

BOLSOVER DISTRICT COUNCIL

Meeting of the Customer Services Committee on 5th May 2026

2026 Data Protection Policy

Report of the Information & Engagement Manager

Classification	This report is Public
Contact Officer	Information & Engagement Manager

PURPOSE/SUMMARY OF REPORT

The purpose of this report is to provide the updated 2026 Data Protection Policy to the Customer Services Scrutiny Committee for consideration prior to being submitted to the Executive for approval.

The report seeks approval of the revised Data Protection Policy (Version 2.1), which has been updated to ensure continued full compliance with the UK GDPR (as amended), the Data Protection Act 2018, and the Data (Use and Access) Act 2025 (DUAA).

REPORT DETAILS

1. Background

- 1.1 Bolsover District Council takes the security and privacy of data seriously and is committed to being transparent about how we collect and use personal data and meet our data protection obligations. We are registered as a “data controller” with the Information Commissioner’s Office (ICO) (registration number: Z670917X) and it is our duty to comply with our legal obligations under the Data Protection Act 2018 (the Legislation), the UK GDPR (as amended by the Data (Use and Access) Act 2025), and in consideration of other regulations, information security standards and other good practice standards.
- 1.2 The Data (Use and Access) Act 2025 received Royal Assent on 19 June 2025. Most of its data protection provisions came into force on 5 February 2026, with a further statutory right to complain directly to organisations taking effect on 19 June 2026. As a data controller, Bolsover District Council is required to keep its policies and practices up to date to reflect these legislative changes. This revision maintains the Council’s strong accountability framework while incorporating the new lawful basis, improved flexibility on automated decision-making, updated international transfer rules, and enhanced protections for children’s data.

2. Details of Proposal or Information

- 2.1 This Policy sets out the Council's commitment to data protection and individual rights in relation to personal data and sensitive personal data. It explains how the Council will hold and process personal information and explains individuals' rights as a "data subject".
- 2.2 This Policy applies to all employees, Councillors, contractors, apprentices, agency staff and unpaid volunteers and those on work experience. It covers personal data we collect and use on paper and electronically. It covers our corporate databases, network, video and photographs, voice recordings, CCTV, Body Worn Video (BWV) and mobile devices.
- 2.3 The policy has been refreshed with the following targeted, proportionate changes (all other sections remain unchanged and continue to reflect best practice):
- 2.4 New recognised legitimate interests lawful basis (Article 6(1)(ea) UK GDPR) – added as the seventh lawful basis. This removes the need for a separate balancing test for specific public-interest purposes listed in Annex 1 (e.g., prevention/detection of crime, safeguarding, emergencies, national security). Reliance on this basis will be recorded in the Register of Processing Activities.
- 2.5 Automated decision-making (ADM) – updated wording to reflect the greater flexibility introduced by the DUAA while retaining appropriate safeguards, human intervention rights, and restrictions on special category data.
- 2.6 International transfers – clarified use of the new statutory data protection test and Transfer Risk Assessment (TRA) process.
- 2.7 Privacy by Design / DPIAs – explicit requirement to give particular consideration to children's higher protection and age-appropriate design where relevant.
- 2.8 Individual rights – new section confirming the statutory right to complain directly to the Council from 19 June 2026. This is supported by the new Data Protection Complaints Procedure (now listed as a related document).
- 2.9 Privacy notices – commitment to regular review to reflect the new lawful basis and other DUAA changes.
- 2.10 Related policies/procedures – updated cover sheet and section 25 to include the new Data Protection Complaints Procedure and forthcoming Guidance on the DUAA amendments (June/July 2026).
- 2.11 The policy continues to meet all ICO accountability expectations and remains suitable for publication under the Freedom of Information Act 2000.

3. Reasons for Recommendation

- 3.1 The previous policy referenced outdated guidance and legislation. Without the proposed new policy, staff would continue to rely on inaccurate or inconsistent materials, thereby reducing confidence in the Council's policy framework and undermining its ability to demonstrate compliance with accountability

requirements. The proposed Data Protection Policy has been introduced to fully comply with up-to-date legal obligations.

