



Safety First for Councillors

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Programme

- » **Code of conduct for councillors**
- » **Social media**
- » **Data protection and freedom of information**
- » **Health and safety**



Code of Conduct for Councillors

- » **Nolan Principles**
- » **Local Government Act 2000**
- » **Local Authorities (Model Code of Conduct) (Wales) Order 2008 (as amended 2016)**
- » **Mandatory code**
- » **When does it apply?**

Principles of Public Life

- » ***Selflessness***
- » ***Honesty***
- » ***Integrity and Propriety***
- » ***Duty to Uphold the Law***
- » ***Stewardship***
- » ***Objectivity in Decision-making***
- » ***Equality and Respect***
- » ***Openness***
- » ***Accountability***
- » ***Leadership***

Selflessness

1. Members must act solely in the public interest. They must never use their position as members to improperly confer advantage on themselves or to improperly confer advantage or disadvantage on others.

» Paragraphs 7 and 10 - 14

» Behaviours

✓✓✓

x x x

» Evidence based
decision making

» Lobbying officers or
members

» Declaring interests

» Seeking favours “as a
councillor”

Honesty

2. Members must declare any private interests relevant to their public duties and take steps to resolve any conflict in a way that protects the public interest.

» Paragraphs 10 - 14

» Behaviours

✓✓✓

x x x

» Declaring interests

» Lobbying officers and members

» Seeking dispensation

» Participating with prejudicial interest



Integrity and Propriety

3. Members must not put themselves in a position where their integrity is called into question by any financial or other obligation to individuals or organisations that might seek to influence them in the performance of their duties. Members must on all occasions avoid the appearance of such behaviour.

» **Paragraphs 9 and 17 + 18**

» **Behaviours**

✓✓✓

x x x

» **Declaring + refusing gifts**

» **Declaring lobbying**

» **Taking bribes or gifts**

Being too close to

lobbyists, contractors etc



Objectivity in Decision-making

6. In carrying out their responsibilities ... members must make decisions on merit. Whilst members must have regard to the professional advice of officers and may properly take account of the views of others, including their political groups, it is their responsibility to decide what view to take and, if appropriate, how to vote on any issue.

» Paragraph 8

» Behaviours

✓✓✓

x x x

» Keeping an open mind

» Predetermining issues

Equality and Respect

7. Members must carry out their duties and responsibilities with due regard to the need to promote equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion, and show respect and consideration for others.

» **Paragraphs 4 and 6 (2)**

» **Behaviours**

✓✓✓

x x x

» **Listening to and valuing officers**

» **Insulting or bullying behaviour**

» **Promoting fairness**

» **Discrimination**



Openness

8. Members must be as open as possible about all their actions and those of their authority. They must seek to ensure that disclosure of information is restricted only in accordance with the law.

- » Paragraphs 5 and principle of registration
- » Behaviours

✓✓✓

x x x

- | | |
|-----------------------------------------------|----------------------------------|
| » Constructive challenge + questioning | » Suppressing information |
| » Learn from experience | » Conducting witch hunts |
| » Registration | » Seeking personal data |

Accountability

9. Members are accountable to the electorate and the public generally for their actions and for the way they carry out their responsibilities as a member. They must be prepared to submit themselves to such scrutiny as is appropriate to their responsibilities.

» Paragraphs 15 – 17

» Behaviours

✓✓✓

x x x

» Registration of interests and gifts

» Failure to register interests or gifts

Leadership

10. Members must promote and support these principles by leadership and example so as to promote public confidence

» Paragraph 6

» Behaviours

✓✓✓

x x x

» Respecting the code

» Seeking + considering advice

» Role model to others

» Flouting the code

» Trying to “get away with it”

» Criticising the ethical regime

Safety First

Social Media

But before we start lets find out who's using what....?



Website



Blog

Email newsletter



The power of social media?

- » Speed and reach
- » Permanence
- » Image and reputation
- » Influence public perception
- » Lasting impressions
- » Public information
- » Read by public/workforce/partners
- » Workforce morale and performance

The boundaries ...?

- » The law applies on-line just as in any other media
 - » Defamation
 - » Libel
 - » Data Protection
 - » Equalities Act
 - » Copyright
 - » Financial disclosure
 - » Disclosure of privileged/confidential information
- » Reputation (compliance with the above / quality of posts and information)
- » Credibility (fake news / relevance)

Top tips for staying safe:

DO: Keep within the law, adhere to the Council's Constitution and Members Code of Conduct and take time to read the Council's Social Media Policy

DO: Separate your 'social' and 'professional' personas. Think carefully about privacy settings and set them at the right levels.

