

SWINFEN AND PACKINGTON PARISH COUNCIL

**Ms Jayne Minor
6 Highfield Close
Burntwood
WS7 9AR**

**Telephone: 01543 673473
E-Mail: jayneminor@talktalk.net
Web Site: www.swinfenandpackington.org.uk**

Our Ref: JM

01 November 2017

To: All Members of the Parish Council

Dear Councillor

You are hereby summoned to attend the Meeting of the Parish Council to be held in the **Conference Room 1, Conference Centre, HMP Swinfen on Wednesday 08 November 2017 commencing 7.00 p.m.** at which the business set out below will be transacted.

Yours sincerely

**Jayne Minor (Ms)
Parish Clerk**

AGENDA

PUBLIC FORUM

A maximum of 15 minutes will be allocated prior to the commencement of the meeting when members of the public may put questions/comments on any matter in relation to which the Parish Council has powers or duties which affect the area (see notes at the end of the Agenda).

- 1. APOLOGIES FOR ABSENCE**
- 2. DECLARATIONS OF INTEREST AND DISPENSATION**

To receive declarations of any personal or prejudicial interest under consideration on the Agenda in accordance with the Parish Town Councils (Model Code of Conduct) Order 2007.

- 3. MINUTES**

To approve as a correct record the Minutes of the Meeting of the Parish Council held on 13 September 2017 (Minute Nos. 27-36) (**ENCLOSURE**).

- 4. CHAIRMAN'S ANNOUNCEMENTS**

5. THE HIGH SPEED RAIL PLANS

Members are requested to debate the up to date position relating to the High Speed Rail Plans.

6. GOAL NETS (Minute No. 33 - 13 September 2017 refers)

Members are requested to draw a cheque in respect of goal nets.

7. SCHEDULE OF PAYMENTS TO DATE

Members are requested to receive and note the schedule of payments to date (ENCLOSURE).

8. BUDGET

Members are requested to receive and note the Parish Clerk's report detailing Actual to Date figures and the Estimated Actual forecast for the financial year ending March 2018 (ENCLOSURE).

9. 2018/2019 PRECEPT ON LICHFIELD DISTRICT COUNCIL

Members are requested to agree and approve the level of Precept to be declared on Lichfield District Council (proposed changes to Parish Council Local Council Tax Support Grant from 2018/19) (ENCLOSURE).

10. FOR INFORMATION

GENERAL DATA PROTECTION REGULATION/DATA PROTECTION BILL 2017

The Data Protection Act 1998 is the main piece of legislation which governs the protection of personal data. The General Data Protection Regulation (GDPR) will apply from 25 May 2018 and a new Data Protection Bill 2017 will be introduced and enacted in time for the commencement date. The Information Commissioner has advised local authorities, businesses and charities to start the process of compliance now. The GDPR will be directly applicable in the UK without the need to implement national legislation. The Government has confirmed that the UK's decision to leave the EU will not affect the commencement of the GDPR in 2018. The GDPR imposes new obligations on data controllers and processors and provides enhanced rights for individuals.

The GDPR applies to all data controllers and data processors. The Parish Council is the data controller and defines how and why data is collected.

The Information Commissioner's Office has published a document "Preparing for the General Data Protection Regulation (GDPR) 12 steps to take now" (ENCLOSURE).

11. EXCLUSION OF THE PRESS AND PUBLIC

The Chairman will move:

That under the Public Bodies (Admissions to Meetings) Act 1960 (Section 2) (and as amended by Section 100 of the Local Government Act 1972), the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information.

12. PARISH CLERK'S SALARY

Members are requested to approve the payment of the Parish Clerk's October and November 2017 salary (**PINK ENCLOSURE**).

13. DATE AND TIME FOR NEXT PARISH COUNCIL MEETING

Members are requested to 'book' forthcoming Parish Council Meetings.

PUBLIC FORUM SESSION AT PARISH COUNCIL MEETINGS

Residents of Swinfen and Packington Parish Council have an opportunity to speak at each Parish Council meeting:

1. *The Public Forum session will usually be the first item on the Agenda.*
2. *The Public Forum will last up to 15 minutes and members of the public can ask the Parish Council a question (or make a statement).*
3. *Your statement or question must relate to a matter of special relevance to Swinfen and Packington or within the responsibility of the Parish Council.*
4. *Matters relating to the conduct of any individual councillor or officer will not be permitted – in such circumstances you should write to the Parish Council.*
5. *You will be allowed to speak for up to 3 minutes and you can raise more than one issue within the overall limit of 3 minutes allowed to you.*
6. *After each speaker the Chairman of the Parish Council (or his/her representative) will answer the question or give notice that he/she will provide a written answer as soon as possible.*

If a written answer is to be given this will be sent to you at your stated address.

