

MIDDLESBROUGH COUNCIL

Report of:	Chief Executive - Erik Scollay
Relevant Executive Member:	Mayor - Chris Cooke
Submitted to:	Executive
Date:	8 July 2026
Title:	Data Protection Policy and Direct Marketing and Cookies Policy
Report for:	Decision
Status:	Public
Council Plan priority:	Delivering Best Value
Key decision:	No
Why:	Decision does not reach the threshold to be a key decision
Subject to call in?	Yes
Why:	Not urgent

Proposed decision(s)

That Executive:

1. Approve the Data Protection Policy,
2. Approve the Direct Marketing and Cookies Policy and
3. Delegate authority to the senior officer designated as the Council's 'senior information risk owner' to approve all future substantive revisions, minor amendments and administrative updates of the Data Protection Policy and Direct Marketing and Cookies Policy.

Executive summary

This report seeks approval of two key information governance policies: the Data Protection Policy and the Direct Marketing and Cookies Policy. Together, these policies provide a comprehensive framework to ensure Middlesbrough Council complies with its statutory obligations under data protection and privacy legislation, including the UK GDPR, Data Protection Act 2018, the Privacy and Electronic Communications Regulations (PECR), and the new Data (Use and Access) Act 2025. In addition, this report seeks authorisation to delegate all future revisions of these policies to the Senior Information Risk Owner (SIRO).

1. Purpose of this report and its contribution to the achievement of the Council Plan ambitions

1.1 The purpose of this report is to seek formal approval of the Council’s Data Protection Policy and the Direct Marketing and Cookies Policy. The Data Protection Policy sets out the overarching approach to lawful and fair processing of personal data, while the Direct Marketing and Cookies Policy provides specific governance and controls relating to electronic marketing communications and the use of cookies and similar technologies.

Our ambitions	Summary of how this report will support delivery of these ambitions and the underpinning aims
<p>A successful and ambitious town</p>	<p>Attract and grow businesses to increase employment opportunities These policies promote confidence among businesses and investors by demonstrating that the Council handles commercial and personal data in line with legal and ethical standards. Clear controls over data sharing and security support partnership working while safeguarding sensitive information.</p> <p>Improve attainment in education and skills Education, training and skills services rely on the accurate and secure processing of personal data relating to children, learners and families. These policies ensure data is used lawfully and proportionately to support achievement, safeguarding and targeted interventions.</p> <p>Ensure housing provision meets local demand Housing and regeneration services process large volumes of sensitive personal data. These policies ensure this information is managed safely, enabling effective planning, allocation and support while protecting individuals’ privacy.</p>
<p>A healthy Place</p>	<p>Improve life chances by responding to health inequalities Secure and lawful data sharing enables the Council and its partners to identify need, target resources and evaluate outcomes, while ensuring personal data is protected and used only for legitimate purposes.</p> <p>Protect and improve our environment Environmental and regulatory services process personal data relating to enforcement and compliance. These policies ensures that such data is handled proportionately and transparently, supporting fair and effective decision-making.</p>

	<p>Promote inclusivity for all These policies reinforce individuals' rights, including fairness, transparency and access, helping ensure that services are delivered equitably and without discrimination.</p> <p>Reduce poverty Services supporting financially vulnerable residents depend on accurate and sensitive personal data. These policies ensure this data is handled securely, protecting dignity and encouraging engagement with support services.</p>
<p>Safe and resilient communities</p>	<p>Support adults to be independent for longer Adult social care and preventative services rely on detailed personal and health-related information. These policies ensure this data is processed lawfully, securely and respectfully, supporting informed decision-making and continuity of care.</p> <p>Improve transport and digital connectivity As services become more digital, these policies provide assurance that personal data collected through digital channels is protected against misuse, supporting safe and inclusive digital access.</p> <p>Promote new ideas and community initiatives These policies enable innovation by setting clear rules for responsible data use, ensuring that new initiatives can be developed while managing risk and protecting personal information.</p> <p>Reduce crime and anti-social behaviour Information sharing with partners such as the police and community safety teams is essential to preventing harm. These policies ensure sharing is lawful, necessary and proportionate, balancing community safety with individual rights.</p>
<p>Delivering best value</p>	<p>Ensure robust and effective corporate governance These policies support compliance with statutory duties, reduces the risk of regulatory enforcement, complaints and reputational damage, and provides clear accountability for information governance across the organisation.</p> <p>Set a balanced revenue budget and Medium-Term Financial Plan Preventing data breaches and non-compliance avoids financial penalties, remediation costs and service disruption. Strong data protection controls support efficient, lawful working practices and better use of resources.</p>

2. Recommendations

2.1 That Executive:

- Approve the Data Protection Policy,
- Approve the Direct Marketing and Cookies Policy, and
- Delegate authority to the senior officer designated as the Council's 'senior information risk owner' to approve all future substantive revisions, minor amendments and administrative updates of the Data Protection Policy and Direct Marketing and Cookies Policy.

