

LAND AND INFORMATION TECHNOLOGY REGULATIONS

1 GENERAL

- 1.1 These Regulations shall come into effect on 1 April 1998.
- 1.2 It shall be the responsibility of all Heads of Service to comply with the requirements of these Regulations and to ensure that their staff are aware of and comply with the Regulations.
- 1.3 These Regulations may be amended from time to time by the Comhairle.
- 1.4 In the case of uncertainty or dispute in applying these Regulations the matter shall be decided by the Chief Executive (except in a case involving the Director in which case the matter shall be determined by the Chief Executive) or such officer as the Director shall nominate.
- 1.5 The decision on the uncertainty or dispute shall be final.

2 LAND

Definitions

- 2.1 "Land" For the purposes of these Regulations "land" shall mean land and/or buildings.
- 2.2 "Purchase" For the purposes of these Regulations "purchase" shall mean purchased, leased or otherwise occupied by the Comhairle.

Purchase

- 2.3 Land shall not be purchased unless the purchase has been duly authorised under the Comhairle's Scheme of Delegation and Scheme of Administration.
- 2.4 Where a purchase is authorised following consideration by the Comhairle, a committee or sub-committee this shall be subject to a report indicating the terms of the purchase and the revenue and capital implications of the purchase having been submitted by the relevant head of service to the Comhairle, committee or sub-committee prior to the decision.
- 2.5 Where a purchase is authorised following consideration by the Comhairle, a committee or sub-committee the Head of Service's report shall indicate the intended use, the legal power under which the Comhairle purchases the land and the source of funding for the capital and revenue consequences of the purchase.
- 2.6 The Head of Service shall inform the Director of Finance of the purchase, sale or change of use of any land held for purposes for which the Head of Service is responsible.
- 2.7 The Director of Finance shall make such arrangements as he judges necessary to insure the Comhairle's risks in connection with the ownership, occupation, purchase or sale of land.

Ownership

- 2.8 Land shall be held in the name of Comhairle nan Eilean Siar.
- 2.9 The Chief Executive shall maintain the deeds relating to the Comhairle's land holdings in safe keeping and shall maintain an indexed record of such deeds.
- 2.10 The record of deeds maintained by the Chief Executive may take a computerised database form.

Use

- 2.11 The relevant Head of Service shall ensure that land is used for the purpose for which it was acquired.
- 2.12 If the relevant Head of Service wishes to arrange for the land to be used for a purpose which differs from the purpose for which the Comhairle originally purchased the land or for any alternative purpose subsequently authorised by the Comhairle, he shall, prior to the change of use, ensure that the land is used for the purpose for which it was acquired.

Surplus Properties and their Disposal

- 2.13 Where no use is identified for surplus land by another Comhairle service, the Director of Technical Services shall seek expressions of interests from in the first instance local Registered Social Landlords and then to the local community. This process for Community Groups shall be time limited to three calendar months at the end of which an interested group must be able to demonstrate that there is funding in place or applied for which would allow the use of the land for the purpose planned. Should such evidence be presented, the Director of Technical Services shall seek Comhairle approval for the disposal of the land to the community group in question.

The process to be followed shall be as follows:

Stage 2

Should no future use be identified by the Comhairle for the land/building expressions of interest will then be sought from RSLs. RSLs will be given one calendar month to respond.

Should an expression of interest be received, the Director of Technical Services will seek Comhairle approval to proceed to dispose of the asset to the RSL at market value.

Stage 3

If no expression of interest is received from an RSL, the land or building will be offered to community groups. Contact will be made with community groups by writing to Community Councils and Local Members and by advertising in the local and community newspapers. Community groups will be given one month to respond.

Once an expression of interest has been registered by a group, the community group in question will be asked to demonstrate that the planned use of the building or asset will take place. Evidence to be provided could include notification of funding secured or a submitted funding application. This approach will ensure that speculative expressions of interest where no concrete plans are in place can be discouraged. The deadline for submission of evidence will be two calendar months.

Where more than one community group can produce the evidence required and evaluation of the proposals will be carried out. It is proposed that the criteria used are:

Contribution to the achievement of the Single Outcome Agreement

Financial implications for the Comhairle (cost/grant/subsidy)

Economic and Community Impact

Fit with Local Development Plan

The outcome of this evaluation process will be presented to the Comhairle for approval at which point the Director of Technical Services will also seek approval for the disposal terms. In the event it is proposed that the disposal be for less than market value, Ministerial approval will be required.

Stage 4

Where no expression of interest is lodged, or where no concrete plans can be demonstrated, the Director of Technical Services will seek Comhairle approval for the disposal of the asset on the open market. No ministerial consent is required for disposal in this way.

Statutory Controls

- 2.14 Heads of Service are responsible for ensuring that all statutory consents required in connection with the holding, occupation or purchase of land have been obtained or that procedures have been set in place by the relevant department of the Comhairle responsible for administering those procedures.

3 INFORMATION TECHNOLOGY

Definitions

- 3.1 For the purposes of these Regulations the following definitions shall apply:

“Hardware” shall mean all computers of whatever type and their component, ancillary and accessory parts.

“Software” shall mean computer applications and utilities.