**MINUTES OF THE SWINFEN AND PACKINGTON PARISH COUNCIL MEETING HELD
AT THE CONFERENCE ROOM 1, CONFERENCE CENTRE, HMP SWINFEN ON
WEDNESDAY 13 SEPTEMBER 2017 COMMENCING AT 7.00 PM**

PRESENT

Councillor J Barnes (in the Chair)
Councillors Armstrong and Dyott

In attendance

Ms J Minor, Parish Clerk

27. APOLOGIES FOR ABSENCE

Councillor R Barnes and Mrs Harrison
District Councillor B Yeates

28. DECLARATIONS OF INTEREST AND DISPENSATION

None declared.

29. MINUTES

RESOLVED That the Minutes of the Meeting of the Parish Council held on 12 July 2017 (Minute Nos. 19-26) as circulated, be approved as a correct record and signed by the Chairman.

30. CHAIRMAN'S ANNOUNCEMENTS

There were no Chairman's announcements.

31. THE HIGH SPEED RAIL PLANS

Councillor J Barnes stated that more surveys were being undertaken however it was becoming more difficult to negotiate with HS2 "seems the tap has been turned off" not as user friendly.

**32. AUDIT COMMISSION
COMPLETION OF ANNUAL AUDIT FOR THE FINANCIAL YEAR ENDING 31 MARCH 2017**

RESOLVED That the Annual Audit for the financial year ending 31 March 2017 be received and noted.

33. GOAL NETS

RESOLVED That this item be moved to the next Agenda in the absence of Councillor Mrs Harrison.

34. EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED That under the Public Bodies (Admissions to Meetings) Act 1960 (Section 2) (and as expended by Section 100 of the Local Government Act 1972), the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information.

35. PARISH CLERK'S SALARY

RESOLVED That cheques be drawn in respect of the Parish Clerk's August 2017 salary (cheque number 100424) and September 2017 salary (cheque number 100425), HMRC - October 2017 (cheque number 100426), Staffordshire Pension Fund - October 2017 (cheque number 100427), HMRC - November 2017 (cheque number 100428) and Staffordshire Pension Fund - November 2017 (cheque number 100429),

36. DATE, VENUE AND TIME OF NEXT PARISH COUNCIL MEETING

RESOLVED That Wednesday 08 November 2017 in the Conference Room 1, Conference Centre, HMP Swinfen commencing 7.00 pm be confirmed as the next Parish Council meeting.

(The Meeting closed at 7.11 pm)

Signed

Date

SWINFEN AND PACKINGTON PARISH COUNCIL

SCHEDULE OF PAYMENTS

PAYEE	ITEM(S)	CHEQUE NUMBER	SUB TOTAL	VAT	TOTAL
HMRC	PAYE (April 2017)	100402	31.80	---	31.80
Staffordshire Pension Fund	Superannuation (April 2017)	100403	46.82	---	46.82
HMRC	PAYE (May 2017)	100404	32.00	---	32.00
Staffordshire Pension Fund	Superannuation (May 2017)	100405	46.82	---	46.82
J Minor	April 2017 Salary	100406	127.90	---	127.90
J Minor	May 2017 salary	100407	127.70	---	127.70
J Minor	Annual Heating Allowance	100408	156.00	---	156.00
M Danby	Internal Audit	100409	25.00	---	25.00
SLCC	Memberships	100410	67.00	---	67.00
SPCA	Memberships	100411	129.00	---	129.00
AON UK Limited	Insurance	100412	460.86	---	460.86
J Minor	(Transparency Fund – Laptop etc)	100413	648.94	---	648.94
Staffordshire Pension Fund	Superannuation (June 2017)	100414	46.82	---	46.82
HMRC	PAYE (June 2017)	100415	32.00	---	32.00
Staffordshire Pension Fund	Superannuation (July 2017)	100416	46.82	---	46.82
HMRC	PAYE (July 2017)	100417	31.80	---	31.80
J Minor	June 2017 salary	100418	127.70	---	127.70
J Minor	July 2017 salary	100419	127.90	---	127.90
HMRC	PAYE (August 2017)	100420	32.00	---	32.00
Staffordshire Pension Fund	Superannuation (August 2017)	100421	46.82	---	46.82
HMRC	PAYE (September 2017)	100422	31.80	---	31.80
Staffordshire Pension Fund	Superannuation (September 2017)	100423	46.82	---	46.82
J Minor	August 2017 salary	100424	127.70	---	127.70

