

Slough Borough Council

Report To:	Employment Committee
Date:	19 September 2024
Subject:	Taking equipment overseas
Chief Officer:	Will Tuckley – Chief Executive
Contact Officer:	Tracy Walters – Head of HR Policy and Strategy
Wards:	All
Exempt:	No
Appendices:	Appendix 1 – Policy Appendix 2 - EQIA assessment

1. Summary and Recommendations

1.1 This report sets out Slough Borough Council's (SBC) legal obligations in relation to protecting their data when employees are working from overseas – the policy details taking equipment overseas and when employees are allowed to work overseas.

1.2 Recommendations:

The Employment Committee is requested to review and endorse the launch of this new policy.

1.3 Reasons:

To ensure that SBC is compliant with the Data Protection Act 2018 and ensure that SBC encryption is not compromised through employees working within countries where encryption is not regulated.

Commissioner Review

Commissioners have reviewed the report and have no comments.

2. Introductory

Regulations under the Data Protection Act 2018 requires that an organisation controls its personal information in line with the legislation. Organisations are legally expected to comply with the legislation and ensure the following principles are followed:

- Personal information shall be processed lawfully, fairly and in a transparent manner

- Personal information shall be collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes
- Personal information shall be adequate, relevant, and limited to what is necessary 4. Personal information shall be accurate and, where necessary, kept up-to-date
- Personal information shall be retained only for as long as necessary
- Personal information shall be processed in an appropriate manner to maintain security

Furthermore, the protection of personal information and electronic documents act (PIPEDA) imposes an obligation on organisations to use security safeguards to protect personal information in relation to sensitive information.

This policy provides SBC with the safeguarding of complying with both GDPR and PIPEDA through its governance of countries in which employees are able to work overseas.

Options considered

No additional option.

3. Implications of the Recommendation

3.1 Financial implications

3.1.2 There are no direct costs to the implementation of this policy, however, this policy safeguards SBC from potential fines and reputational damage should the Council not comply with GDPR & PIPEDA.

3.2 Legal implications

3.2.1 The compliance with GDPR & PIPEDA is a legal obligation that all organisations need to comply with and failure to do so, could see SBC incur significant fines in addition to reputational risk.

3.2.2 Furthermore, the policy through its application, mitigates employment risk in relation to preventing employees working overseas for significant periods of time and SBC therefore being liable for tax and social security costs within a country – allowable working time before tax and social security costs are incurred by SBC differs for each country, therefore the limitation of an employee being able to work overseas for exceptional reasons only, mitigates SBC from this risk. In addition, it mitigates an employee being able to claim employment status within a country and SBC having to comply with local employment laws, which are likely to differ from the UK.

3.3 Risk management implications

3.3.1 The policy restricts certain countries from which employees within SBC can legally and compliantly work from. It restricts the criteria in which an employee can work overseas, to mitigate the legal risks, as detailed above.

3.4 Environmental implications

3.4.1 N/A

3.5 Equality implications

3.5.1 An EQIA has been undertaken and this is not identified any risks in relation to discrimination.

3.6 Procurement implications

3.6.1 N/A.

3.7 Workforce implications

3.7.1 N/A

3.8 Property implications

3.8.1 N/A

4. Background Papers

Copy of the Policy
EQIA