

ISC16D024

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Issue

An update on matters relating to the forthcoming General Data Protection Regulations (GDPR) and the University's progress towards compliance with these Regulations.

Recommendation

Recipients are invited to:

- Consider the report

Resource Implications

Work is being led by ISD but will require input from all departments handling personal data. Increased resource has been requested as we move closer to the implementation of the GDPR in May 2018.

Risk Implications

Failure to comply with GDPR represents a high risk. It will expose the University to fines of up to 4% of annual turnover, or 20m Euros. Given ongoing concerns about the security of our systems, data security will need to be a priority for UEA in order to reduce the risk of significant personal data breaches.

In addition, the University will need to ensure that existing operations are compliant with GDPR processing conditions. Notably, while there is still a lack of clarity on certain aspects of the Regulations, recent monetary penalties issued by the ICO¹ indicate potential risk to fundraising activities undertaken by the Alumni and Development Offices.

Timing of decisions

The GDPR came into force in May 2016 and will be implemented from May 2018. The University will be expected to be fully compliant with the Regulations by that date.

Further Information

¹ <https://ico.org.uk/about-the-ico/news-and-events/news-and-blogs/2016/12/ico-investigation-reveals-how-charities-have-been-exploiting-supporters/>

- 'Data protection briefing – GDPR' (ISC15D032), circulated at the June 2016 ISSC.
- The Overview of the GDPR, provided by the Information Commissioner: <https://ico.org.uk/for-organisations/data-protection-reform/overview-of-the-gdpr/>

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Background

The Data Protection Act 1998 is due to be replaced by the GDPR. After some uncertainty in the wake of the result of the EU referendum, the Government has now confirmed the Regulations will apply in the UK from May 2018. We are now planning our transition to the new legislation to put in place all the changes required for compliance; however some aspects of the Regulations will require clarification and/or guidance from the Government, the UK Information Commissioner² and EU Data Protection Board (Article 29 Working Party)³.

Progress report

The SPC team continues to lead on preparations for GDPR, however resources are limited (<1 FTE) and diverted as required by existing day-to-day compliance work. The University has faced difficulties in complying with the current Data Protection Act, and the challenge of complying with GDPR will be considerably greater, involving cooperation from all parts of the University. The amount of work required should not be underestimated.

Resource constraints notwithstanding, the key activities planned for the next quarter are as follows:

- Bringing together stakeholders from all departments to ensure a consistent level of training and awareness, and to agree on next steps towards compliance in each area
- The appointment and training of an Information Compliance Assistant to provide support for the Information Policy and Compliance Manager leading on GDPR implementation
- Monitoring and dissemination of GDPR guidance
- Proposing options for the mandatory role of Data Protection Officer
- Formulating and initiating comprehensive documentation of data processing activities, as required by GDPR
- Reviewing data sharing agreements with external bodies
- Completing web guidance on data sharing processes
- Update and review of data breach reporting and investigation procedures
- Creation of documentation for data protection audits

² <https://ico.org.uk/for-organisations/data-protection-reform/>

³ http://ec.europa.eu/newsroom/just/item-detail.cfm?item_id=50083