

North East Derbyshire District Council

Cabinet

11th June 2020

Policy Updates – Performance Team, Corporate Governance

Report of Councillor A Dale, Deputy Leader of the Council and Portfolio Holder for Council Services

This report is public

Purpose of the Report

- To seek approval for a suite of related policies which fall under the responsibility of the Performance Team, Corporate Governance.

1 Report Details

1.1 The following policies have been appended for Cabinet's attention:

- 1.1.1 Joint Data Protection Policy
- 1.1.2 Joint Access to Information Policy
- 1.1.3 Joint Use of Overt Surveillance Systems

1.2 Joint Data Protection Policy Previously the Council had a combined Freedom of Information, Environmental Information Regulations and Data Protection policy. A separate policy has been produced to strengthen the accountability requirements under the General Data Protection Regulation (GDPR). The policy sets out the main requirements of the data protection legislation and how the Council will comply. It is not a statement of how compliance will be achieved as that continues to be a matter for operational procedures and processes.

1.3 Joint Access to Information Policy This policy covers requests made under the Freedom of Information Act, Environmental Information Regulation and Re-use Regulation. It has been reviewed and updated to reflect the data protection aspect being separated out. The policy ensures compliance with the relevant legislation and that customers' gain appropriate access to information on request.

1.4 Joint Overt Use of Surveillance Systems Policy This is a new policy. A surveillance camera is a broad term to describe closed circuit television (CCTV), body worn cameras and other devices used for overt surveillance purposes. The Council uses overt surveillance systems for the purposes of public safety, crime prevention, detection and prosecution of offenders, monitoring council buildings and assets to protect the public, staff, elected members and visitors, and its property. The Council uses CCTV, Body Worn Video (BWV) and deployable cameras. As such it is prudent for the Council to have a separate policy on the use of these systems to clearly demonstrate compliance with the relevant legislation and guidance.

2 Conclusions and Reasons for Recommendation

- 2.1 It is important that the Council has up to date policies that reflect current legislation and the Council's position around those obligations.

3 Consultation and Equality Impact

- 3.1 Service Managers, SAMT, Portfolio Holder and Organisation Scrutiny have had an opportunity to provide feedback on the policies. All comments received have been considered and incorporated where appropriate to do so.
- 3.2 New equality impact assessments have been undertaken. No adverse impacts have been identified.

4 Alternative Options and Reasons for Rejection

- 4.1 Effective corporate governance requires up to date policies.
- 4.2 The Council is a relevant authorities as defined by section 33 of the Protection of Freedoms Act and therefore must have regard to the Surveillance Camera Code of Practice. That advocates having a clear policy on the use of surveillance systems.

5 Implications

5.1 Finance and Risk Implications

Not having up to date policies could put the Council at risk of criticism from the appropriate regulators. This could be a consideration in the event of a serious data breach which carry financial penalties.

5.2 Legal Implications including Data Protection

As already noted and detailed in the relevant policies.

5.3 Human Resources Implications

No human resource implications within this report.

6 Recommendations

- 6.1 That Cabinet approve the:
- 6.1.1 Joint Data Protection Policy
 - 6.1.2 Joint Access to Information Policy
 - 6.1.3 Joint Use of Overt Surveillance Systems

7 Decision Information

<p>Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: <i>BDC: Revenue - £75,000</i> <input type="checkbox"/> <i>Capital - £150,000</i> <input type="checkbox"/> <i>NEDDC: Revenue - £100,000</i> <input type="checkbox"/> <i>Capital - £250,000</i> <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i></p>	No
<p>Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)</p>	No
<p>Has the relevant Portfolio Holder been informed</p>	Yes
<p>District Wards Affected</p>	Not applicable
<p>Links to Council Plan priorities or Policy Framework</p>	Links to all Council Plan 2019 - 2023 aims and priorities

8 Document Information

Appendix No	Title
1.	Joint Data Protection Policy
2.	Joint Access to Information Policy
3.	Joint Overt Use of Surveillance Systems Policy
Background Papers	
Report Author	Contact Number
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