

Report for: CABINET

Date of Meeting:	2 September 2025
Subject:	Data Protection Policy
Cabinet Member:	Cllr David Wulff, Cabinet member for Quality of Living, Equalities and Public Health
Responsible Officer:	Head of Digital Transformation & Customer Engagement
Exempt:	n/a
Wards Affected:	n/a
Enclosures:	Appendices 1 & 2

Section 1 – Summary and Recommendation(s)

To review the existing policy to ensure compliance with the Data Protection Act (DPA) 2018, the General Data Protection Regulations and the impact of the new Data Use and Access Act 2025 (DUAA) which gained royal assent June 2025.

Recommendation(s):

Recommendation 1 – That the revised Data Protection Policy be approved.

Recommendation 2 - That Cabinet approve the delegation of the Data Protection Policy to the Head of Digital Transformation & Customer Engagement, in consultation with the IT & Information Governance (ITIG) board and Legal Services to ensure that the policy remains current and reflects any legislative changes or regulatory guidance.

1.0 Introduction

- 1.1 The Data Protection (DP) policy was last reviewed in 2022. As part of good governance policies require review on a regular basis to ensure that they remain current and reflect best practice.
- 1.2 New legislation has come into effect and our Data Protection policy has been amended accordingly. It should be noted that not all provisions in the Act are currently in force, e.g. Schedule 5, however they have been identified in the policy in preparation.

2.0 The Policy

- 2.1 A new act achieved royal assent in June 2025. This was the [Data Use Access Act 2025](#) (DUAA). The purpose of the new Act is to promote innovation and economic growth and make things easier for organisations. The changes will be phased in between June 2025 and June 2026.
- 2.2 An overview of the changes this act has introduced can be found at Appendix 2. It should be noted that not all changes are relevant to Mid Devon District Council (MDDC).
- 2.3 Due to the new act our policy has been reviewed and amended to ensure that all relevant legislation or regulations have been identified in our DP policy that relate to the way that we handle data in the council. The DUAA does, or will, amend other legislation and practices relating to data.
- 2.4 The Information Commissioner Office (ICO) will continue to regulate the current DPA 2018, UK GDPR and Privacy and Electronic Communication Regulation 2003 (PECR) which stay in force but will be amended by DUAA.
- 2.5 The revised policy provides clarity on associated legislation, guidelines and responsibilities of staff and members. These have been highlighted in the draft policy for ease of identification.
- 2.6 There are two elements of the DUAA that introduce immediate changes for us in the DP space:
 - Data Subject Access Requests (DSARs)
 - Changes to the Information Commissioner Office powers
- 2.7 DSARs – MDDC must now ensure DSAR responses are based on reasonable and proportionate searches. This is applied retrospectively to requests received since 1 January 2024. In the future the Act will introduce a 'stop-the-clock' mechanism which allows us to pause the response deadline if we are seeking clarification from the requester.
- 2.8 The ICO – From August 2025 the ICO will obtain expanded powers including interview notices, document requests and penalties for non-cooperation. Subsequently, it will become the Information Commission (IC).

3.0 Future Considerations

- 3.1 The DUAA introduces a requirement for the data 'controller,' i.e. MDDC to implement a complaints system for data subjects to lodge complaints with us. MDDC will have a duty to acknowledge receipt within 30 days and take appropriate steps to respond to the complaint.

- 3.2 MDDC already has a robust Feedback and Complaints practice. In advance of ICO guidance we will implement a complaints mechanism for data subject complaints in line with the above and publish details on our website. MDDC will reserve the right to amend practice in line with any subsequent best practice guidance from the ICO.
- 3.3 A review of our training around DP will commence in the autumn to ensure we communicate to officers and members any changes which amend their obligations around data protection practice or decision making.
- 3.4 Recommendation 2 requests delegation of the policy to the Head of Digital Transformation & Customer Engagement to amend this policy, in consultation with the ITIG board and Legal Services. This is to ensure that the policy can be amended appropriately considering changes to legislation and guidance and communicated to staff and members through updates and training quickly.

4.0 Conclusion

- 4.1 The Data Protection policy has been reviewed and amended for clarification of obligations and responsibilities considering the DUAA 2025. Staff and members should continue to follow existing guidelines and training as day-to-day practice is currently unaffected.
- 4.2 The Information Management team will ensure training is reviewed on an ongoing basis over the coming months to ensure all are kept up to date on any changes to policy or practice that will be required.

Financial Implications - The Data Protection Policy does not have any financial implications itself rather the contrary if legislation is not complied with.

Legal Implications - Not complying with the DPA 2018 and GDPR would expose MDDC to enforcement action by the Information Commissioner's Office (ICO).

Risk Assessment - Approving the Data Protection Policy reduces the risk of enforcement action by the ICO.

Impact on Climate Change - There are no implications relating to Climate Change with this policy.

Equalities Impact Assessment - No equality issues identified for this report.

Relationship to Corporate Plan - This policy supports good governance arrangements enabling confidence in delivery of the Corporate Plan.

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Andrew Jarrett

Agreed by or on behalf of the Deputy Chief Executive Section 151 Officer

Date: 22.08.2025

Statutory Officer: Maria De Leburne

Agreed on behalf of the Monitoring Officer

Date: 22.08.2025

Performance and risk: Stephen Carr

Agreed on behalf of the Corporate Performance & Improvement Manager

Date: 22.08.2025

Cabinet member notified: yes

Report: Exclusion of the press and public from this item of business on the published agenda on the grounds that it involves the likely disclosure of exempt information. No

Appendix: Exclusion of the press and public from this item of business on the published agenda on the grounds that it involves the likely disclosure of exempt information. No

Section 4 - Contact Details and Background Papers

Contact: Lisa Lewis, Head of Digital Transformation and Customer Engagement

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Background papers:

Appendix 1: Data Protection Policy and Guidance v7.0 Draft

Appendix 2: Overview of DUAA 2025 changes