3. Rationale for the recommended decision(s)

- 3.1 Approval of both policies ensures the Council continues to meet its legal and regulatory obligations, demonstrates accountability, and reduces the risk of non-compliance, regulatory enforcement, complaints, and reputational harm. The Direct Marketing and Cookies Policy addresses specific requirements under PECR and Information Commissioner's Office (ICO) guidance which are not fully covered by the general Data Protection Policy.

4. Background and relevant information

- 4.1 Middlesbrough Council processes personal data on a significant scale in order to deliver statutory functions and public services. When carrying out tasks in the public interest or exercising official authority, the Council acts as a public authority and is required to comply primarily with the UK General Data Protection Regulation, the Data Protection Act 2018, the Privacy and Electronic Communications Regulations 2003, and the Data (Use and Access) Act 2025. The Council's approach to compliance with these obligations is encapsulated in the Data Protection Policy.
- 4.2 The Direct Marketing and Cookies Policy additionally reflects the requirements of the PECR, ICO Codes of Practice, and related guidance. It clarifies roles and responsibilities, consent standards, use of technical solutions, and governance arrangements for both marketing communications and cookie compliance.
- 4.3 These policies apply to all personal data processing undertaken by Middlesbrough Council and the following constituent data controllers: the Electoral Registration Officer/Returning Officer, the South Tees Safeguarding Children Partnership, the South Tees Youth Justice Service, and the Superintendent Registrar. Collectively referred to as "Middlesbrough Council" for the purposes of this policy. Each data controller is responsible for ensuring that personal data is processed lawfully, fairly and transparently, is accurate and secure, and is retained only for as long as necessary.
- 4.4 These policies support both public authority and competent authority processing by setting out clear governance, accountability, and roles and responsibilities, including those of elected members, senior management, information asset owners, staff, and the Data Protection Officer.

5. Ward Member Engagement if relevant and appropriate

- 5.1 Ward councillors, when acting in their capacity as locally elected representatives, are data controllers in their own right and are not generally covered by this policy in relation to constituency or ward casework. However, where councillors process personal data as part of their formal role on a Council committee, sub-committee, or other body exercising the Council’s functions, such processing falls within the scope of this policy and the Council’s information governance framework.

6. Other potential alternative(s) and why these have not been recommended

- 6.1 While data protection legislation does not explicitly require organisations to maintain standalone policies. However, adopting such policies is regarded as good practice and is strongly recommended by the Information Commissioner’s Office (ICO) under its Accountability Framework.
- 6.2 Formal policies help demonstrate how an organisation meets its legal obligations, embeds data protection principles into everyday practice, and provides clarity on roles, responsibilities, and expectations for those handling personal data. In a public sector context, where large volumes of personal and sensitive data are processed, the absence of a policy would make it more difficult to evidence compliance, manage risk consistently, and demonstrate accountability to regulators, service users, and the public.

7. Impact(s) of the recommended decision(s)

Topic	Impact
Financial (including Social Value)	There are no direct implications for finance arising out of this report.
Procurement	These policies ensures that legally required checks and contract agreements are put in place to properly instruct suppliers on the use of personal data for Council services.
Legal	Both policies support compliance with statutory obligations under data protection and privacy legislation. They provide clear governance and accountability arrangements to support lawful processing and electronic communications. Delegating authority to the SIRO to approve future revisions allows for a more agile governance process enabling a quicker response to legal changes and any updates issued by the Information Commissioner.
Risk	Failure to properly document and communicate legal responsibilities under data protection can lead to non-compliance, regulatory action, and loss of public trust.
Human Rights, Public Sector Equality Duty and Community Cohesion	Data protection legislation regulates legitimate Council use of personal data while ensuring protection of individuals’ rights and freedoms.
Reducing Poverty	There are no direct implications arising out of this report for these areas of consideration. However, adherence to these
Climate Change / Environmental	

Children and Young People Cared for by the Authority and Care Leavers	policies does support the lawful use of data in services that impact on these areas of priority for the Council.
Data Protection	These policies is a key risk control measure which will help to demonstrate to citizens how seriously the Council takes its duties under the Accountability Principle.

Actions to be taken to implement the recommended decision(s)

Action	Responsible Officer	Deadline
Publish and communicate the updated policies	Data Protection Officer	31/07/2026

Appendices

1	Data Protection Policy
2	Direct Marketing and Cookies Policy

Background papers

Body	Report title	Date
N/A	N/A	N/A

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