PAYEE	ITEM(S)	CHEQUE NUMBER	SUB TOTAL	VAT	TOTAL
J Minor	September 2017 salary	100425	127.70	---	127.70
HMRC	PAYE (October 2017)	100426	31.80	---	31.80
Staffordshire Pension Fund	Superannuation (October 2017)	100427	46.82	---	46.82
HMRC	PAYE (November 2017)	100428	32.00	---	32.00
Staffordshire Pension Fund	Superannuation (November 2017)	100429	46.82	---	46.82
		TOTAL	2,883.16		2,883.16

Current Account as at 31 September 2017 = £8,369.20

Deposit Account as at 31 September 2017 = £3,955.39

Parish Council Meeting 08 November 2017

Agenda Item 8

	ACTUAL YEAR ENDING 31/03/2017	ACTUAL TO DATE	ESTIMATED ACTUAL YEAR ENDING 31/03/2018
ADMIN/OFFICE COSTS			
Clerk's Salary	1,662.04	922.60	1,690.00
PAYE/Superannuation	904.08	629.76	945.04
Postage/Stationery	0.00	0.00	50.00
Insurance	450.57	460.86	460.86
Annual Subs (Staffordshire Parish Councils Association and Society of Local Council Clerks)	208.00	196.00	196.00
Audit Fee (Both Internal and External)	25.00	25.00	25.00
Premises	0.00	0.00	0.00
Web Site	0.00	0.00	200.00
Legal Books (Clerk's Manual)	0.00	0.00	100.00
Election	102.46 (2015 Election)	0.00	0.00
Tamworth Pest Control (Moles)	0.00	0.00	200.00
SUB TOTAL	3,352.15	2,234.22	3,866.90 (3,316.90)
OTHER ITEMS			
Laptop, printer etc (Transparency Fund)	0.00	648.94	648.94
Training/Courses/Conferences	0.00	0.00	0.00
SUB TOTAL	0.00	648.94	648.94
Bus Shelters	0.00	0.00	100.00
Notice Boards	0.00	0.00	100.00
SUB TOTAL	0.00	0.00	200.00
GRANTS			
Goal Posts	0.00	100.00	100.00
Weeford Church	0.00	0.00	400.00
SUB TOTAL	0.00	100.00	500.00
GRAND TOTAL	3,352.15	2,983.16	5,215.84

Background

The Parish Council receives its funding through a 'precept' added to Council Tax bills. For the year ending 31 March 2016 the precept was £4,800; for the year ending 31 March 2017 the precept was £5,000 and for the year ending 31 March 2018 the precept was £5,000.

Your ref
Our ref Local Council Tax Support Grant
Ask for Anthony Thomas 01543 308012
Email Anthony.thomas@lichfielddc.gov.uk



District Council House, Frog Lane
Lichfield, Staffordshire WS13 6YX

Customer Services 01543 308000

Sent via email

8 August 2017

Dear Parish Council Clerk,

Proposed changes to Parish Council Local Council Tax Support Grant from 2018/19

Lichfield District Council's Cabinet will receive a report on 5 September 2017 recommending that the policy for funding Parish Council Local Council Tax Support Grant is ceased from 2018/19.

I wanted to explain the background to this proposed change in policy and the implications for parish councils before the decision is taken by Full Council on 17 October 2017.

The Local Council Tax Support Grant policy between 2013/14 and 2017/18

In 2013/14 the government introduced changes to localise the support for council tax benefit. The impact of these changes was that the council tax base used to set council tax reduced.

To compensate parish councils for the reduced level of council tax in 2013/14, funding of £134,695 was identified in the district council's government funding (Revenue Support Grant and Retained Business Rates). However, since 2013/14 no separate allocation has been identified. Therefore the policy has been to reduce funding to parish councils in line with the reductions in the district council's government funding.

The district council has experienced significant reductions in government funding between 2013/14 and 2017/1, with it reducing by 41% (the revenue support grant element reduced by 92% from £2,780,000 to £236,000). Therefore, through the application of the approved policy, funding for Local Council Tax Support Grant has also reduced by 35%.

