PADSTOW TOWN COUNCIL: 27 JANUARY 2026

AGENDA ITEM 14: Assertion 10 – Digital and Data Compliance

1. Overview

1.1 Council has been updated via its work programme concerning Assertion 10 which will form part of the Local Council's AGAR. This specifically focuses on digital and data compliance, requiring councils to demonstrate they have proper governance frameworks in place for their digital presence, data protection practices and IT management.

1.2 The Finance and General Purposes (FGP) Committee received an update in this regard and specifically its role with regards to reviewing Council's compliance with Freedom of Information and Data Protection.

1.3 The FGP Cttee was advised that councils must be able to demonstrate compliance with data protection law as part of its annual return. Assertion 10 demands evidence of actual compliance in practice i.e.

- Demonstrating adherence to UK GDPR, the Data Protection Act, and the Freedom of Information Act
- Having up-to-date data protection and information compliance policies that reflect the specific ways your Council operates
- Evidencing that Council staff and Councillors have received regular, relevant training

1.4 The FGP Committee will have annual reports to monitor Council's compliance in terms of Freedom of Information and Data Protection, as well as handling of complaints. It undertook its first review at its meeting on 16 September 2025, with no issues. These annual reviews will be scheduled for July in future.

1.5 The Personnel and Staffing (P&S) Committee has also undertaken a piece of work to develop a Councillor and Staff Training Policy, which includes training matrixes for each. This was adopted by Council at its November 2025 meeting. The P&S Committee monitors training of both staff and Councillors.

2. Assertion 10 Compliance

2.1 Appendix 1 to this report provides table outlining Assertion 10 requirements, Town Council's current position, comments and whether the Town Clerk considers the Council is compliant.

2.2 Council is asked to **NOTE** Appendix 1 to this report; and give consideration to the following matters which require Council consideration namely:

a) Data Protection Officer

2.3 Section 7(3) of the DPA 2018 states that Town Councils are not recognised as public bodies for GDPR purposes and so are not required to appoint a Data Protection Officer. However, the Town Council is still subject to data protection legislation and must ensure that the Council has sufficient staff and resources to discharge its obligations under the GDPR.

2.4 Whilst the council as a body is responsible for complying with the legislation, it is usually the Clerk, or another council officer, who has day-to-day responsibility for compliance. Whilst a Clerk or officer may have a

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responsibility within their job description for data protection compliance (and usually FOI/EIR compliance, too), that's not the same as a Data Protection Officer. This being a specialised position requiring certain qualities, in particular, expert knowledge of data protection law and practices and the ability to fulfil the tasks referred to in Article 39 of the UK GDPR.

2.5 In most circumstances, parish and town councils do not specifically need to appoint Data Protection Officers (DPOs). The exception, in law, is where:

"...the core activities of the controller consist of processing operations which, by virtue of their nature, their scope and/or their purposes, require regular and systematic monitoring of data subjects on a large scale; or the core activities of the controller consist of processing on a large scale of special categories of data pursuant to Article 9 or personal data relating to criminal convictions and offences referred to in Article 10"

As advised during a training course it's not just about processing special category data, it's about large-scale data processing, which almost no parish or town councils does (at least, in relation to what the law describes).

2.6 Ultimately, as the data controller, it must be the council's decision as to whether they need a Data Protection Officer. However, the Town Clerk considers this would not be required for the Council and instead **RECOMMENDS TO COUNCIL** that it formally agrees the Town Clerk undertake the role of Data Protection Compliance.

b) IT Policy

2.7 The National Association of Local Council's (NALC) has provided an Assertion 10 toolkit which includes a template IT Policy. The Town Clerk and Assistant Town Clerk/Assistant RFO have reviewed the same updating to fit with the Town Council's related policies and practices.

RECOMMEND TO COUNCIL that the Draft Town Council IT Policy (Appendix 2 to this cover report) be adopted subject to it being placed in Town Council template and amending any typographical and numeral errors.

ASSERTION 10 – Digital and Data Compliance

Appendix 1

Matter	PTC Current Position	Comments	Currently Compliant?
Authority-owned email accounts	Have in place .gov.uk domains email for: individual staff members, shared mailboxes (enquiries) and individual councillors	In process of improving councillor emails and access. Waiting for IT provider to set up SharePoint permissions so that emails can be rolled out. Assistant TC/RFO has chased.	Yes
IT Policy – which mandates the use of authority-owned email accounts for official business, ensure all communications are conducted in a manner that is consistent with the authority's standards and legal obligations.	Council to consider draft IT Policy for adoption. Draft Policy taken from NALC template and updated to fit with Town Council.		Yes (once agreed/adopted by Council)
Website Accessibility – As a minimum all authorities' must include an accessibility statement on their website and keep it under regular review.	Accessibility statement is on Council's website	Website is partially compliant with Web Content Accessibility Guidelines version 2.1AA Standard. Statement lists areas of non-compliance and contact for Council if needing information in a different format.	Yes
Data Protection - Data Protection Officer - Regular audits - Data Protection Policy - Secure data to protect from breaches.	a) Council to consider assigning compliance role to Town Clerk b) Data audits have been undertaken. This is to be regularly scheduled and undertaken annually to ensure data held is processed lawfully. c) Data Protection Policy in place d) Have measures in place to protect – technical and organisational. FGP Cttee monitoring compliance and P&S Cttee dealing with training requirements.	Town Clerk considers that improvements can be made. Data Protection Policy to be reviewed by FGP Cttee. Town Clerk has attended training sessions to assist in undertaking data mapping.	Partially but subject to a) Council to agree b) Town Clerk to undertake latest review d) Training Policy in place. Data Protection training to be scheduled.

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Freedom of Information - Adopt and maintain a publication scheme	Council has in place and adopted the Freedom of Information Act Model Publication Scheme including appendix detailing information available from PTC under the scheme	Was last reviewed May 2025.	Yes
LG Transparency Code 2015	Local Government Transparency page on website	Consider that the Council publishes the specific key datasets as advised by DCLG. Town Council has regular internal audit inspections as noted this would not be monitored by External Audit.	Yes

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