

REPORT OF THE CHIEF EXECUTIVE

SUBJECT: APPOINTMENT OF A DATA PROTECTION OFFICER

Introduction

The Pembrokeshire Coast National Park Authority (PCNPA) is required to comply with the General Data Protection Regulations (GDPR) and other relevant Data Protection laws. In December 2020, the Authority agreed to undertake tender exercise to secure the services of a Data Protection Officer (DPO). This report provides an update.

Role of the Data Protection Officer

The appointed Data Protection Officer will:

- inform and advise PCNPA and its employees about their obligations to comply with GDPR and other data protection laws;
- monitor compliance with the GDPR and other data protection laws, and with PCNPA policies, including managing internal data protection activities, raising awareness of data protection issues, training staff and conducting internal audits;
- advise on, and monitor, data protection impact assessments;
- cooperate with the supervisory authority;
- be the first point of contact for supervisory authorities and for individuals whose data is processed (employees, customers etc.). Their work contact details will be readily available to PCNPA employees, to the Information Commissioners Office, and people whose personal data PCNPA processes;
- advise on how to deal with any breaches of data, including engaging with the Information Commissioner;
- have experience and expert knowledge of data protection law as well as PCNPA's data protection needs and processing activity;
- be given the authority to act independently on matters concerning data protection compliance within PCNPA;
- report to Members, Chief Executive and Senior Management Team;
- report annually to the Audit and Corporate Services Committee on PCNPA's performance on Data Protection compliance;
- provide risk based advice to the organisation. Where an increased risk is identified due for example to a change in the nature of data collected or how data is processed by PCNPA the Data Protection Officer will ensure this is reflected in PCNPA's risk register; and
- submit the registration notification and any amendments (if necessary) to the Information Commissioner.

The Authority will ensure that:

- the Data Protection Officer is involved, closely and in a timely manner, in all data protection matters;
- the Data Protection Officer reports to Members, Chief Executive or Senior Management Team;
- the Data Protection Officer operates independently and is not dismissed or penalised for performing their tasks;
- adequate resources are provided (sufficient time, financial, infrastructure, and, where appropriate, staff) to enable the Data Protection Officer to meet their GDPR obligations, and to maintain their expert level of knowledge;
- the Data Protection Officer is given appropriate access to personal data and processing activities;
- the Data Protection Officer is given appropriate access to other services within PCNPA so that they can receive essential support, input or information;
- the advice of the Data Protection Officer is sought when carrying out Data Protection Impact Assessments;
- details of the Data Protection Officer are recoded as part of our records of processing activities; and
- if we decide not to follow the advice given by our appointed Data Protection Officer, we will document our reasons to help demonstrate accountability.

The role of Data Protection Officer is similar in responsibility to the role of Section 151 Officer, with a responsibility for data protection rather than finance.

The Tender Exercise

A tender was published on Sell2Wales during January with a closing date of 3rd February 2021.

Two tenders were received and having assessed the tenders against the criteria it was decided to interview both candidates. The members of the interview panel were:

- Cllr Di Clements – Chair of the Audit and Corporate Services Review Panel;
- Mair Thomas – Interim Data Protection Officer
- Tegryn Jones – Chief Executive

Appointment of a Data Protection Officer

Following the interviews it was decided to offer the contract to the Data2Action company with Sarah Burns being appointed as the Data Protection Officer. The proposal outlines Sarah's suitability for the role as follows:

“Sarah is our co-founder and Director of Data2Action. Sarah is an MBA qualified, GDPR Practitioner and strategic Board level leader. An experienced DPO, Sarah's professional career has also been committed to leading, designing and executing strategic operational plans, executing digital transformation programmes in highly regulated organisations. Inherent in Sarah's work is her methodical approach and meticulous attention to detail, this coupled with her in-depth knowledge of the GDPR and associated legislation and Codes of Practices, she enables our clients, through practical expert guidance, to meet their regulatory obligations. Working in the capacity of DPO for a number of UK and international organisations, Sarah has a

vast and varied knowledge of the UK data protection regulation including cross border data transfers and 3rd party processor due diligence. Sarah has completed all modules and is in the final stage of being a Certified Information Privacy Professional (Europe) (CIPP/E). She is also a certified internal auditor for the Information Security Management Systems (ISMS) ISO27001.”

If Members approve the appointment of Sarah Burns, it is proposed that she will commence in the role on 1st April 2021. The contract with Data2Action will be for 3 years.

Interim Data Protection Officer.

Since December 2020, Mair Thomas has undertaken the role of Interim Data Protection Officer. Mair has been excellent in the role and will continue to support our work on data management through her role as Performance and Compliance Co-ordinator. The Authority is very grateful to Mair for all her work over the past few months.

Financial considerations

The budget for this service is in place and securing the services of a suitably qualified and experienced Data Protection Officer reduces the risk of the Authority incurring financial costs linked to not managing data correctly.

Risk considerations

The proposals seek to manage the risk associated with data protection. The appointment of a DPO, will bring in the necessary skills to manage this work into the Authority.

Compliance

The proposals ensure we comply with the requirements of relevant legislation.

Welsh Language considerations

The service provided will largely be internal and advisory. The Authority will put in place any support required to ensure it complies with the relevant Welsh Language Standards.

Recommendation

Members are asked to approve the appointment of Sarah Burns as Data Protection Officer for the Pembrokeshire Coast National Park Authority for a three year period commencing on 1st April 2021.