“Peripherals” shall mean equipment physically or otherwise attached to or communicating with Hardware and shall, for example, include equipment such as modems, printers and scanners.

“Purchase” includes leasing or any other arrangement under which money or money’s worth is paid by the Comhairle to a third party for the use of hardware, software or peripherals.

List of Corporate Standards

- 3.2 The Chief Executive through the Chief Executive shall produce and maintain a list of corporate standards for hardware, software and peripherals.
- 3.3 The list of corporate standards and any revisions shall be produced after prior consultation with all heads of service.
- 3.4 The list of corporate standards and any revisions shall be circulated by the Chief Executive to all heads of service.

Purchasing Policy

- 3.5 Subject to the next paragraph all Heads of Service shall ensure that any purchases they authorise or may recommend to the Comhairle are within the terms of the Scheme of Delegation and shall comply with the corporate standards.
- 3.6 A Head of Service who proposes to purchase hardware, software or peripherals which do not comply with the corporate standards or for which no standard exists shall obtain the prior approval of the Chief Executive before purchasing or submitting a report recommending the purchase of such items.

Information

- 3.7 A Head of Service shall, using the standard form issued, and within four weeks of physical delivery of hardware, software or peripherals to the Comhairle notify the Chief Executive of the purchase providing full details of the items including serial numbers and such other details as the Chief Executive shall prescribe.
- 3.8 A Head of Service shall within four weeks of disposing of surplus hardware, software or peripherals notify the Chief Executive of the disposal providing full details of the items including serial numbers and such other details as the Chief Executive shall prescribe using the standard form issued.
- 3.9 The Chief Executive shall maintain a Register of all the Comhairle's hardware, software and peripherals.
- 3.10 The Chief Executive shall upon receipt of a completed standard form copy the form to the Director of Finance to enable the Director to assess and take appropriate action in connection with any additional insurance obligations.

Pirated Software

- 3.11 It shall be the responsibility of the Head of Service to ensure that:-
- Only authorised original copies of software duly authorised by the Chief Executive are maintained on Comhairle hardware or peripherals; and
 - pirated software may not under any circumstances be maintained on Comhairle equipment.
- 3.12 Breach of this prohibition will be taken as serious misconduct which may result in dismissal in respect of the relevant Head of Service and the officer involved.

Computer Security

- 3.13 The Chief Executive shall be the officer with responsibility for overseeing compliance with the Comhairle's duties under the Data Protection Acts 1984 and 1998 and related legislation: domestic and European.
- 3.14 Every Head of Service shall ensure that they comply with the Data Protection Principles.
- 3.15 Every Head of Service shall ensure that they comply with the terms of the registration for systems maintained under the Data Protection Act with the Data Protection Registrar.
- 3.16 Every Head of Service shall ensure that the relevant staff within their department are familiar with the requirements of the Data Protection Act and the terms of the Data Protection Act registration of systems for their service and that they comply with such obligations and terms.

Backups

- 3.17 Every Head of Service shall ensure that daily backups of data on their systems are taken and that backup copies shall be stored overnight in such secure accommodation as the Chief Executive shall approve.

Contracts

- 3.18 All contracts for the supply of hardware, software or peripherals shall be signed by the Chief Executive.

- 3.19 Prior to signature of the contract the Chief Executive shall satisfy himself that the contract: 1. adequately protects the Comhairle's interests and 2. is for hardware, software or peripherals which have been approved by the Chief Executive.
- 3.20 Upon signature by all parties to a contract a copy of the contract shall be sent by the Chief Executive to the Chief Executive, the Director of Finance and the Director of the relevant department.
- 3.21 It shall be the duty of the Director of the relevant department to set in place the necessary procedures for any payments under the contract and any administrative or technical requirements set out in the contract and to ensure that the relevant staff in the department are familiar with any continuing requirements of the contract and to ensure that any relevant new members of staff are kept informed of the requirements.
- 3.22 Details of the Contract shall be entered in a Register maintained by the Chief Executive.

4 STATUTORY DATA PROTECTION PRINCIPLES

- 4.1 The information to be contained in personal data shall be obtained, and personal data shall be processed, fairly and lawfully.
- 4.2 Personal data shall be held only for one or more specified and lawful purposes.
- 4.3 Personal data held for any purpose or purposes shall not be used or disclosed in any manner incompatible with that purpose or those purposes.
- 4.4 Personal data held for any purpose or purposes shall be adequate, relevant and not excessive in relation to that purpose or those purposes.
- 4.5 Personal data shall be accurate and, where necessary, kept up to date.
- 4.6 Personal data held for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes.
- 4.7 An individual shall be entitled:
- at reasonable intervals and without undue delay or expense: to be informed by any data user whether he holds personal data of which that individual is the subject; and to have access to any such data held by a data user; and
 - where appropriate, to have such data corrected or erased.
- 4.8 Appropriate security measures shall be taken against unauthorised access to, or alteration, disclosure or destruction of, personal data and against accidental loss or destruction of personal data.
- Officer Designation***
- 4.9 The Chief Executive through the Chief Executive shall be responsible to the Comhairle for advice on the development and use of information technology and information systems.