East Lindsey DISTRICT COUNCIL

Report To:	Overview Committee
Date:	20 January 2026
Subject:	Data Protection Policy and Records Management Policy
Purpose:	To review updated policies prior to Executive Board consideration.
Key Decision:	N/A
Portfolio Holder:	Councillor Craig Leyland, Leader of the Council
Report Of:	John Medler, Assistant Director Governance and Monitoring Officer
Report Author:	Richard Steele, Group Manager for Information Governance and Data Protection Officer
Ward(s) Affected:	All
Exempt Report:	No

Summary

The Council's Data Protection Policy and Records Management Policy have been reviewed to ensure the Council's compliance with the latest statutory requirements, including the UK GDPR, Data Protection Act 2018, and the new Data Use and Access Act 2025 (DUAA). The intention is to align these policies across the South & East Lincolnshire Councils Partnership (SELCP).

This report seeks the Committee's feedback on the revised draft policies which are attached at Appendices 1 and 2.

Recommendations

That the Committee considers the draft Data Protection Policy and Records Management Policy attached at Appendices 1 and 2 and recommends them to Executive Board for approval.

Reasons for Recommendations

Reviewing and adopting revised policies demonstrates the Council's commitment to transparency, accountability, and the protection of individual rights, which is vital for public trust.

Other Options Considered

Not to recommend or make suggested changes to the policies.

1. Background

1.1 The Data (Use and Access) Act 2025 (DUAA), which received Royal Assent on 19 June 2025, amends both the UK GDPR and the DPA 2018 to modernise data protection and privacy law and to support new data-sharing and innovation objectives. It introduces a range of reforms — for example, adjustments to automated decision-making, new lawful grounds for processing (including recognised legitimate interests), updated complaint-handling requirements, and clarifications to international data transfers and law enforcement data use — while maintaining the UK GDPR and DPA 2018 as the core data protection regime

1.2 Accordingly it is appropriate for the Council to review its policies in relation to information handling to maintain the Council's ability to service its constituents effectively and within the legal framework.

2. Report

2.1 The Data Protection Policy sets out how personal data is handled, whilst the Records Management Policy establishes the framework for managing all records, including personal data.

2.2 The Records Management Policy establishes the framework for managing all records, including personal data, ensuring they are accurate, accessible, secure, and retained appropriately. It supports compliance with legal and regulatory frameworks and applies to all recorded information held by the authority, regardless of format, across all departments and services.

2.3 The Records Management Policy covers the full lifecycle of information—from creation and storage to sharing, archiving, and destruction. The Data Protection Policy ensures that personal data within this lifecycle is processed lawfully, fairly, and securely.

2.4 Both policies define clear roles and responsibilities, including those for the SIRO (Senior Information Asset Owner), DPO (Data Protection Officer), Information Asset Owners, and all staff. This ensures coordinated governance and accountability.

2.5 Additionally both policies incorporate requirements from the DUAA, such as lawful access, interoperability, transparency registers, and risk assessment for data sharing.

3 Key Updates and Changes

3.1 The review has included benchmarking against SELCP and other Councils policies.

Data Protection Policy

3.2 The Policy has been updated to reflect the Data Use and Access Act 2025 including:

- lawful access and reuse of public-sector datasets, with transparency and interoperability.
- the formalisation of a complaints process for handling subject's rights activities in line with new statutory requirements. Further details of this process are included in Appendix F within the Data Protection Policy.
- that a 'reasonable' search will be undertaken (rather than an exhaustive search under the previous legislation) which will reduce some burden on the authority.

Records Management Policy

3.3 The draft Policy aligns with the Legal Framework, which includes the FOIA 2000, various Local Government Acts, Public Records Act 1958, and Data Use and Access Act 2025. The key aspects of the policy are:

- Lifecycle Management: This ensures records are accurate, accessible, secure, and retained/disposed of appropriately.
- AI & Digital Transformation: Includes management of AI-generated records and integration with digital initiatives.
- Retention Schedules: The systematic approach to retention and disposal of records, with evidence for audit and challenge.

4. ICO guidance and future amendments

4.1 The draft policies have been reviewed in line with current ICO guidelines which are mandatory for councils. The ICO is currently reviewing its guidance documents, this may require further updates to be made to one or both policies. Officer delegations will be sought from Executive Board to update the policies to ensure ongoing compliance and responsiveness to regulatory changes.

5. Conclusion

5.1. Together, the draft policies create a unified framework for information governance, supporting statutory compliance, operational efficiency, and public trust. Both are

designed for regular review and amendment as laws and guidance evolve, ensuring the Council remains agile and compliant.

Implications

South and East Lincolnshire Councils Partnership

The alignment of these policies will ensure that officers are working to a single policy and set of procedures, ensuring consistency for officers and residents alike. Updating and aligning the policies will also provide an opportunity to promote the policies and confirm procedures to ensure service areas are aware of their responsibilities in relation to feedback and complaints.

Corporate Priorities

None

Staffing

None

Workforce Capacity Implications

None

Constitutional and Legal Implications

The impact on individuals Human Rights have been considered throughout the Policy. The ICO will update their “advice and guidance” for all local councils in England under section 91 of the Data Use and Access Act 2025. Councils should consider any new ICO guidance when developing policies and procedures or make appropriate considerations.

Data Protection

Both policies have a direct impact on Data Protection.

Financial

None

Risk Management

Upon adoption details of the revised policies will be communicated to staff and support provided where necessary to ensure compliance. These steps will help to mitigate against potential complaints to the Regulator**.**

Stakeholder / Consultation / Timescales

Consultation has taken place with the Senior Management Team, Portfolio Holder, Senior Information Risk Owner.

Reputation

None

Contracts

None

Crime and Disorder

None

Equality and Diversity / Human Rights / Safeguarding

Equality Impact Assessments for the draft policies have been undertaken and identify that the draft policies do not have a disproportionate or adverse impact on people with protected characteristics.

Health and Wellbeing

None

Climate Change and Environment Impact Assessment

Not undertaken

Acronyms

- **UK GDPR**: United Kingdom General Data Protection Regulation
- **DPA 2018**: Data Protection Act 2018
- **DUAA**: Data Use and Access Act 2025
- **S&ELCP**: South and East Lincolnshire Councils Partnership
- **ICT**: Information and Communication Technology
- **ICO**: Information Commissioner's Office
- **PFH**: Portfolio Holder
- **AD**: Assistant Director
- **DPO**: Data Protection Officer
- **FOIA**: Freedom of Information Act
- **EIA**: Equality Impact Assessment
- **SIRO**: Senior Information Risk Owner

Appendices

Appendices are listed below and attached to the back of the report:

Appendix 1	Data Protection Policy
Appendix 2	Records Management Policy

Background Papers

none

Chronological History of this Report

None

Report Approval

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