



# Monitoring Report of the Data Protection Officer for the period ending 31 March 2023

## Introduction

The Police and Crime Commissioner (as “Controller”) is accountable for compliance with UK data protection legislation (UK General Data Protection Regulation (UKGDPR) and the Data Protection Act 2018). One of the requirements placed upon the Controller, to help ensure that compliance is achieved, is to appoint a suitably qualified Data Protection Officer (DPO) to fulfil, amongst other duties, various tasks set out within UK data protection legislation as follows:

- to inform and advise the Controller and the employees who carry out their processing of their obligations
- to monitor compliance with the legislation
- to provide advice in relation to a data protection impact assessment and to monitor compliance
- to co-operate with a supervisory authority
- to act as the contact point for the supervisory authority

This report provides a summary of the data protection activities undertaken during the period ending 1 April 2022 - 31 March 2023.

It also sets out details of any incidents or environmental issues which might be of note or relevance to the Lancashire Police and Crime Commissioner (PCC).

## Governance

### Reporting and Engagement

Arrangements are in place for the DPO to meet with the Chief Executive for the PCC monthly to review compliance, receive updates on progress against identified actions, and to receive a briefing on any relevant matters arising.

The DPO also regularly attends the Office of the Police and Crime Commissioner (OPCC) Team meeting, providing a briefing on data protection matters as appropriate.

## **Resources**

The role of DPO for the PCC is undertaken by the Head of Data Protection for Lancashire Constabulary. A Service Level Agreement between the PCC and the Lancashire Constabulary sets out the services that the DPO provides outside of the statutory duties required of the role. This includes providing advice in other information law matters.

Support to the DPO is provided from the Constabulary's Data Protection Department. Management of day-to-day compliance tasks, such as handling of subject right of access requests, is undertaken by the OPCC's Governance and Accountability Team.

The DPO is sufficiently supported. However, the Constabulary's Data Protection Department has again continued to carry several vacancies throughout this period. This is because of a few factors. Changes have been made to the structure of the Data Protection Office, which it is hoped will assist in the future recruitment and retention of staff in what is a specialised area of demand.

## **Policies and Procedures**

PCC policies/ procedures and staff guidance documents are up to date but remain under review. Where appropriate, policies are published externally on the PCC's website reviewed and updated during the period, including: Acceptable Use Policy, FOI Complaints Policy, Complaints Procedure.

The DPO has attended OPCC staff team meetings to provide briefings where appropriate.

## **Data Protection Impact Assessments (DPIA)**

Within the Period, a DPIA Screening form was completed for a new system for the Communication & Engagement Team for the OPCC. A DPIA was not required in this instance, therefore a Data Protection by Design has been completed.

## **Record of Processing Activities (ROPA)**

UK GDPR (General Data Protection Regulation) requires that a "record of processing activities" is maintained. Accordingly, the OPCC keeps a record of processing and the lawful basis under which the processing is undertaken. This work has commenced and will be completed during 2023/24.

## **Privacy Notices**

The PCC Privacy Notice has been reviewed, updated, and is published on the PCC's website.

The Child Specific Privacy Notice has been reviewed updated and published.

## **Data Subject Right of Access Requests**

The number of requests received 11

Compliance with Statutory timescales for response 11

Internal Reviews/ Complaints Received 1

ICO Complaints 0

## **Data Subject Right of Deletion Requests**

One request was received but not progressed.

## **Freedom of Information (FOI) Requests**

The number of requests received 48

Compliance with Statutory timescales for response 48

Internal Reviews/ Complaints Received - 5

ICO Complaints – 0

## **Environmental Information Requests (EIR)**

The number of requests received – 1

Compliance with Statutory timescales for response - 1

Internal Reviews/Complaints received – 1

ICO Complaints - 0

## **Personal Data Breaches/ Security Incidents**

During the period there were no personal data breaches which were required to be reported to the Information Commissioner. No significant procedural issues were identified.

## **Training**

One of the Governance Support Officers has successfully completed her FOI Practitioner Certificate and the Governance, Compliance & Reviews Manager has successfully completed her GDPR Practitioner Certificate.

## **Information Sharing**

There have been no new information sharing agreements instigated by the OPCC within the year.

## **Information Audit**

No information audits have been undertaken by the Data Protection Officer during the period.

## **Information Management Risks**

No new or significant areas of risk were identified during the period. It is noted that staff turnover may present some risk and fresh staff will be required to complete mandatory data protection training and familiarise themselves with all relevant policies during their induction.

Cyber threat remains a growing risk that needs to be considered within new technological developments and ongoing protection of the OPCC's systems and network. ICT (Information and Communications Technology) services to the OPCC are provided by Lancashire County Council.

The advances in the development of technology to facilitate the use and sharing of information for secondary purposes, development of AI (Artificial Intelligence), etc also presents risks to the privacy of individuals. Developments and guidance from the regulator relating to this area will continue to be reviewed in order that effective mechanisms are in place to ensure privacy matters considered appropriately.

## **Summary and Future Priorities**

Over the twelve-month period good compliance work settled in to 'business as usual' with some focus on specific pieces or work/ updates.

Demand from information access requests remained consistent with that from previous years and performance in meeting the statutory timescales was excellent; it met the Information Commissioner's guidance that suggests 90% of all requests should be handled within the respective statutory timescales.

No matters of complaint were made to the Information Commissioner (ICO) and there were no matters which arose which required reporting to the ICO.

Overall, this report presents a positive picture in demonstrating that the PCC is achieving a reasonable level of compliance with the requirements of the data protection legislation.

Over the next 12 months consideration will be given to the areas where an audit might be undertaken as part of the on-going monitoring obligations of the DPO.

Data Protection Officer

Office of the Police and Crime Commissioner