

## AGENDA ITEM 9

### Audit Assertion 10- Digital and Data Compliance

#### Purpose

The purpose of this report is to advise members of changes being made to the Annual Governance Statement that the Parish Council must complete as part of its Annual Governance and Accounting Return (AGAR) from 2025/26.

#### Background

The Practitioners' Guide is the 'rule book' for parish and town council governance including finances, and provides instruction and guidance in the completion of the AGAR, with the March 2025 version being what councils are currently using, in anticipation of the 2025/26 submission. The Practitioners' Guide ('the guide') is issued by the Smaller Authorities' Proper Practices Panel (SAPPP).

The guide has been updated to provide information on a new, additional audit Assertion (requirement) 10 that will be added to Section 1 of the AGAR relating to digital and data compliance for councils.

Assertion 10 has been added to clarify data compliance previously covered under Assertion 3 relating to wider, *"compliance with laws, regulations and Proper Practices that could have a significant financial effect on the ability of this authority to conduct its business or manage its finances"*.

Most of the areas covered by Assertion 10 are already statutory, they are just stated more clearly to give greater emphasis on proper practices in place to bring digital and data management to the fore in council's governance arrangements in an ever-changing digital world.

#### What does the Parish Council need to do to be compliant with Assertion 10?

To warrant a positive audit response to this assertion, the Parish Council needs to have taken the following actions:

##### 1. Email management

Email management — Every authority must have a generic email account hosted on an authority owned domain.

**No action required** – The Parish Council is already compliant . In addition, although not mandatory, all councillors have a gov.uk email address linked to the PC owned domain which is considered best practice.

##### 2. Website accessibility

All websites must meet the requirements of the **Web Content Accessibility Guidelines 2.2 AA** and the **Public Sector Bodies (Websites and Mobile Applications) (No. 2) Accessibility Regulations 2018** (where applicable).

**Action Required: Review of our website.** Our website host, Parish Web and Host, are currently reviewing our website to address any changes required to ensure compliance with any new accessibility requirements.

### 3. Freedom of Information and transparency

All websites must include published documentation as specified in the **Freedom of Information Act 2000** and the **Transparency Code for Smaller Authorities** (where applicable).

Parish, town and community councils are required under the Freedom of Information Act 2000 to adopt and maintain an approved publication scheme. Councils should adopt the ICO's **Model Publication Scheme** and make it available to the public. This is attached as **Appendix A**.

The ICO also provides guide-to-information templates tailored for parish, town and community councils, which complement, but don't replace the scheme (**Appendix B**). In practice, councils should have both. This template incorporates key principles of the Transparency Code Smaller Authorities. The alignment of this document with the Code provides a harmonised approach to data transparency and avoids unnecessary duplication. The guide gives examples of the kind of information the ICO would expect to be readily published.

The Parish Council has already in effect adopted the ICO's Model Publication Scheme and the guide -to-information template as it has approved a publication scheme based on the ICO's tailored template for parish council's some years ago. This is published on our website. This has been reviewed and is in need of some updating.

**Action Required: It is recommended that the Parish Council;**

- Formally adopts the ICO's Model Publication Scheme (Appendix A) and publishes this on its website.
- Formally adopts the ICO guide to information template (Appendix B) under the model publication scheme
- Approve an updated Publication Scheme for West Rainton & Leamside Parish Council (Appendix C)

### 4. Data Protection and UK GDPR Compliance

The Parish Council must follow both the **General Data Protection Regulation (GDPR) 2016** and the **Data Protection Act (DPA) 2018**.

The Parish Council must process personal data with care and in line with the principles of data protection.

The **DPA 2018** supplements the **GDPR** and classifies an authority as both a Data Controller and a Data Processor.

The Parish Council should have a wide understanding of all the personal data they process. the council's purpose for its processing, where it is stored, who has access and why, whether it's ever shared and when the data will be deleted. Councils are advised to undertake data audits and risk assessments, staff and member training and reviews of their relevant data/information related policies.

The Parish Council has the following policies in place relating to compliance with the GDPR Regulations and the DPA 2018:

Document Retention & Disposal Policy

Information Data Protection Policy 2018

Privacy Notice

Removable Media Policy

Social Media Policy

Subject Request Form

**Action Required:**

- All members should attend Data Protection training – Details of training 5 March 25 has been circulated.
- All existing policies require review. To assist with this NALC have developed a Data Protection Road Map which will help provide assurance that the Parish Council is compliant with both GDPR and the DPA 2018. A report on the outcome of this review will be brought to the next meeting.

**5. IT Policy**

There is a new requirement for the Parish Council to have an IT policy. This is needed to explain how everyone - clerks, members and other staff - should conduct authority business in a secure and legal way when using IT equipment and software. This relates to the use of authority-owned and personal equipment.

NALC have provided a generic model template for such a policy (Appendix D). A proposed policy considered appropriate to the Parish Council based on this template will be brought to the next meeting for approval.