

## TRAFFORD COUNCIL

**Report to:** Council  
**Date:** 29 November 2017  
**Report for:** Decision  
**Report of:** Corporate Director for Transformation and Resources

### Report Title

**Registration of Councillors as Data Controllers**

### Summary

The nature of work undertaken by local Councillors is such that they should register as Data Controllers. The Information Commissioner's Office (ICO) requires that that registration should take place. Any further registration requirements which follow the introduction of the GDPR (General Data Protection Regulation) which will come into UK law next year will be communicated in due course.

### Recommendation(s)

That Council recommends to all members that they should register as Data Controllers and that each fee for individual registration should be met from Council funds.

### Contact person for access to background papers and further information:

Name: Janet Kealey  
Extension: 1924

### Appendices :

- A ICO Guidance document "Advice for elected and prospective councillors"
- B Councillor "Nature of Work" description
- C Sample ICO Registration Form

### Background Information

<b>Relationship to Corporate Priorities</b>	<b>N/A Decision is required to comply with legislation</b>
<b>Financial</b>	<b>The financial implications arising from this report are limited to the registration fee which</b>

	<b>will be met from within the council's budget envelope.</b>
<b>Legal Implications</b>	<b>The Legal implications are contained in the body of this report.</b>
<b>Equality/Diversity Implications</b>	<b>None</b>
<b>Sustainability Implications</b>	<b>None</b>
<b>Staffing/E-Government/Asset Management Implications</b>	<b>None</b>
<b>Risk Management Implications</b>	<b>None</b>
<b>Health and Safety Implications</b>	<b>None</b>

1. Due to the nature of their work, councillors in the majority of local authorities across the UK are registered with the Information Commissioner's Office (the 'ICO') as Data Controllers. The ICO's "Advice for elected and prospective councillors" (Appendix A) provides guidance on how best they should manage information which comes into their possession during the course of their duties.

2. As set out in Appendix B, in the course of their work Councillors may process a considerable amount of personal information on behalf of their constituents. It is an offence under the Data Protection Act 1988 to process personal data without being registered to do so with the ICO.

3. A number of local authorities have received significant fines and other sanctions where there has been an incident of data loss or other data security breach. It is therefore of the utmost importance that both officers and elected members of the Council are aware of their responsibilities and are able to implement good practice when using or sharing personal information about private individuals. Keeping personal information secure and processing it properly helps to avoid harm to the individual and to avoid sanctions and reputational damage to both the Council and to the relevant elected member.

4. On 26 October 2017 Standards Committee considered the question of registration of Councillors as data controllers and recommended that the Council should resolve that all its Members should become registered and that the individual fee of £35 for each registration should be borne by the Council as an allowable expense. The majority of local authorities pay the registration fee for each of their elected members.

5. For information, a sample copy of a registration form is attached as Appendix C. It is proposed that officers shall assist each member in completing their form and shall submit a 'bulk' registration to the ICO in due course.

#### Reasons for recommendations

To ensure compliance with the law and to promote awareness and good practice in the protection of personal data.