The level of reductions in government funding and Local Council Tax Support Grant between 2013/14 and 2017/18 are shown in the graph below on the reverse:



www.lichfielddc.gov.uk



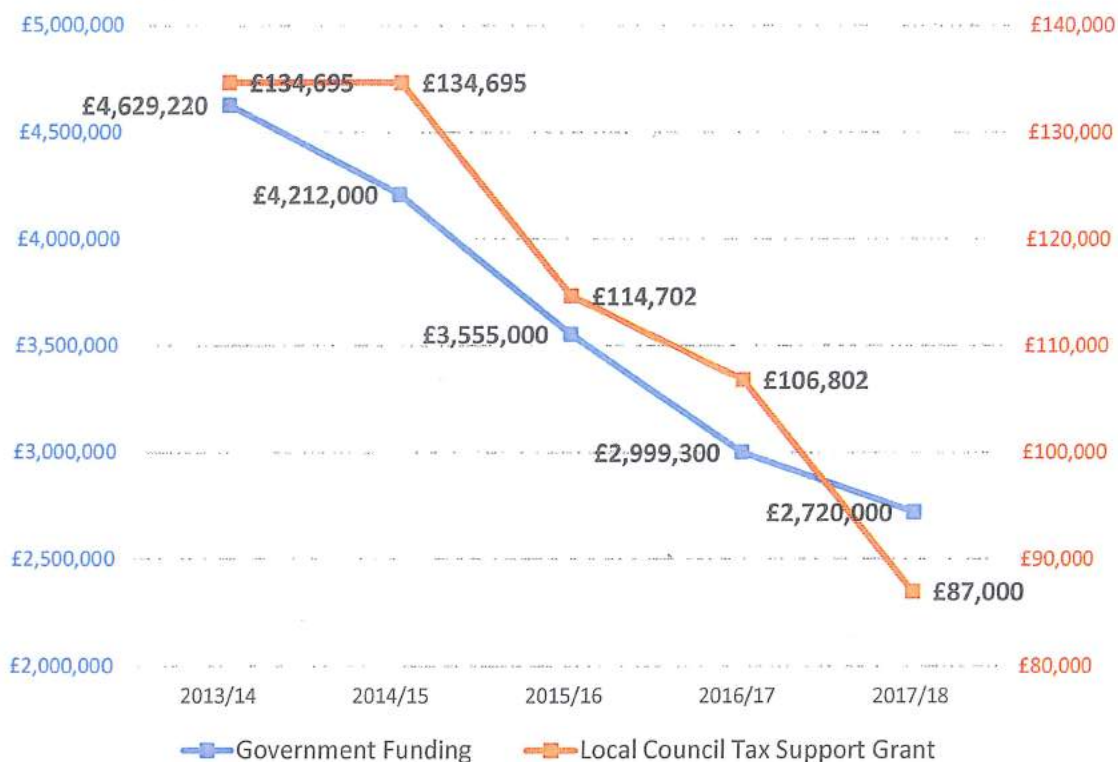
[/lichfielddc](https://www.facebook.com/lichfielddc)



[lichfield_dc](https://twitter.com/lichfield_dc)

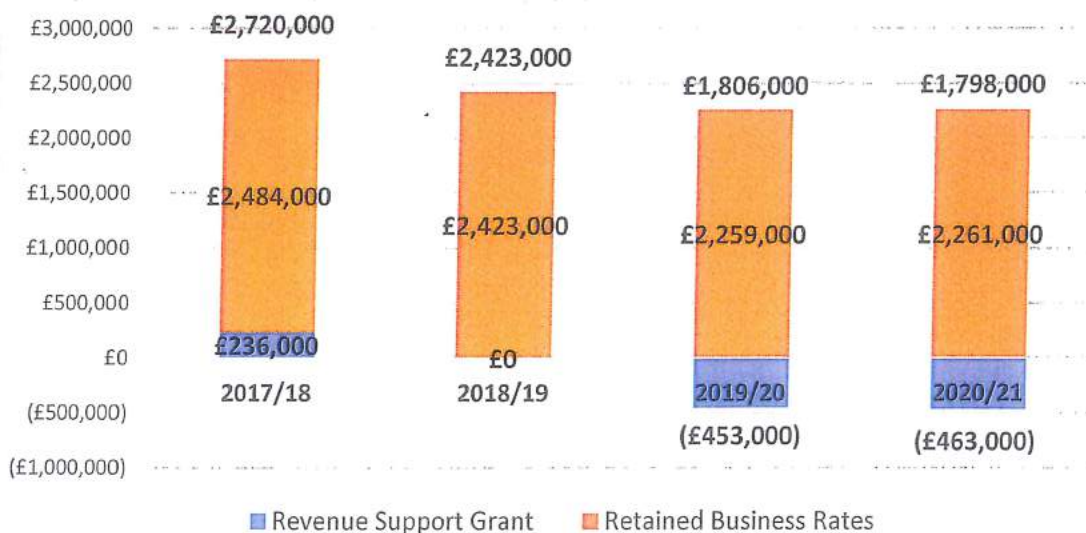


[MyStaffs App](#)



The Medium Term Financial Strategy from 2018/19

Lichfield District Council has an agreed four year funding settlement from 2016/17 up to 2019/20 and this settlement together with projections for 2021/21 shows further reductions in government funding, including Revenue Support Grant becoming negative as shown in the chart below:



These significant reductions in Revenue Support Grant together with the current uncertainty surrounding the element related to business rates mean the district council is projecting significant funding gaps in its Medium Term Financial Strategy from 2018/19.