DO: Assume everything you say will be shared, picked up by local media and has the potential to go 'viral'

DO: Remember the 'screenprint' – the nemesis of the delete key

DO: Be careful when using pictures – copyright and permissions

DO: Give yourself time to think before you post

DO: Carefully read what has been said and think about your response

DO: Provide helpful, factual information – its ok to say "I'll need to get back to you"

DO: Familiarise yourselves with local journalists who are active on-line

Local journalists using social media

Tom Davidson	Daily Post	@DPTomDavidson
Owen Hughes	Daily Post	@DPBusinessWales
Steve Bagnall	Daily Post	@DPWrexNews
David Powell	Daily Post	@DPConwyNews
Sarah Hodgson	Daily Post	@sarahlhodgson1
Kelly Williams	Daily Post	@DPDenbNews
Jez Hemming	Daily Post	@DPJezHemming
David Humphreys	The Leader	@HumphreysLeader
Owen Evans	The Leader	@owenjamesevans
Sarah Easedale	BBC	@SarahEasedale
Delyth Lloyd	BBC	@DelythLloyd1
Carole Green	ITV	@ITVCaroleGreen

With risk there comes opportunity

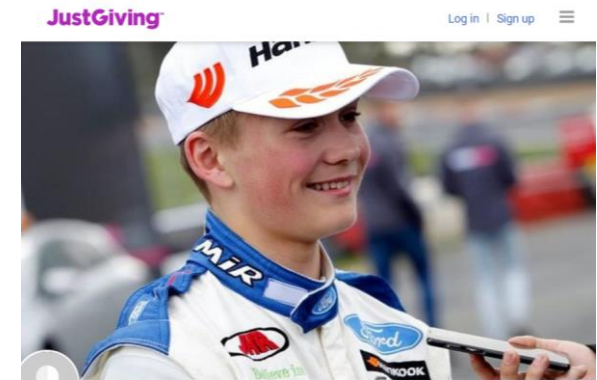
- » It's cost effective – no postage or printing costs / assists your time management
- » It's a place where lots of people already spend a lot of time
- » It's scaleable – you can start small and grow
- » It's convenient for people (and you)
- » It's in the moment - understand what's going on in your community, right now
- » It's a platform for you to build trust - becoming the source of credible information
- » It's speed and reach is infinite

A force for good

#BillyWhizz

Billy Monger tragically lost both his legs following an accident during the Formula 4 British Championships on 16 April this year.

Through the power of social media £807,000 was raised in just 20 days far exceeding the target of £260,000



Additional Reading

- » WLGA - Social Media - A Guide for Councillors
<http://www.wlga.wales/SharedFiles/Download.aspx?pageid=62&mid=665&fileid=344WLGA>
- » Flintshire County Council – Social Media Policy
<http://infonet.flintshire.gov.uk/en/Document-Repository/Chief-Executives/Communications/Social-Media-Policy-v3.2-Final-version-Jan-2017.pdf>
- » Crown Prosecution Service news release - social media guidance
http://www.cps.gov.uk/news/latest_news/cps_publishes_new_social_media_guidance_and_launches_hate_crime_consultation/



Data Protection Training

Information Governance Team

Data Protection Act 1998

- » Must be complied with when processing personal and sensitive personal data
- » Relating to identifiable living individual
- » Regulated by ICO
- » Fines up to £500,000, disciplinary action and in some cases prosecution
- » GDPR – May 2018

Definitions

- » **Data subject** means an individual who is the subject of personal data
- » **Data controller** determines the purposes for which and how personal data is processed
- » **Data processor** means any person (other than an employee of the data controller) who processes the data on behalf of the data controller

In your role you can act:

**As a representative of a political party
(office holder)**

**As a representative of the residents
of your ward**

**As a member of the Council
(committee)**

Registering with the ICO



The UK's independent authority set up to uphold information rights in the public interest, promoting openness by public bodies and data privacy for individuals.



- Home
- For the public
- For organisations**
- Report a concern
- Action we've taken
- About the ICO

For organisations /

Register (notify) under the Data Protection Act

The Data Protection Act 1998 requires every data controller (eg organisation, sole trader) who is processing personal information to register with the ICO, unless they are exempt.

More than 400,000 organisations are currently registered.

[Register now →](#)

[Renew →](#)

A [Welsh language registration form](#) (pdf) is also available.

