

## RESOURCES COMMITTEE

Date: 30 July 2021  
Subject: GMCA Information Governance Policies  
Report of: Eammon Boylan, Chief Executive

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### PURPOSE OF REPORT

The report presents a set of information governance policies for GMCA that will provide a clear framework for employees, ensuring that they understand their role in supporting the GMCA's organizational compliance.

### RECOMMENDATION

The Committee is asked to approve the appended information governance policies:

- Appropriate Policy (Special Category Data)
- Data Subject Rights Policy
- Data Quality Policy
- Anonymization and Pseudonymization Policy
- Freedom of Information and Environmental Information Regulations Policy.

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**1.0 BACKGROUND**

1.1 Data protection law specifically requires organisations to put in place effective data protection policies, to enable them to take the practical steps to comply with their legal obligations. The Data Protection Act came into force in the UK in 2018. It outlines that employees can face prosecution for data protection breaches. As with previous legislation, the new law contains provisions making certain disclosure of personal data a criminal offence.

1.2 The following set of GMCA organizational policies are intended to provide clarity and consistency for employees, by communicating what people need to do and why, to help them avoid the potentially serious, criminal implications for employees that can arise from failure to comply with data protection legislation. Examples from the Data Protection Act (2018) include:

Section 148: Destroying or falsifying information and documents etc. (Data Quality).

Under Section 148 (2) (a) it is an offence for a person to destroy or otherwise dispose of, conceal, block or (where relevant) falsify all or part of the information, document, equipment or material.

Section 173: Alteration etc. of personal data to prevent disclosure to data subject (Data Subject Requests).

Section 173 relates to the processing of requests for data from individuals for their personal data. Section 173 (3) makes it a criminal offence for organisations (persons listed in Section 173 (4)) to alter, deface, block, erase, destroy or conceal information with the intention of preventing disclosure.

Section 171: Re-identification of de-identified personal data (anonymization and pseudonymization)

Section 171 - a new offence - criminalizes the re-identification of personal data that has been 'de-identified' (de-identification being a process - such as redactions - to remove/conceal personal data). Section (5) states that it is an offence for a person knowingly or recklessly to process personal data that is information that has been re-identified.

1.3 In relation to the Freedom of Information Act (2000) Section 77 states a person "is guilty of an offence if he alters, defaces, blocks, erases, destroys or conceals any record held by the public authority, with the intention of preventing the disclosure by that authority of all, or any part, of the information to the communication of which the applicant would have been entitled."

1.4 The attached policies have been drafted by the GMCA Information Team in conjunction with the GMCA Information Governance (IG) Board. The Freedom of Information and Environmental Information Regulations Policy was considered and agreed with Trade Unions representatives in October 2020.

1.5 All policies follow an agreed format and style, including arrangements for document version control.

**2.0 APPROPRIATE POLICY (SPECIAL CATEGORY DATA)**

- 2.1 As part of the Greater Manchester Combined Authority’s (GMCA) statutory and public functions, it processes special category data and criminal offence data in accordance with the requirements of Article 9 and 10 of the General Data Protection Regulation (‘GDPR’) and Schedule 1 of the Data Protection Act 2018 (‘DPA 2018’).
- 2.2 This policy applies when the GMCA is processing special category data when relying on the requirements listed in Parts 1, 2 and 3 of Schedule 1 of the Data Protection Act 2018. This policy lists the procedures, which are in place to secure compliance with the General Data Protection Regulation and data protection principles, needed when processing special category data. It applies to all GMCA staff. “Staff” for the purposes of this policy includes GMCA officers, including contractors, consultants and agency staff.
- 2.3 The Appropriate Policy (Special Category Data) is attached as appendix 1.

**3.0 DATA SUBJECT RIGHTS POLICY**

- 3.1 This policy provides an introduction to the rights individuals have under the data protection legislation.
- 3.2 The rights of individuals (‘data subjects’) in relation to the processing of their personal information are set out in the General Data Protection Regulation (GDPR). Further provisions relating to the data rights of individuals can be found within the Data Protection Act 2018 (DPA 2018), which include law enforcement activities and other areas not covered under the GDPR.
- 3.3 The GDPR strengthens these existing rights. The changes are mostly evolutionary but also give individual’s rights in other areas such as the right to data portability. Some of these rights are subject to limitations and exceptions; further details of which may be viewed below.
- 3.4 The Data Subject Rights Policy is attached as appendix 2.

**4.0 DATA QUALITY POLICY**

- 4.1 The Greater Manchester Combined Authority (GMCA) recognizes that reliable information is essential and the availability of complete, accurate, relevant, accessible and timely data is fundamental in supporting the GMCA to achieve its goals. The GMCA recognizes that all decisions, whether service delivery, performance management, managerial or financial need be based on information which is of the highest quality.
- 4.2 The data quality policy document underpins the GMCA’s objective to record and present information of the highest quality and sets out high level principles as to how this will be achieved. It outlines who this policy applies to and the principles that staff must be aware of and adhere to. It also defines the governance arrangements, the key roles and provides protocols to ensure robust data quality is embedded throughout the GMCA assets.
- 4.3 The Data Quality Policy is attached as appendix 3.

**5.0 ANONYMISATION AND PSEUDONYMISATION POLICY**

- 5.1 Effective pseudonymization and/or anonymization processes depend upon robust information governance and effectively trained staff who understand the importance of data protection and confidentiality. They are part of the Data Protection by Design approach (Article 25 of GDPR) through which data protection is integrated into processing activities and business practices, from the design stage right through the lifecycle. They will often be relevant to a Data Protection Impact Assessment (DPIA) and form a key technical measure to ensure processing complies with the data protection principles (Article 35 of GDPR).
- 5.2 This policy therefore sets out how the GMCA will comply with the Data Protection legislation in order to ensure that the personal data it holds is used appropriately, processed safely and securely and that individuals are able to exercise their rights.
- 5.3 The Anonymization and Pseudonymization Policy is attached as appendix 4.

**6.0 FREEDOM OF INFORMATION AND ENVIRONMENTAL INFORMATION REGULATIONS POLICY**

- 6.1 As an organization, one of the most frequent types of requests we receive are Freedom of Information requests. In order to support the organization in managing these requests, and in order to ensure that we are compliant to Data Protection Act 2018, General Data Protection Regulation and Freedom of Information Act 2000 we have produced new guidance which includes a policy, procedure, frequently asked questions and a guide to exemptions.
- 6.2 This policy sets out our organizational approach to Freedom of Information and Environmental Information Regulation requests. The policy has been approved by the Unions.
- 6.3 The Freedom of Information and Environmental Information Regulations Policy is attached as appendix 5.

**7.0 NEXT STEPS**

- 7.1 Subject to approval of the policies by this Committee, an updated training offer for employees will be delivered alongside a communications plan (both for all employees and key stakeholders) to ensure that employees are aware of and understand their obligations in relation to the respective policies.

**8.0 RECOMMENDATION**

- 8.1 The Resources Committee is asked to approve the appended GMCA information governance policies:
  - Appendix 1 - Appropriate Policy (Special Category Data)
  - Appendix 2 - Data Subject Rights Policy
  - Appendix 3 - Data Quality Policy
  - Appendix 4 - Anonymization and Pseudonymization Policy
  - Appendix 5 - Freedom of Information and Environmental Information Regulations Policy