

## REPORT OF THE CHIEF EXECUTIVE

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### **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 May 2018, the Authority appointed Paul Funnell as its Data Protection Officer (DPO). Paul is now leaving this role and therefore this paper seeks to outline proposals to appoint a new DPO.

#### **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;
- 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.

### **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.

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.

### **Current Situation**

In May 2018 the Authority approved the appointment of Paul Funnell as its DPO. At that time Paul was employed by the Brecon Beacons National Park Authority (BBNPA) as IT Manager and also undertook the role for this Authority. However, Paul has resigned from his role in the Brecon Beacons to take on a new role and has also resigned as our DPO.

### **Proposals to appoint a Data Protection Officer**

Following discussion with the Brecon Beacons National Park Authority officers there does not appear to be an option to replicate the arrangement we had with Paul. Therefore we propose to issue a joint tender with BBNPA to secure the services of a

DPO. Through issuing a tender we would provide an opportunity for providers in both the public and private sectors to tender for the work and would hopefully provide good value for money.

As an interim measure and to ensure the Authority is compliant with the data protection requirements it is proposed to appoint Mair Thomas, the Authority's Performance and Compliance Co-ordinator as Interim Data Protection Officer. Mair has done extensive work in relation to data protection and has the skills and knowledge to undertake this role.

#### Financial considerations

Issuing a tender will provide good value for money.

#### Risk considerations

The proposals seek to manage the risk associated with data protection. The interim appointment will ensure that there is no gap in having the services of a DPO, while tendering for the services of a DPO will bring 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

Mair will be able to provide a Welsh Language service and we will seek to procure a bilingual service or make the necessary arrangements to provide this service through the medium of Welsh.

#### **Recommendation**

**Members are asked to approve proposals to tender for the services of a Data Protection Officer and to approve the appointment of Mair Thomas as Interim Data Protection Officer for the Pembrokeshire Coast National Park Authority.**