



Lyneham and Bradenstoke Parish Council

Data Protection Officer

Statement

Acknowledged by Lyneham and Bradenstoke Parish Council

On

19th May 2020

To be Reviewed on Change of Legislation Only



What is a Data Protection Officer?

The General Data Protection Regulations (GDPR) introduced a duty to appoint a Data Protection Officer (DPO) if they are a public authority or body, or if they carry out certain types of processing activities.

DPOs monitor internal compliance, inform and advise on data protection obligations, provide advice regarding Data Protection Impact Assessments (DPIAs) and act as a contact point for data subjects and the supervisory authority.

The DPO must be independent, an expert in data protection, adequately resourced, and report to the highest management level.

A DPO can be an existing employee or externally appointed.

In some cases, several organisations can appoint a single DPO between them.

DPOs can help you demonstrate compliance and are part of the enhanced focus on accountability.

Is Lyneham and Bradenstoke Parish Council a public authority under Data Protection Act 2018?

Section 7 of the DPA 2018 defines what is a public authority' for the purposes of the GDPR.

It says that the following (and only the following) are 'public authorities':

- a public authority as defined by the Freedom of Information Act 2000,
- a Scottish public authority as defined by the Freedom of Information (Scotland) Act 2002, and
- an authority or body specified or described by the Secretary of State in regulations;



and they are only public authorities for GDPR purposes when they are performing a task carried out in the public interest or in the exercise of official authority vested in them.

However, section 7(3) of the DPA 2018 says that the following are not public authorities for the purposes of the GDPR:

- a parish council in England;
- a community council in Wales;
- a community council in Scotland;
- a parish meeting constituted under section 13 of the Local Government Act 1972;
- a community meeting constituted under section 27 of that Act;
- charter trustees constituted—
 - under section 246 of that Act,
 - under Part 1 of the Local Government and Public Involvement in Health Act 2007, or
 - by the Charter Trustees Regulations 1996.

While you are not a public authority for GDPR purposes, this does not affect your status as a public authority under any other legislation.

In accordance with Section 7 and Section 7(3) of the DPA 2018 Lyneham and Bradenstoke Parish Council is NOT a public authority for GDPR Purposes.

So, does Lyneham and Bradenstoke Parish Council need to appoint a Data Protection Officer?

As we are not a public authority for the purposes of the GDPR and under the DPA 2018, we do not need to appoint a DPO.