

SHETLAND ISLANDS AREA LICENSING BOARD

Clerk: Jan-Robert Riise
Depute Clerk: Susan Brunton

Governance and Law
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If calling please ask for
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Dear Sir/Madam

Date: 29 May 2018

You are invited to attend the following meeting:

**Shetland Islands Area Licensing Board
Council Chamber, Town Hall, Lerwick
Tuesday 5 June 2018 at 10am**

Apologies for absence should be notified to Leisel Malcolmson at the above number.

Yours faithfully

Depute Clerk to the Board

Clerk to the Board: Jan R Riise

AGENDA

- (a) Hold circular calling the meeting as read.
- (b) Apologies for absence, if any.
- (c) Declarations of Interest.
- 1. Appointment of Data Protection Officer. Enclosed.
GL-10

SHETLAND ISLANDS AREA LICENSING BOARD**5 June 2018****Appointment of Data Protection Officer****1. Introduction**

- 1.1 The purpose of this report is to seek a decision from the Board to appoint a Data Protection Officer, in order to ensure that the operation of the Board remains compliant with the new Data Protections legislation.

2. Data Protection Legislation

- 2.1 The General Data Protection Regulation (GDPR) is a regulation by which the European Parliament, the Council of the European Union (EU) and the European Commission intend to strengthen and unify data protection for all individuals across the whole of the EU. The primary objectives of the GDPR are to give citizens and residents control of their personal data and to simplify the regulatory environment by unifying the regulation within the EU. The GDPR came into force on 25 May 2018.
- 2.2 In addition, the Data Protection Act 2018 has now been passed through the UK Parliament, which will apply new data protection standards, based on the GDPR, to all general data, creating new rights for citizens and new modern rules for business. The 2018 Act will also create a comprehensive framework for general data processing, replacing the current Data Protection Act 1998.
- 2.3 Under the new Data Protection requirements, it is mandatory for all public authorities to designate a Data Protection Officer (DPO).

3. Data Protection Officer and Senior Information Risk Owner

- 3.1 The DPO tasks are defined as being:
- to inform and advise about the Board's obligations to comply with the GDPR and other data protection laws;
 - to monitor compliance with the GDPR and other data protection laws and Board policies, including managing internal data protection activities; raising awareness of data protection issues, training staff and conducting internal audits;
 - to advise on, and to monitor, data protection impact assessments;
 - to cooperate with the supervisory authority; and
 - to be the first point of contact for supervisory authorities and for individuals whose data is processed (employees, customers, etc.).
- 3.2 The Shetland Islands Council, at its meeting on 9 May 2018, appointed the Council's Executive Manager – Governance and Law as its Data Protection Officer. The role sits well with his current Proper Officer functions as Chief Legal Officer and Monitoring Officer. The Executive Manager – Governance and Law also acts as Clerk to the Licensing Board, and therefore it would be appropriate for the Board to appoint the Clerk as the Board's Data Protection Officer. This would

ensure continuity of advice and monitoring of compliance across both organisations.

- 3.3. The Executive Manager – Governance and Law is currently the Board's senior decision maker in relation to personal data held by the Board, and acts on behalf of the Board as data controller or processor. As this would give rise to a conflict of interest with the role of DPO, another senior officer is required to take on the responsibility of ensuring the Board acts appropriately as a Data Controller in accordance with data protection legislation.
- 3.4 As operational and day to day management of information, decision making and compliance issues are dealt with by the Depute Clerk to the Board [SIC Team Leader – Legal Services] it is recommended that the Depute Clerk be given the role of Senior Information Risk Owner [SIRO] in relation to Data Protection, as well as other information assets of the Board, therefore avoiding any conflict with the role of Clerk as Data Protection Officer. This role provides a point of contact on behalf of the Data Controller, which is the Board.

4. Recommendation

4.1 I recommend the Board:

- a) Appoint the Clerk to the Board as its Data Protection Officer; and
- b) Appoint the Depute Clerk to the Board as its Senior Information Risk Owner.

Depute Clerk to the Licensing Board

Report No. GL-10-SIALB

Date: 29 May 2018