Further reading

[Register of data controllers](#)
About the ICO

[Nature of work descriptions](#)
For organisations



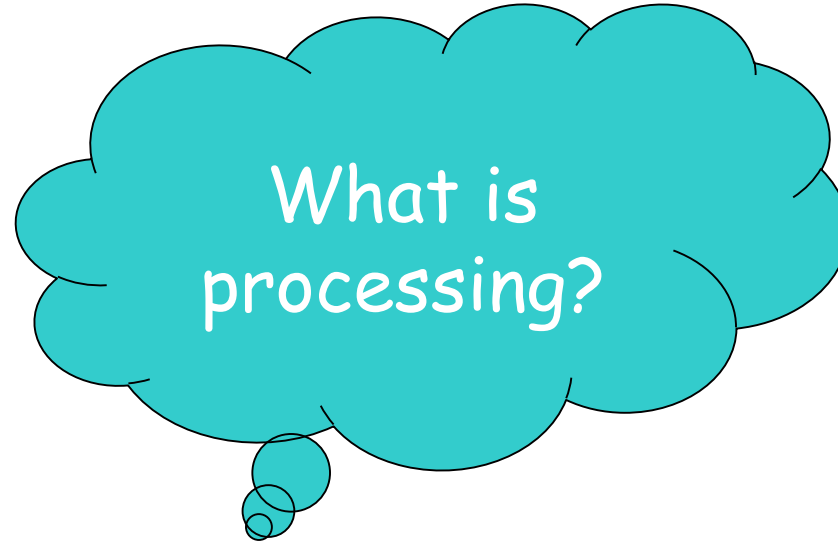
COMBINING

OBTAINING

AMENDING

DISCLOSING

RECORDING



USING

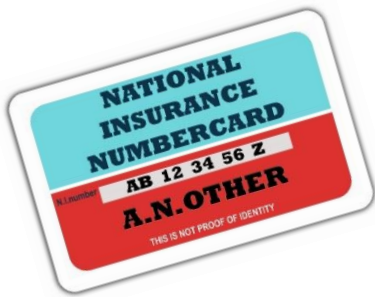
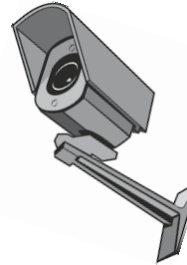
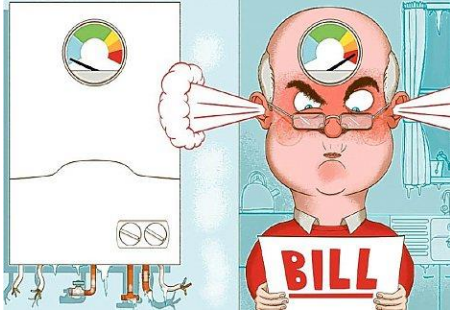
RETRIEVING

DELETING

DISPOSING

HOLDING

Personal Data



Sensitive Personal Data

- » Racial or ethnic origin
- » Political opinions
- » Religious beliefs or other beliefs of a similar nature
- » Membership of a trade union
- » Physical or mental health or condition
- » Sexual life
- » Commission or alleged commission of any offence
- » Any proceedings for committed or alleged offence

Conditions for Processing

Schedule 2 – **Personal Data**

- Consent
- Contracts
- Legal obligations
- Life or Death
- Administration of justice
- Exercising functions:
 - of a government department
 - under enactments
 - In the public interest
- Legitimate interests – this will be removed under GDPR

Conditions for Processing

Schedule 3 – Sensitive personal data

- Explicit consent
- Exercising rights / obligations in connection with employment
- Protect vital interests
- Carried out by certain non-profit making bodies and relates to their members
- Deliberately made public by the data subject
- Legal proceedings
- Administration of justice or to fulfil other public functions
- Medical purposes and undertaken by a health professional or by a person who has a similar duty of confidentiality

3. Adequate, relevant and not excessive

7. Kept secure

1. Processed fairly and lawfully

4. Accurate and, where necessary, kept up to date

2. Processed for specified and lawful purposes

8. Not transferred outside EEA without adequate protection

5. Not kept for longer than necessary

6. Processed in line with the subject's rights

Principle 1 - Personal data shall be processed fairly and lawfully

WHAT DOES THAT MEAN?

We must tell the data subject that data is being collected about them, why it is being used and what it will be used for



How do we ensure this?

Principle 2 - Processed for specified and lawful purposes

WHAT DOES THAT MEAN?

When we ask for someone's data we should tell them why we want to collect it and how we will use and store it



What are privacy notices?