We are therefore reviewing all areas of activity to identify actions that will close these funding gaps. One area that has been considered by the council's Cabinet is a proposal to change the policy and stop payment of Local Council Tax Support Grant to parish councils from 2018/19.



The implications for parish councils of the proposed Policy change

The proposal to cease the payment of Local Council Tax Support Grant from 2018/19 will mean parish councils receive less income (subject to changes in the Taxbase). Therefore council tax would need to increase to continue funding expenditure at its present level.

To illustrate the impact of this proposed policy change on parish council band D council taxes, we have modelled the impact of the change in 2017/18 if this proposed policy had been applied. This modelling is included at Appendix A and shows:

- Band D council tax for each parish council would have increased by £2.36.
- The average increase for all parishes would have been 5.34%.

I appreciate that this proposal, should it be approved, will have an impact on parish councils and residents. However the level of reductions in government funding means that we must review all areas of activity to reduce projected funding gaps.

I will contact you again to let you know the decision following Full Council on 17 October 2017 and we will notify you of your council taxbase in November 2017.

Yours faithfully

Councillor Chris Spruce
Cabinet Member for Finance & Democratic Services
Lichfield District Council



Appendix A

Impact of the proposed change in policy if it had been applied in 2017/18 for each parish council

	Tax Base	Precept	Council Tax Support Grant	Precept Reduced by Grant	Approved Band D Council Tax	Band D Council Tax excluding Grant	Band D Increase (£)	Band D Increase (%)
Alrewas	1,169	39,270	2,755	36,515	£31.23	£33.58	£2.36	7.54%
Armitage with Handsacre	2,046	85,367	4,820	80,547	£39.36	£41.72	£2.36	5.98%
Burntwood	8,148	327,992	19,192	308,800	£37.90	£40.26	£2.36	6.22%
Clifton Campville with Thorpe Constantine*	361	16,449	849	15,600	£43.26	£45.62	£2.36	5.45%
Colton	321	14,810	757	14,053	£43.72	£46.07	£2.36	5.39%
Curborough and Elmhurst and Farewell and Chorley*	241	3,763	568	3,195	£13.25	£15.60	£2.36	17.78%
Drayton Bassett	440	21,629	1,035	20,594	£46.85	£49.20	£2.36	5.03%
Edingale	268	13,000	631	12,369	£46.19	£48.54	£2.36	5.10%
Elford	285	13,000	671	12,329	£43.25	£45.60	£2.36	5.45%
Fazeley	1,459	57,872	3,436	54,436	£37.31	£39.67	£2.36	6.31%
Fradley and Streethay*	1,357	65,000	3,195	61,805	£45.56	£47.92	£2.36	5.17%
Hammerwich	1,349	29,510	3,177	26,333	£19.53	£21.88	£2.36	12.06%
Hamstall Ridware	145	4,690	342	4,348	£29.96	£32.31	£2.36	7.86%
Harlaston	182	8,863	429	8,434	£46.30	£48.66	£2.36	5.09%
Hints and Canwell	175	7,800	412	7,388	£42.19	£44.55	£2.36	5.58%
King's Bromley	535	13,491	1,260	12,231	£22.86	£25.22	£2.36	10.30%
Lichfield	11,795	700,701	27,784	672,917	£57.05	£59.41	£2.36	4.13%
Longdon	741	25,280	1,745	23,535	£31.76	£34.12	£2.36	7.42%
Mavesyn Ridware	439	17,750	1,035	16,715	£38.05	£40.40	£2.36	6.19%
Shenstone	3,457	165,000	8,142	156,858	£45.38	£47.73	£2.36	5.19%
Swinfen and Packington	138	5,000	325	4,675	£33.88	£36.23	£2.36	6.95%
Wall	194	10,500	457	10,043	£51.80	£54.16	£2.36	4.55%
Weeford	95	1,585	225	1,360	£14.25	£16.61	£2.36	16.53%
Whittington and Fisherwick*	1,119	47,583	2,636	44,948	£40.17	£42.53	£2.36	5.86%
Wigginton and Hopwas	476	19,000	1,121	17,879	£37.56	£39.92	£2.36	6.27%
Total /Average	36,935	£1,714,906	£87,000	£1,627,906	£44.07	£46.43	£2.36	5.34%



Preparing for the General
Data Protection Regulation
(GDPR) 12 steps to take now

Preparing for the General Data Protection

Regulation (GDPR) 12 steps to take now

1

Awareness

You should make sure that decision makers and key people in your organisation are aware that the law is changing to the GDPR. They need to appreciate the impact this is likely to have.

