

# Legal and Compliance Update

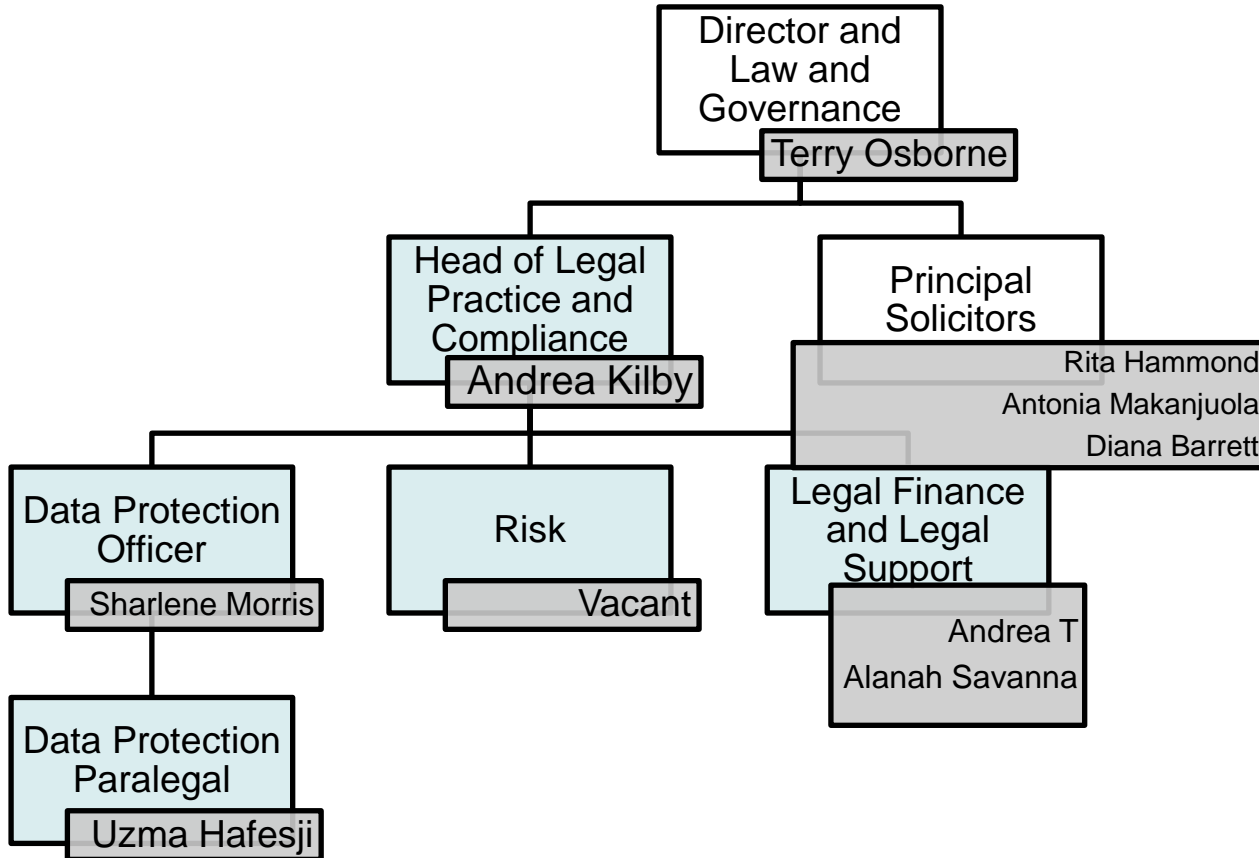
September 2024

[www.enfield.gov.uk](http://www.enfield.gov.uk)

Striving for excellence



# Welcome to the team



# Methods of contact

## Legal

[Legalsupport.requests@enfield.gov.uk](mailto:Legalsupport.requests@enfield.gov.uk)

## Risk

[RiskManagement@Enfield.gov.uk](mailto:RiskManagement@Enfield.gov.uk)

## Data Protection

[schools.data.protection.officer@enfield.gov.uk](mailto:schools.data.protection.officer@enfield.gov.uk)

# DPO update agenda

- Data Protection services provided and Service Level Agreement (SLAs)
- What's new for 2024-25
- Best practice for a good data breach investigation

# Data Protection services provided and Service Level Agreement (SLAs)

The DPO service provides support to schools in fulfilment of the statutory DPO role, as required by the UK GDPR. This will include:

- To inform and advise maintained Enfield schools and its employees about their obligations to comply with the UK GDPR, and other data protection laws
- To monitor compliance with the UK GDPR and other data protection laws
- Raising awareness of data protection issues and training staff
- To provide advice, guidance and best practice
- To advise about, and monitor risk (Data Protection Impact Assessments, DPIA and other data protection risk identification)
- To be the first point of contact for the ICO and for individuals whose data is processed in respect of schools (parents, pupils)

