developed (see Annex) and lodged with SCC as part of the County's suite of departmental policies.
General	Impact on SLAs being investigated to ensure unintended consequences are avoided, e.g. SLA partner is unable to share data collected on behalf of the LEP because of their own policy.
General	<p>LEP team briefed on GDPR/PECR requirements</p> <p><i>Briefing held Nov 17, final briefing to be held June</i></p>