

Decision Session
– Executive Member for Corporate Services

21 September 2010

Report of the Assistant Director of Customer and Business Support Services
(Customer Service & Governance)

Call for Evidence on the Data Protection Legislative Framework

Summary

1. This report presents a draft response to the Ministry of Justice “Call for Evidence” on current data protection law.

Background

2. The Ministry of Justice has issued a Call for Evidence on current data protection law to help inform the UK’s position on negotiations for a new EU data protection instrument, which are expected to start in early 2011. It seeks evidence about how the European Data Protection Directive 95/46/EC and the Data Protection Act 1998 are working, and their impact on individuals and organisations.
3. The Ministry of Justice points out that the Call for Evidence is not a formal consultation, but an evidence gathering exercise.

Consultation

4. There has been no external consultation, as anyone who wishes may contribute their evidence directly to the Ministry of Justice, and the reply is to be the view of City of York Council.

Options

5. All of the questions are optional and each question can be answered or not. The council’s view on each one is at its discretion. Any of the text in the draft can be freely amended subject only to council policy. However it is a “call for evidence” and replies should be factual and objective. They should be supported by evidence, or at least defensible through experience.

Analysis

6. Privacy law, and the council’s approach to it, help determine the relationship between citizens and council. A review of the European Directive is an

opportunity to share the council's view on the matter and influence that relationship further. Therefore the draft response aims to address the basic features of data protection where the questions allow.

Corporate Priorities

7. Replying to this call for evidence contributes to being an 'Effective Organisation'.

Implications

8.

- (a) **Financial** – There are no implications.
- (b) **Human Resources (HR)** - There are no implications.
- (c) **Equalities** - There are no direct implications although there is an item about "sensitive" data and how it should be managed.
- (d) **Legal** – There are no direct implications but a revised Directive and perhaps a new Act will require a review of policies and procedures
- (e) **Crime and Disorder** - There are no implications.
- (f) **Information Technology (IT)** - There are no direct implications.
- (g) **Property** - There are no implications.

Risk Management

9. No new risks are introduced by responding to the call for evidence

Recommendations

10. The Executive Member is asked to comment on the draft response before it is finalised and sent to the Ministry of Justice.

Reason

To ensure the views of City of York Council are considered during the revision of the European Directive.

Contact Details:

Author:

Pauline Stuchfield

Assistant Director of Customer &
Business Support Services (Customer
Service & Governance)

Telephone: 01904 551706

Chief Officer Responsible for the report:

Ian Floyd

Director of Customer & Business Support Services

Telephone: 01904 551100

Report Approved



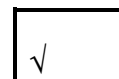
Date 8th September 2010

Specialist Implications Officers

Head of Civic, Legal and Democratic Services

Wards Affected:

All



For further information please contact the author of the report

Background papers

None

Annexes

A: Draft response to Call for Evidence on the Current Data Protection Legislative Framework