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AUDIT COMMITTEE REPORT

Subject: Data Protection Update	**Purpose:** **For Approval** ☐ **For Discussion** ☒ **For Information** ☐
Prepared by: Hazel Robertson, VP Finance & Corporate Services	**Date:** 6 May 2020

Purpose:
To update the Committee on the College's data protection action plan and seek feedback on the controls which are in place.

Linked to Strategic Goal 3: Provide a high quality College experience.

Executive Summary:

The College receives a data protection service from the College/University sector shared Data Protection Service. As part of this we have a designated Data Protection Officer one day per week. The benefits from being in the shared service are significant, avoiding duplication of effort and affording access to sector expertise. Being part of the service also provides continuity to cover any periods of absence.

A significant programme of work has been undertaken and is reflected in the outcomes of the recent Information Governance audit.

The attached action plan for Data Protection is shared with the Committee to provide assurance about the commitment to continuous improvement in this area.

The key areas of work going forward are to:

- embed privacy by design, ensuring that data protection impact assessments are conducted (and acted upon) proactively;
- develop and agree a data retention schedule, which flows from the Article 30 register and will give staff guidance about retention periods and destruction requirements. This will then link in with our implementation of Office 365, particularly One File, and Sharepoint;
- ensure that training and awareness raising is fit for purpose through embedding the data protection champions and developing specific training for staff as required.

In light of the audit report and the attached action plan, the Committee are asked to consider whether sufficient controls are now in place to allow the level of corporate risk to be reduced.

Recommendation:

For the Committee to consider whether sufficient controls are now in place to allow the level of corporate risk to be reduced.

Previous Committee Approvals: N/A		
For publication ☒	**For publication with redactions** ☐	**Not for publication** ☐

Data Protection – Priorities and Action Plan to compliance

This document is designed to highlight the outstanding work needed at the College and deadlines/priorities for this.

Issue	Task	Deadline
Data Protection Impact Assessment (DPIA) and embedding **DP by Design and Default**	DPIA templates, guidance and training are in place. Templates and guidance available in shared drive and on intranet. Training is available. One session has already been completed in January and the Data Protection 'champions' also have had the training. There will be a session arranged for SLT to assist in embedding DP by design and default. There will also be further sessions arranged for managers and project leads.	Partially Completed
Article 30 Register – (Record of Processing Activities (ROPA))	The Article 30 register has been developed. The register has been completed by all departments. There is some further refinement required in some areas. This is a live document and managed as such. **This will enable the College to address other issues e.g. ensuring appropriate contracts and data sharing agreements are in place.**	Completed
Data Protection Act 2018: Schedule 1 Part 4 Policy Document	A requirement to process special category data under the Data Protection Act requires a policy document to be in place detailing the Schedule 1 conditions that apply, the policies and procedures in place, retention and security of data. The DPO Shared Service already have developed such a document which will be used as the basis for the College's policy.	June 2020
Data Retention and Disposal policy and procedure	This will be developed from the information contained within the Article 30 register. Procedures to be developed on the secure disposal of both electronic and paper information.	July 2020

Issue	Task	Deadline
Data Event (Breach) Procedure	Finalised breach procedure (including dealing with near misses etc) which has been published and circulated to all staff	Completed
Privacy Notices	Privacy Notice template available on U drive and published on the intranet. Ensure the privacy notices published on the College website is layered and in an accessible easy to understand format. Identify if/where there are any outstanding privacy notices required and develop with appropriate areas and arrange for publication on College website.	Partially Completed
Consent & Marketing guidance for marketing and BDU	Checklist, guidance and consent form developed for marketing and BDU teams. Available on U drive and intranet.	Completed
Data Subject Rights - guidance for individuals	DSR – guidance for staff on data subject rights and how to exercise them has already been circulated. Document/Finalise process for DSR requests and ensure all staff will recognise if/when they receive such a request.	Partially Complete Further awareness raising for staff required
Data Protection further training	Training for janitorial and cleaning staff required as they don't do the elearning but will be key when identifying/finding physical data breaches • Briefing paper (or verbal briefing) to be developed for janitors and cleaning staff. Further training for specific areas will be developed. Certain areas would benefit from more specific training where they process large volumes of personal data.	July 2020
Data Protection 'Champions'	There has been a training session held for Data Protection 'Champions', individuals representing each department. They have attended a detailed training session and further ones will be delivered by the DPO to provide further skills, knowledge and support.	Partially completed. Further training to be delivered and network on MS Teams to be set up.

Issue	Task	Deadline
	The role is there to provide support to areas in ensuring data protection compliance is achieved. The role is to support – not to be the individual who does all the data protection work. A network will be developed and the role will act as a conduit to the DPO.	
Data Sharing Agreements(DSA) – ensure DSAs are in place where appropriate	DSA template in place and available in U drive, will arrange publication on intranet too. There have been 2 SFC DSAs, the SDS 16+ Data Hub DSA and SWAP East DSA have been signed off. Further queries from other staff in relation to sharing data including • Scottish Borders Council, • Student Loans Company, • SDS sharing (excluding the 16+ Data Hub), • SQA (and other awarding bodies)	As and when they arise.
Data Controller/Processor – Third Party Contracts – Ensure appropriate controller/processor contracts in place	All 3rd party suppliers that involve processing of personal data is required to have appropriate controller/processor contracts in place that meet the requirements of Article 28. Further work with Finance and Procurement to put in place the appropriate controller/processor contracts where required.	As and when required
Data Protection Guidance	There have been requests for specific guidance on e.g. redaction, or dealing with Police enquiries. Develop list pf all necessary guidance requirements (in conjunction with DP 'Champs') and develop according to priorities (and also use DPO Shared Service resources) This work will be developed further as demands arise. Guidance developed by the Shared Service resources will be filed in the U drive and published on the intranet.	Ongoing

Issue	Task	Deadline
CCTV policy	Links with privacy notices requirements – there is signage already in place for CCTV but no policy. Agreed to re-use one DPO already holds and edit for Borders College purposes. Policy is being revised in conjunction with Facilities	June 2020
DP Policy	Completed and published on internet	Completed
DP Elearning	Agreed at SLT that this would be completed on bi-annual basis	Completed