## **General Advice – minimum of 3 working days**

- FOI
- Individual rights requests incl. SARs, Police request
- Data Protection Advice
- Policy and Procedure Advice
- Data Protection Impact Assessment (DPIA) Pre-screening

**Review of documentation– SLA for review of each is a minimum of 5 working days with the scheduling of a subsequent meeting in the following 5 working days. This will enable a discussion, review and consideration/ finalisation of other actions, if needed.**

- Data Sharing Agreements (DSA)
- Data Processing Agreements (DPA)
- Data Protection Impact Assessment (DPIA) full assessment
- Contracts (DP aspect)

## **Policies – annual review and updates**

### **New Data Breach Policy**

#### **Templates**

- Data Sharing Agreements
- Data Processing Agreements
- Data Breach Reporting Form
- Privacy Notice

#### **Data Breaches - review and triage on same day if before 5pm or next working day.**

- Investigating and advising on mitigating actions, preventative measures
- Assessment of threshold and reportability to ICO

## **Training – Training and awareness plan across the school year**

- General data protection training for all schools
- Specific requests/ identified requirements for training in individual schools
- Training for Governors by request
- Awareness updates via email bulletin SBM update



# What's new 2024-25

Replace the workbook – November 2024

Introduce individual documents of:

- Record of Processing Activity -ROPA
- Information Asset Register - IAR
- Retention Schedule
- Data Protection Impact Assessment (pre-screen and full assessment)- DPIA

Populated templates and full training provided

# UK GDPR checklist

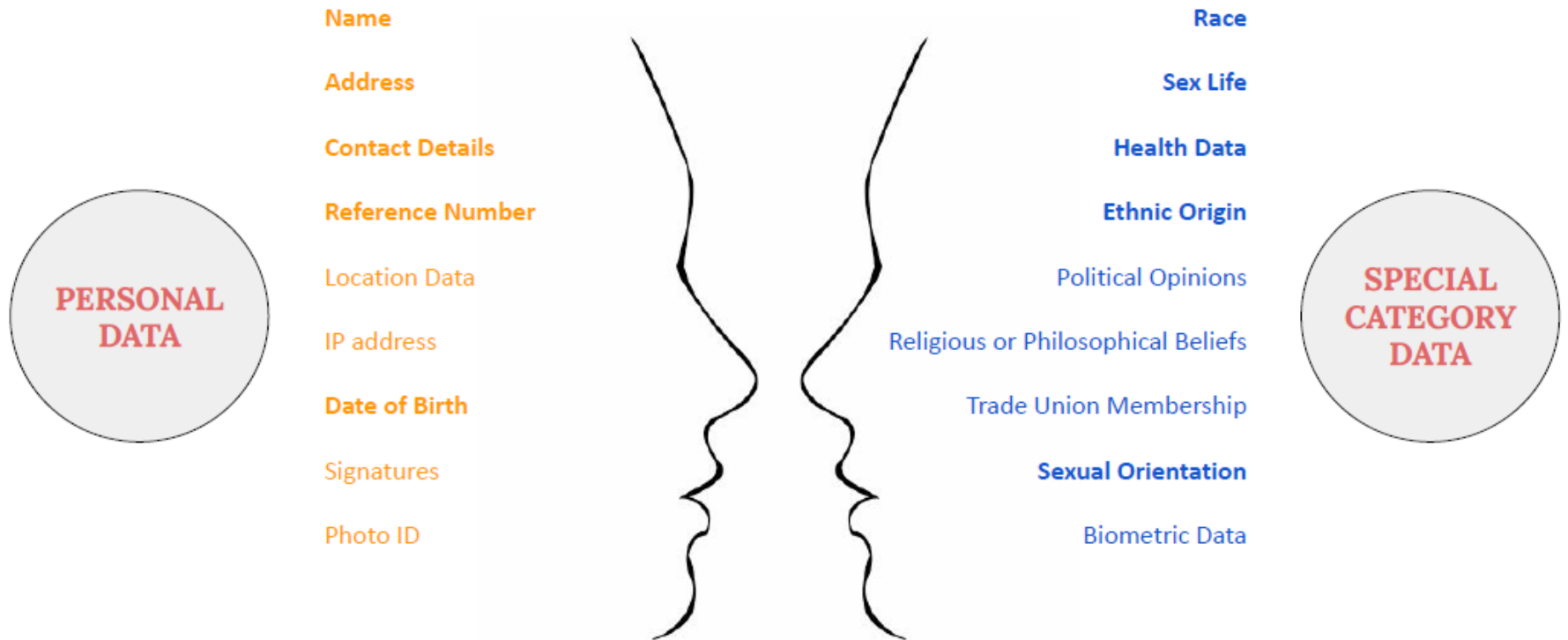
- UK GDPR checklist – self-assessment and subsequent review by the DPO, for training needs analysis.
- Summary report on review to each school and advice of areas of focus
- Build the 2024-25 training and awareness plan.