Principle 3 - Adequate, relevant and not excessive

WHAT DOES THAT MEAN?

We should only collect data that is needed and nothing more. We should not ask for excessive details when they are not necessary.



Anything that is unrelated to elephants is irrelephant.

Are we asking for too much data?

Principle 4 - Accurate and, where necessary, kept up to date

WHAT DOES THAT MEAN?

We need to take reasonable steps to make sure personal data is accurate. We need to know where it came from to help us keep it up to date.

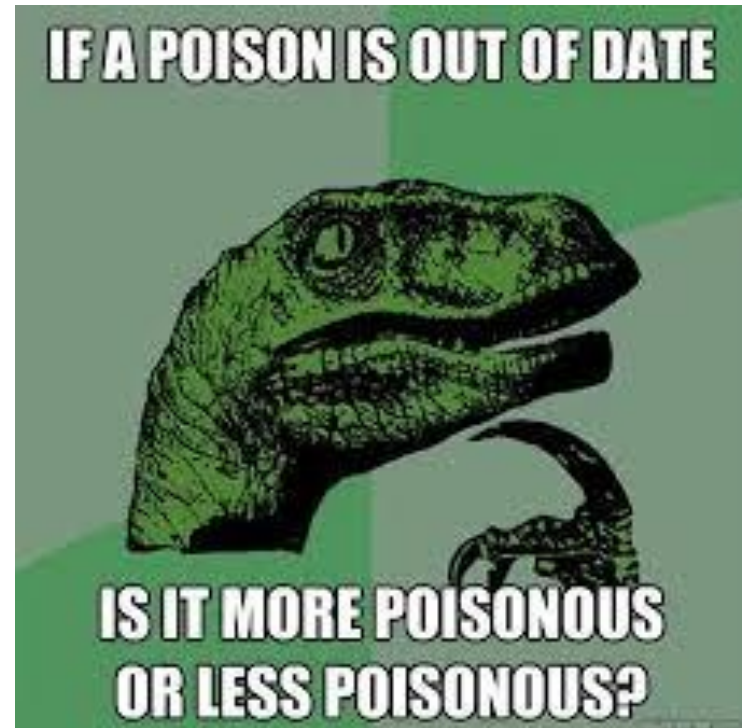


How do we keep our data up to date and accurate?

Principle 5 - Not kept for longer than necessary

WHAT DOES THAT MEAN?

We should only keep information for a reasonable amount of time. Once it is no longer needed it should be deleted

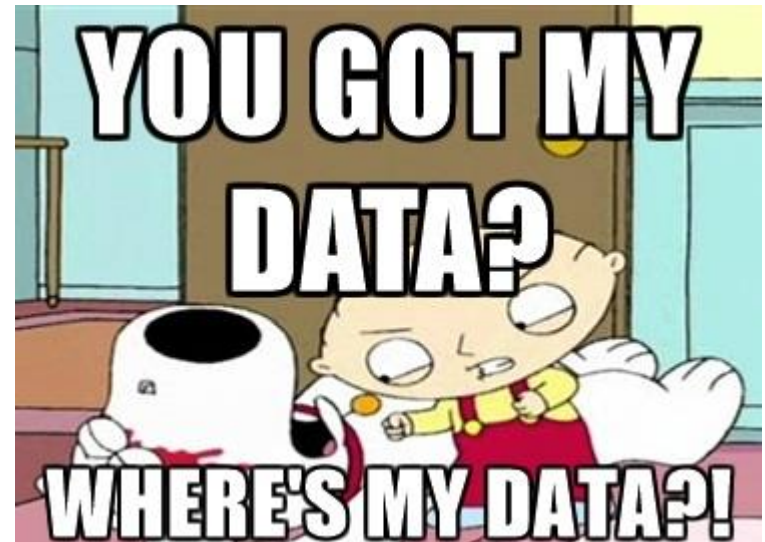


How long do we think it is reasonable to keep records?

Principle 6 - Processed in line with the subject's rights

WHAT DOES THAT MEAN?

Our data subjects have a right to see what information we hold on them. If we hold incorrect data they can request that it is changed



How would you go about finding out what information a company holds on you?

Principle 7 - Kept secure

WHAT DOES THAT MEAN?