3.2 The proposed Data Protection Policy outlines the levels of **accountability** for the Council's handling of personal information which includes:

- The Council's Chief Executive Officer who is accountable for providing the policies for employees to follow under the law to meet statutory requirements.
- The Council's Senior Information Risk Officer (SIRO) who is accountable for protecting the Council's information assets.
- The Council's DPO who is required in law to ensure the Council complies with data protection legislation.

4 Alternative Options and Reasons for Rejection

4.1 No alternative options are proposed as the policy is required to meet relevant regulations, legislation and guidance.

RECOMMENDATION(S)

1. That Members review the attached Data Protection Policy and provide comments for consideration as part of the development of the Policy in advance of formal Executive approval and implementation.

Approved by Councillor Donna Hales, Portfolio Holder for Corporate Performance and Governance

IMPLICATIONS:

<u>Finance and Risk</u> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
Details:		
There are no direct financial implications arising from this report.		
On behalf of the Section 151 Officer		
<u>Legal (including Data Protection)</u> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
Details:		
The legal obligations are listed within the Policy. The Policy has been developed in line with the legal and regulatory requirements. Failure to discharge our responsibilities and obligations could result in compensation claims. Failure to comply with our duties under the DPA 2018 and the UK GDPR can potentially result in the ICO imposing substantial fines of up to £17.5 million, or 4% of the Council's annual turnover, whichever is higher.		
On behalf of the Solicitor to the Council		

Staffing Yes No

Details:

There are no staffing implications in the report arising from the proposed Data Protection Policy. Staff are aware of the updated (draft) Policy which was tabled at the Service Managers Forum. Additionally, staff have undertaken recent (updated) Data Protection training as part of the Council's online training solution (SkillGate) during September 2025.

On behalf of the Head of Paid Service

Equality and Diversity, and Consultation Yes No

Details:

A consultation exercise was not required in devising the proposed Data Protection Policy which was compiled by the Council's Data Protection Officer (qualified GDPR Practitioner). An Equality Impact Assessment (EIA) was not required in devising the proposed Policy as no protected characteristic groups were identified as being impacted.

On behalf of Consultation & Equalities Lead

Environment Yes No

Please identify (if applicable) how this proposal/report will help the Authority meet its carbon neutral target or enhance the environment.

Details:

N/A

DECISION INFORMATION:

Please indicate which threshold applies:

Is the decision a Key Decision?

A Key Decision is an Executive decision which has a significant impact on two or more wards in the District or which results in income or expenditure to the Council above the following thresholds:

Yes No

Revenue (a) Results in the Council making Revenue Savings of £75,000 or more or **(b)** Results in the Council incurring Revenue Expenditure of £75,000 or more.

(a) (b)

Capital (a) Results in the Council making Capital Income of £150,000 or more or **(b)** Results in the Council incurring Capital Expenditure of £150,000 or more.

(a) (b)

District Wards Significantly Affected:

(to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the District)

Please state below which wards are affected or tick **All** if all wards are affected:

All

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<p>Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)</p> <p>If No/Yes, is the call-in period to be waived in respect of the decision(s) proposed within this report? (<i>decisions may only be classified as exempt from call-in with the agreement of the Monitoring Officer</i>)</p> <p>Consultation carried out: (this is any consultation carried out prior to the report being presented for approval)</p> <p>Leader <input type="checkbox"/> Deputy Leader <input type="checkbox"/> Executive <input type="checkbox"/> SLT <input type="checkbox"/> Relevant Service Manager <input checked="" type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/></p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
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Links to Council Ambition: Customers, Economy, Environment, Housing

Customers: Providing excellent and accessible services.

The Council takes the security and privacy of data seriously for its staff and customers. We are responsible for managing the information we hold, and we recognise that this information is important to all staff and service users. We aim to use personal information fairly, correctly and safely in line with the legal requirements.

DOCUMENT INFORMATION:

Appendix No	Title
1	Old Data Protection Policy
2	Draft New Data Protection Policy
3	Draft Data Breach Management Policy
4	Draft Individual Rights Procedure
5	Draft Redaction Policy
6	Draft Data Protection Complaints Procedure

Background Papers

(These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Executive, you must provide copies of the background papers).