

REPORT OF THE CHIEF EXECUTIVE

SUBJECT: APPOINTMENT OF A DATA PROTECTION OFFICER

Introduction

The Pembrokeshire Coast National Park Authority (PCNPA) is fully committed to compliance with the requirements of the General Data Protection Regulations (GDPR) and other relevant Data Protection laws. The Authority has a legislative duty, as a Public authority, under the requirements of the General Data Protection Regulations, which come into force on 25th May 2018 to appoint a Data Protection Officer.

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;
- 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;
- provide adequate resources (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;
- give the Data Protection Officer appropriate access to personal data and processing activities;
- give the Data Protection Officer appropriate access to other services within PCNPA so that they can receive essential support, input or information;
- seek the advice of the Data Protection Officer when carrying out a 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.

Who can be appointed a Data Protection Officer?

The Data Protection Officer can be an existing employee or externally appointed.

Where a Data Protection Officer is an existing employee PCNPA will ensure that their current role doesn't result in a conflict of interest with their primary tasks as a Data Protection Officer and PCNPA will implement any mitigating actions to this effect. The Data Protection Officer will not hold a position within PCNPA that leads them to determine the purposes and the means of the processing of personal data.

The Data Protection Officer will not be expected to manage competing objectives that could result in data protection taking a secondary role to business interests.

The Data Protection Officer isn't personally liable for data protection compliance. As the controller or processor PCNPA remains responsible for compliance under the GDPR and other relevant data protection laws.

Appointment

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.

Having reviewed options it is proposed that the current IT Manager, Paul Funnell, is appointed to the role of Data Protection Officer. It is considered that the following relevant experience make Paul suitable for the role:

The proposed candidate has:

- been acting in the capacity of Data Protection Officer for Brecon Beacons NPA since 2006 and was designated in the role at NPA 20 April 2018;

- received a week-long formal training course and two subsequent top up courses from one of the UK's leading experts in the field (Heledd Lloyd-Jones, Senior Associate, Bird & Bird);
- experience of investigated and reported breaches in line with codes of practice;
- Liaised regularly with the Information Commissioners Office to seek guidance on relevant matters;
- Developed and implemented the risk management strategy and accompanying processes at Brecon Beacons NPA; and
- Conducted confidential IT investigation work in liaison with the Wales Audit Office and Dyfed Powys Police.

If approved, it is proposed to develop the necessary procedures to ensure that any conflict of interest is able to be managed.

This is a new role, and therefore it proposed to commence a review of the effectiveness of this arrangement within 12 months of appointment.

Recommendation.

Members are asked to approve the appointment of Paul Funnell as Data Protection Officer for the Pembrokeshire Coast National Park Authority.