We must keep data safe from thieves and make sure it is not lost accidentally. Only authorised people should be able to access certain data

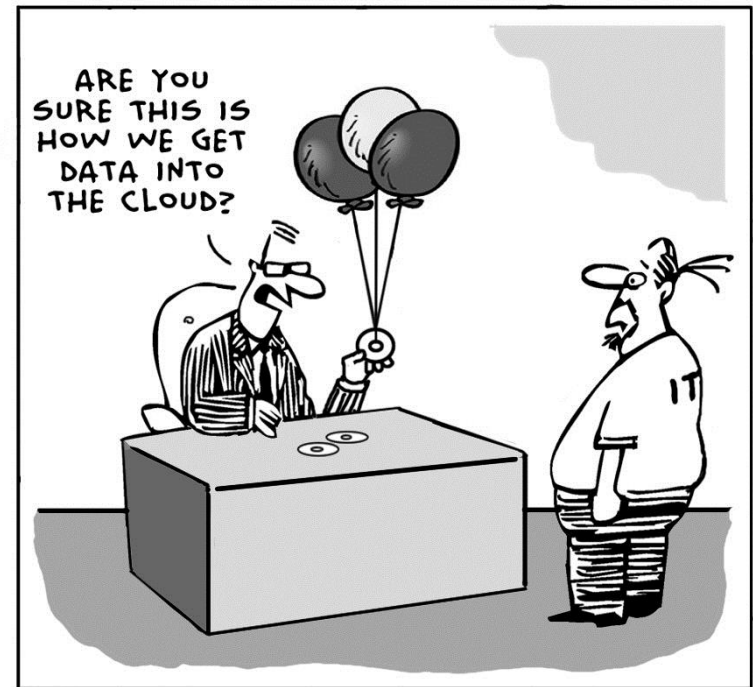


How can we ensure that the data we hold is not accessed without authorisation, hacked (stolen) or lost accidentally?

Principle 8 - Not transferred outside EEA without adequate protection

WHAT DOES THAT MEAN?

Before making a transfer, you should consider whether you can achieve your aims without actually processing personal data



Do we transfer data outside the EEA?

ICO Fines

Norfolk County Council left files that included sensitive information about children in a cabinet which was sent to a second hand shop



Scottish Borders – eight boxes containing employee pension records (676 files) had been deposited in the recycling bank by a data processor working for the council.



Hampshire County Council were fined after documents containing personal details of over 100 people were found in a disused building







Freedom of Information Training

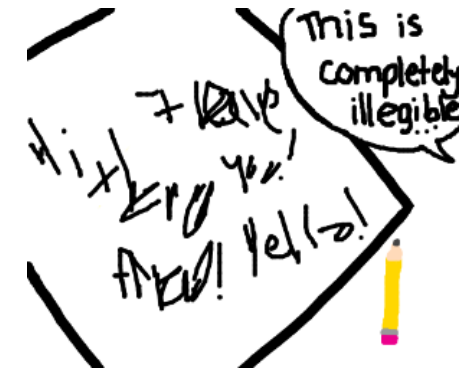
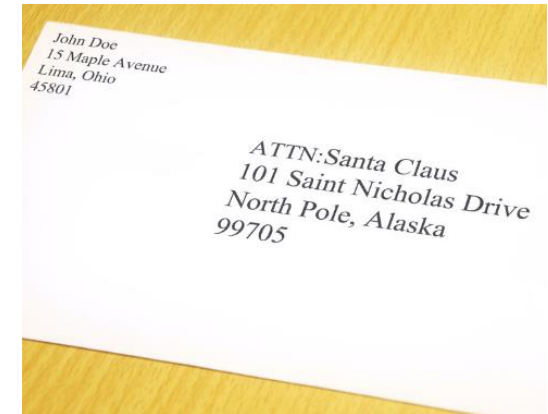
Information Governance Team

Freedom of Information Act 2000



A general right of access to information held by public authorities

FOI Requests



We have 20 working days to respond



In the last five years how many cases are recorded of children in care going missing?

The amount of money the council spent on the services of external law firms and barristers over the last two years?

How many Parking Charge Notices, or Contravention Notices for parking has the council issued?

