

DATA PROTECTION PROCEDURES

4. How to set up a Data Processing Agreement with a third party who will process personal data on behalf of the council

Introduction

The contents of this document set out the following procedures to be followed by Belfast City Council (BCC) when entering into a contract with a company or supplier who will process personal data on behalf of the Council. Procurement documentation includes supplier requirements.

A 'Data Processor' is defined as any person (other than an employee of the data controller) who processes the data on behalf of the Data Controller. E.g. this could be in the form of a recruitment company who will manage this area of work or an outside medical company who will provide occupational health and welfare services.

A Data Processor will hold or process personal data, but will not exercise responsibility for or control over the personal data. Data Processors have limited responsibilities under the Data Protection Act and these address the necessity to keep personal data secure from unauthorised access, disclosure, destruction or accidental loss.

BCC as the Data Controller will remain responsible for the personal data held by a Data Processor and for ensuring compliance with the provisions of the Data Protection Act.

BCC must carefully examine any organisation they are considering to use as a Data Processor. The organisation must provide suitable guarantees in relation to security and this must be documented as part of any contract.

Template forms

Template documents listed below must be used by Belfast City Council departments when considering using the services of a Data Processor. This will ensure all necessary and lawful elements are addressed. The template documents can be obtained from Information Governance Unit who will provide advice and guidance on their completion.

- Generic Data Processor template
- Belfast City Council Pre Data Processor Agreement Security requirements.
- Data Processor Agreement Undertaking of confidentiality
- Data Processor Breach of Security Report Form

A senior member of the department who is seeking to use a Data Processor must be appointed to manage this process and ensure the necessary elements and documents are comprehensively completed.

The original signed agreement should be retained by the department who is seeking the services of the Data Processor and a copy presented to the Data Processor.

A copy of the final signed agreement must also be forwarded to the Information Governance Unit, Legal Services Section, Belfast City Hall for information and monitoring purposes.

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