# Best practice for a good data breach investigation

# Personal Data

'personal data' means any information relating to an identified or identifiable natural person  
(UK GDPR)

# Types of personal data



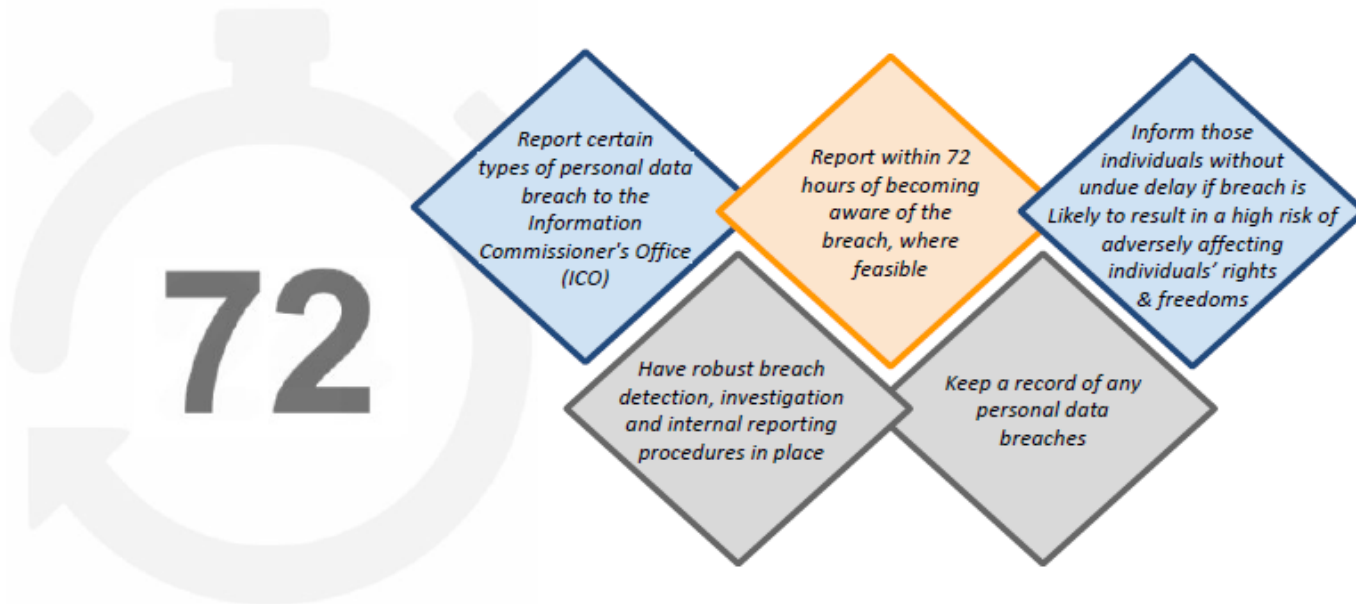
In addition to identifying a lawful basis, an additional condition is needed to process special category data (ten conditions)

- Explicit consent
- Vital Interests
- Public Interest

# Personal data breaches

“A personal data breach means a **breach of security** leading to the **accidental** or **unlawful destruction, loss, alteration, unauthorised disclosure** of, or **access to**, personal data.

***This includes breaches that are the result of both accidental and deliberate causes.***”



# Information Commissioner's Office

- The UK 'supervisory authority'
- Regulates information rights law (FOI, PECR, DP, UK GDPR)
- Has powers of enforcement, including the ability to fine organisation up to....
- **20 Million Euros/17.5 Million Pounds, or 4% of global turnover... whichever is higher.**



# Reporting a data breach

- Report as soon as you become aware (even if you just suspect)
- Complete the data breach form in as much detail as you can, remember that what may seem obvious to you will need to be explained to others
- Remember to forward any copy/ies of evidence of documents associated to the breach including digital records (email or other attachments)



# Decision to report to the ICO – is there significant risk to data subjects rights and freedoms?

What data has been disclosed?

How was the data disclosed?

Where was the data disclosed?

What is the volume of data disclosed?

Who are the data subjects?

What is the impact?

We take a risk-based approach, it is not just about actual damage, we consider the possibility for more intangible harm too.

# Considerations

Likelihood and severity

physical, material or non-material damage to the data subject,

Will the breach give rise to

- discrimination,
- identity theft or fraud,
- financial loss,
- damage to the reputation,
- loss of confidentiality of personal data protected by professional secrecy,
- unauthorised reversal of pseudonymisation,
- or any other significant economic or social disadvantage; where data subjects might be deprived of their rights and freedoms or prevented from exercising control over their personal data

# QUESTIONS?



# Contact details

If you need any advice, have any concerns, realise a breach has occurred, contact the DPO and we will ensure you get appropriate DP advice.

You can email:

[schools.data.protection.officer@enfield.gov.uk](mailto:schools.data.protection.officer@enfield.gov.uk)

## Key personnel:

Sharlene Morris (DPO)

Uzma Hafesji (Legal Practice and Data Protection Paralegal)