2

Information you hold

You should document what personal data you hold, where it came from and who you share it with. You may need to organise an information audit.

3

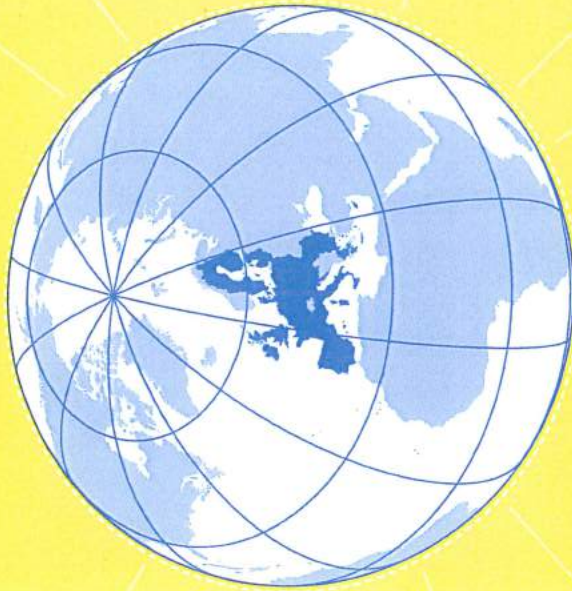
Communicating privacy information

You should review your current privacy notices and put a plan in place for making any necessary changes in time for GDPR implementation.

4

Individuals' rights

You should check your procedures to ensure they cover all the rights individuals have, including how you would delete personal data or provide data electronically and in a commonly used format.



5

Subject access requests

You should update your procedures and plan how you will handle requests within the new timescales and provide any additional information.

6

Lawful basis for processing personal data

You should identify the lawful basis for your processing activity in the GDPR, document it and update your privacy notice to explain it.

7

Consent

You should review how you seek, record and manage consent and whether you need to make any changes. Refresh existing consents now if they don't meet the GDPR standard.

8

Children

You should start thinking now about whether you need to put systems in place to verify individuals' ages and to obtain parental or guardian consent for any data processing activity.

9

Data breaches

You should make sure you have the right procedures in place to detect, report and investigate a personal data breach.

10

Data Protection by Design and Data Protection Impact Assessments

You should familiarise yourself now with the ICO's code of practice on Privacy Impact Assessments as well as the latest guidance from the Article 29 Working Party, and work out how and when to implement them in your organisation.

11

Data Protection Officers

You should designate someone to take responsibility for data protection compliance and assess where this role will sit within your organisation's structure and governance arrangements. You should consider whether you are required to formally designate a Data Protection Officer.

12

International

If your organisation operates in more than one EU member state (ie you carry out cross-border processing), you should determine your lead data protection supervisory authority. Article 29 Working Party guidelines will help you do this.

Introduction

This checklist highlights 12 steps you can take now to prepare for the General Data Protection Regulation (GDPR) which will apply from 25 May 2018.

Many of the GDPR's main concepts and principles are much the same as those in the current Data Protection Act (DPA), so if you are complying properly with the current law then most of your approach to compliance will remain valid under the GDPR and can be the starting point to build from. However, there are new elements and significant enhancements, so you will have to do some things for the first time and some things differently.

It is important to use this checklist and other Information Commissioner's Office (ICO) resources to work out the main differences between the current law and the GDPR. The ICO is producing new guidance and other tools to assist you, as well as contributing to guidance that the Article 29 Working Party is producing at the European level. These are all available via the ICO's [Overview of the General Data Protection Regulation](#). The ICO is also working closely with trade associations and bodies representing the various sectors – you should also work closely with these bodies to share knowledge about implementation in your sector.

It is essential to plan your approach to GDPR compliance now and to gain 'buy in' from key people in your organisation. You may need, for example, to put new procedures in place to deal with the GDPR's new transparency and individuals' rights provisions. In a large or complex business this could have significant budgetary, IT, personnel, governance and communications implications.

The GDPR places greater emphasis on the documentation that data controllers must keep to demonstrate their accountability. Compliance with all the areas listed in this document will require organisations to review their approach to governance and how they manage data protection as a corporate issue. One aspect of this might be to review the contracts and other arrangements you have in place when sharing data with other organisations.

Some parts of the GDPR will have more of an impact on some organisations than on others (for example, the provisions relating to profiling or children's data), so it would be useful to map out which parts of the GDPR will have the greatest impact on your business model and give those areas due prominence in your planning process.