2016.....Over 1000 Requests

FOI Contact Officers

- **12 FOI Contact Officers**
- **At least one officer in each portfolio**
- **Respond to requests**



Information Governance Team

- **Provide advice / stats**
- **Host monthly FOI meetings / training**
- **Internal Reviews**

In your role you can act:

**As a representative of a political party
(office holder)**

**As a representative of the residents
of your ward**

**As a member of the Council
(committee)**

As a member of the Council:

- Members' correspondence (written and electronic) falls within the scope of the Freedom of Information Act
- We may be required to release a copy of Members' correspondence if we receive a relevant request

FOI Exemptions

Section 21 – Reasonably accessible by other means (A)

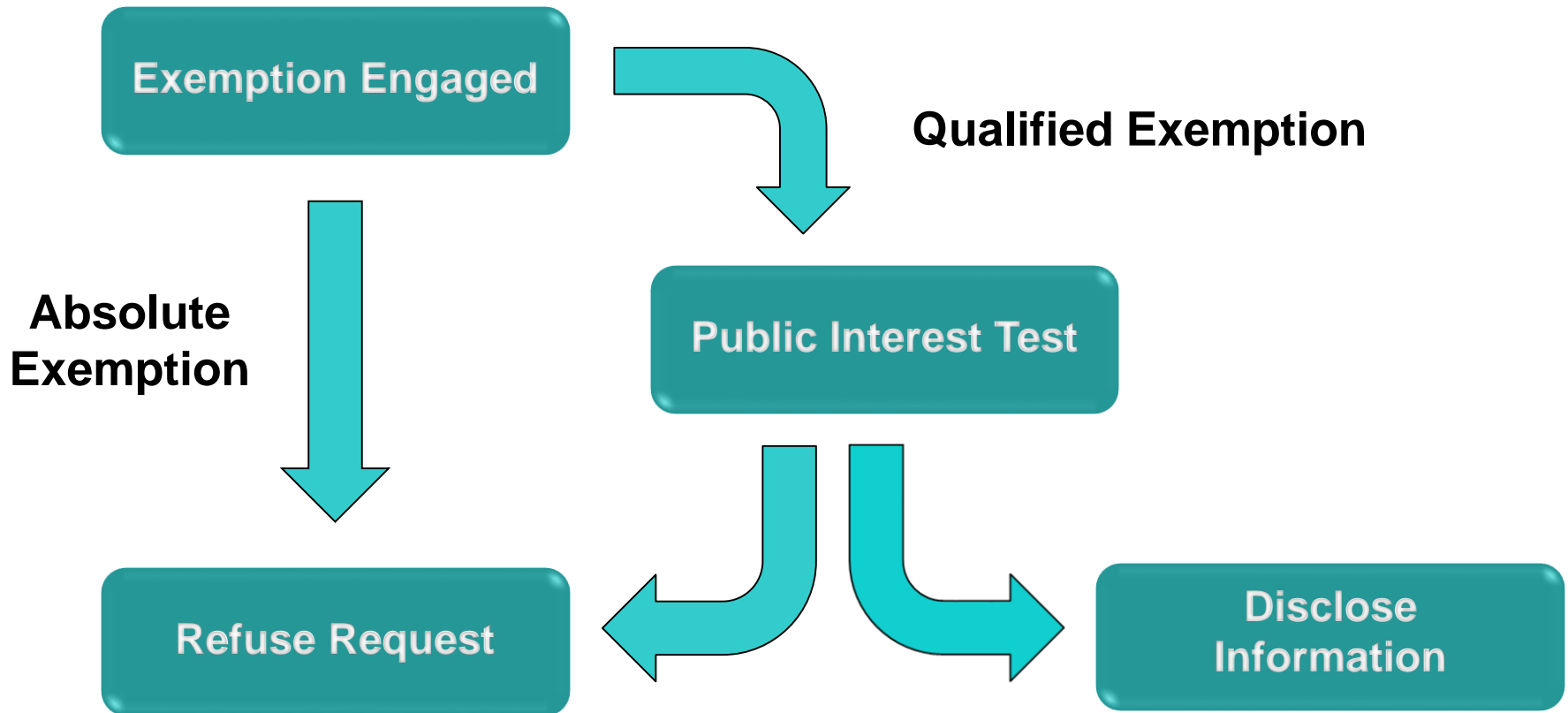
Section 22 – Information intended for future publication (Q)

Section 36 – Effective conduct of public affairs (Q)

Section 40 – Personal data (A/Q)

Section 43 – Commercial interests (Q)

FOI Exemptions



Public Interest Test



Further Guidance

- Information Governance Team -
Information.governance.team@flintshire.gov.uk
- Infonet - Our Governance pages
- Infonet Portfolio Link Officers - List of Data Protection and FOI Officers
- www.ico.org.uk - for guidance documents, training videos and DP / FOI news



QUESTIONS?



Health and Safety

- » Corporate policy and obligations to
 - » Employees
 - » Visitors
 - » Service users/residents
- » Looking after oneself
 - » lone working
 - » protecting private space at home,
 - » dealing with aggressive constituents