1 Awareness

You should make sure that decision makers and key people in your organisation are aware that the law is changing to the GDPR. They need to appreciate the impact this is likely to have and identify areas that could cause compliance problems under the GDPR. It would be useful to start by looking at your organisation's risk register, if you have one.

Implementing the GDPR could have significant resource implications, especially for larger and more complex organisations. You may find compliance difficult if you leave your preparations until the last minute.

2 Information you hold

You should document what personal data you hold, where it came from and who you share it with. You may need to organise an information audit across the organisation or within particular business areas.

The GDPR requires you to maintain records of your processing activities. It updates rights for a networked world. For example, if you have inaccurate personal data and have shared this with another organisation, you will have to tell the other organisation about the inaccuracy so it can correct its own records. You won't be able to do this unless you know what personal data you hold, where it came from and who you share it with. You should document this. Doing this will also help you to comply with the GDPR's accountability principle, which requires organisations to be able to show how they comply with the data protection principles, for example by having effective policies and procedures in place.

3 Communicating privacy information

You should review your current privacy notices and put a plan in place for making any necessary changes in time for GDPR implementation.

When you collect personal data you currently have to give people certain information, such as your identity and how you intend to use their information. This is usually done through a privacy notice. Under the GDPR there are some additional things you will have to tell people. For example, you will need to explain your lawful basis for processing the data, your data retention periods and that individuals have a right to

complain to the ICO if they think there is a problem with the way you are handling their data. The GDPR requires the information to be provided in concise, easy to understand and clear language.

The ICO's [Privacy notices code of practice](#) reflects the new requirements of the GDPR.

4 Individuals' rights

You should check your procedures to ensure they cover all the rights individuals have, including how you would delete personal data or provide data electronically and in a commonly used format.

The GDPR includes the following rights for individuals:

- the right to be informed;
- the right of access;
- the right to rectification;
- the right to erasure;
- the right to restrict processing;
- the right to data portability;
- the right to object; and
- the right not to be subject to automated decision-making including profiling.

On the whole, the rights individuals will enjoy under the GDPR are the same as those under the DPA but with some significant enhancements. If you are geared up to give individuals their rights now, then the transition to the GDPR should be relatively easy. This is a good time to check your procedures and to work out how you would react if someone asks to have their personal data deleted, for example. Would your systems help you to locate and delete the data? Who will make the decisions about deletion?

The right to data portability is new. It only applies:

- to personal data an individual has provided to a controller;
- where the processing is based on the individual's consent or for the performance of a contract; and
- when processing is carried out by automated means.

You should consider whether you need to revise your procedures and make any changes. You will need to provide the personal data in a structured commonly used and machine readable form and provide the

information free of charge.

5 Subject access requests

You should update your procedures and plan how you will handle requests to take account of the new rules:

- In most cases you will not be able to charge for complying with a request.
- You will have a month to comply, rather than the current 40 days.
- You can refuse or charge for requests that are manifestly unfounded or excessive.
- If you refuse a request, you must tell the individual why and that they have the right to complain to the supervisory authority and to a judicial remedy. You must do this without undue delay and at the latest, within one month.

If your organisation handles a large number of access requests, consider the logistical implications of having to deal with requests more quickly. You could consider whether it is feasible or desirable to develop systems that allow individuals to access their information easily online.

6 Lawful basis for processing personal data

You should identify the lawful basis for your processing activity in the GDPR, document it and update your privacy notice to explain it.

Many organisations will not have thought about their lawful basis for processing personal data. Under the current law this does not have many practical implications. However, this will be different under the GDPR because some individuals' rights will be modified depending on your lawful basis for processing their personal data. The most obvious example is that people will have a stronger right to have their data deleted where you use consent as your lawful basis for processing.

You will also have to explain your lawful basis for processing personal data in your privacy notice and when you answer a subject access request. The lawful bases in the GDPR are broadly the same as the conditions for processing in the DPA. It should be possible to review the types of processing activities you carry out and to identify your lawful basis for doing so. You should document your lawful bases in order to

help you comply with the GDPR's 'accountability' requirements.

7

Consent

You should review how you seek, record and manage consent and whether you need to make any changes. Refresh existing consents now if they don't meet the GDPR standard.

You should read the [detailed guidance](#) the ICO has published on consent under the GDPR, and use our consent checklist to review your practices. Consent must be freely given, specific, informed and unambiguous. There must be a positive opt-in – consent cannot be inferred from silence, pre-ticked boxes or inactivity. It must also be separate from other terms and conditions, and you will need to have simple ways for people to withdraw consent. Public authorities and employers will need to take particular care. Consent has to be verifiable and individuals generally have more rights where you rely on consent to process their data.

You are not required to automatically 'repaper' or refresh all existing DPA consents in preparation for the GDPR. But if you rely on individuals' consent to process their data, make sure it will meet the GDPR standard on being specific, granular, clear, prominent, opt-in, properly documented and easily withdrawn. If not, alter your consent mechanisms and seek fresh GDPR-compliant consent, or find an alternative to consent.

8

Children

You should start thinking now about whether you need to put systems in place to verify individuals' ages and to obtain parental or guardian consent for any data processing activity.

For the first time, the GDPR will bring in special protection for children's personal data, particularly in the context of commercial internet services such as social networking. If your organisation offers online services ('information society services') to children and relies on consent to collect information about them, then you may need a parent or guardian's consent in order to process their personal data lawfully. The GDPR sets the age when a child can give their own consent to this processing at 16 (although this may be lowered to a minimum of 13 in the UK). If a child is younger then you will need to get consent from a person holding 'parental responsibility'.

This could have significant implications if your organisation offers online services to children and collects their personal data. Remember that consent has to be verifiable and that when collecting children's data your privacy notice must be written in language that children will understand.

9 Data breaches

You should make sure you have the right procedures in place to detect, report and investigate a personal data breach.

Some organisations are already required to notify the ICO (and possibly some other bodies) when they suffer a personal data breach. The GDPR introduces a duty on all organisations to report certain types of data breach to the ICO, and in some cases, to individuals. You only have to notify the ICO of a breach where it is likely to result in a risk to the rights and freedoms of individuals – if, for example, it could result in discrimination, damage to reputation, financial loss, loss of confidentiality or any other significant economic or social disadvantage.

Where a breach is likely to result in a high risk to the rights and freedoms of individuals, you will also have to notify those concerned directly in most cases.

You should put procedures in place to effectively detect, report and investigate a personal data breach. You may wish to assess the types of personal data you hold and document where you would be required to notify the ICO or affected individuals if a breach occurred. Larger organisations will need to develop policies and procedures for managing data breaches. Failure to report a breach when required to do so could result in a fine, as well as a fine for the breach itself.

10 Data Protection by Design and Data Protection Impact Assessments

It has always been good practice to adopt a privacy by design approach and to carry out a Privacy Impact Assessment (PIA) as part of this. However, the GDPR makes privacy by design an express legal requirement, under the term 'data protection by design and by default'. It also makes PIAs – referred to as 'Data Protection Impact Assessments' or DPIAs – mandatory in certain circumstances.

A DPIA is required in situations where data processing is likely to result in high risk to individuals, for example:

- where a new technology is being deployed;
- where a profiling operation is likely to significantly affect individuals; or
- where there is processing on a large scale of the special categories of data.

If a DPIA indicates that the data processing is high risk, and you cannot sufficiently address those risks, you will be required to consult the ICO to seek its opinion as to whether the processing operation complies with the GDPR.

You should therefore start to assess the situations where it will be necessary to conduct a DPIA. Who will do it? Who else needs to be involved? Will the process be run centrally or locally?

You should also familiarise yourself now with the [guidance the ICO has produced on PIAs](#) as well as [guidance from the Article 29 Working Party](#), and work out how to implement them in your organisation. This guidance shows how PIAs can link to other organisational processes such as risk management and project management.

11 Data Protection Officers

You should designate someone to take responsibility for data protection compliance and assess where this role will sit within your organisation's structure and governance arrangements.

You should consider whether you are required to formally designate a Data Protection Officer (DPO). You must designate a DPO if you are:

- a public authority (except for courts acting in their judicial capacity);
- an organisation that carries out the regular and systematic monitoring of individuals on a large scale; or
- an organisation that carries out the large scale processing of special categories of data, such as health records, or information about criminal convictions. The Article 29 Working Party has [produced guidance for organisations on the designation, position and tasks of DPOs](#).

It is most important that someone in your organisation, or an external data protection advisor, takes proper responsibility for your data protection compliance and has the knowledge, support and authority to carry out their role effectively.

12 International

If your organisation operates in more than one EU member state, you should determine your lead data protection supervisory authority and document this.

The lead authority is the supervisory authority in the state where your main establishment is. Your main establishment is the location where your central administration in the EU is or else the location where decisions about the purposes and means of processing are taken and implemented.

This is only relevant where you carry out cross-border processing – ie you have establishments in more than one EU member state or you have a single establishment in the EU that carries out processing which substantially affects individuals in other EU states.

If this applies to your organisation, you should map out where your organisation makes its most significant decisions about its processing activities. This will help to determine your 'main establishment' and therefore your lead supervisory authority.

The Article 29 Working party has produced [guidance on identifying a controller or processor's lead supervisory authority](#).