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**Executive Member for Corporate Services  
Advisory Panel**

**13 June 2006**

Report of the **Director of Resources**

**Information Management Annual Report 2005/06**

Summary

- 1 This is an outturn report to inform councillors about activity in the area of Information Management during 2005/06. It deals with the work of the Information Management Officer and Assistant (IMO).<sup>1</sup> It is purely factual and no decision is required, but councillors' comments would be welcome.

Background

- 2 The role of IMO, located within Public Services, was set up in 2003 to provide advice and ensure compliance on data protection and related matters. This report is the third annual account of that function.
- 3 Personal privacy, public information rights and open government are important aspects of the way the council connects with customers and citizens. The role of Information Management is to ensure that we can, and do, connect well, fulfilling our legal duties along the way.
- 4 The Records Management Code of Practice<sup>2</sup> has statutory force and requires that "the records management function should be recognised as a specific corporate programme". In considering this report the Panel will continue that recognition (see recommendation).

Personal privacy: the Data Protection Act 1998 (DPA)

- 5 Awareness of data protection matters continues to be good with officers understanding very well the duty to protect privacy. Maintaining personal privacy is an important but largely invisible aspect of public service. DPA is most visible to those who make a "Subject Access Request" for a copy of the personal data the council holds about them.
- 6 In 2005/06 nine requests were received (six in 2004/05). Four were from

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<sup>1</sup> Note that this report does not include the work of the ITT department which is reported separately

<sup>2</sup> Code Of Practice on The Management of Records by Public Authorities, issued by the Lord Chancellor pursuant to section 46 of the Freedom of Information Act.

current or former staff (one of whom made two requests). In one of these examples there was extensive consultation with legal services over the details of disclosure and the forty-day limit was not met. Some of the lessons learned from that exercise will inform the revised data protection policy to be presented during 2006. Two requests were withdrawn after consultation. Of the other 6 cases, one other went over time and the remaining five were completed on time. The other late case was also a staff member. There were no complaints.

## Data audit

- 7 DPA obliges the council to “notify” to the Information Commissioner all processing of personal data. Processing without notifying is a criminal offence so it’s important that notification is complete. To help ensure this, council services have been audited with the intention of gaining 100% coverage of all departments.
- 8 The information collected in the audits also forms the basis of the Service Privacy Statements that each service should have available for its customers. These were not completed by the end of the year and that task is therefore carried forward into the 2006/07 workplan. This delay was largely due to the greater than expected number of requests made under the Freedom of Information Act.

## Public information rights: the Freedom of Information Act 2000 (Fol)

- 9 219 enquiries were received in the first full year of operation to March 2006. 13 had been brought forward from March 2005 and 21 were incomplete and carried forward into 2006/07. The following tables summarise the 211 completed requests.

*Table 1: Fol enquiries April 2005 – March 2006 by department*

<b>Department</b>	<b>No of enquiries</b>	<b>percentage</b>
Chief Executives	22	10
Commercial Services	0	0
Community Services	41	19
DEDS	70	34
Education & Leisure	30	14
Resources (including subject access managed centrally)	48	23
<b>Total</b>	<b>211</b>	<b>100</b>

- 10 Enquiries were from a number of sources. No-one is required to prove who they are and some assumptions have been made in the following classification:

*Table 2: Fol enquiries January – March 2005 by enquirer*

<b>Enquirer</b>	<b>No of enquiries</b>	<b>percentage</b>
Academic	3	1
Business	41	19
pressure groups	5	2
Individuals	110	53
Media	49	24
Political party	1	0
Other public authorities	2	1
<b>Total</b>	<b>211</b>	<b>100</b>

- 11 Enquiries covered a wide range of subjects and were expressed with varying degrees of clarity. The following table classifies them approximately:

*Table 3: Fol enquiries January – March 2005 by topic*

<b>Enquirer</b>	<b>No of enquiries</b>	<b>percentage</b>
personal data	37	18
policies	34	16
procurement	18	9
Service	56	26
Statistics	58	27
Finance	6	3
Planning	2	1
<b>Total</b>	<b>211</b>	<b>100</b>

- 12 Of these 211, 166 were answered within the twenty working days normally allowed. 29 were withdrawn, or suspended awaiting further information, or were managed as non-Fol business requests, and the remaining 16 went over time. There is no specific penalty for going over time although it may be regarded as a performance indicator for this aspect of service. Perhaps an inference may be drawn about the quality of records management.
- 13 No complaint was received about the overruns. Three replies led to other complaints, dealt with internally; none resulted in a change to the original

decision. In one case the enquirer has gone on to complain to the Information Commissioner but at the turn of the year the enquiry had not begun.

- 14 Early signs for 2006 are that enquiries have followed a broadly similar pattern, but showing a slight reduction in numbers from 2005. Overall the numbers were significantly more than was expected, prompting a review of the way they are recorded and tracked. However it is expected that the manual tracking system will be adequate and no specialist software will be required.
- 15 The results of the enquiries were as follows:

*Table 4: outcomes of Fol enquiries*

Outcome	No of enquiries	Percentage
Disclose	124	59
fee limit invoked	4	2
information not held (denial)	31	16
neither confirm nor deny that information is held	0	0
refuse in full	20	9
refuse in part	19	9
transfer to another authority	2	1
suspend//withdraw	13	6
Re-scope	2	1
not Fol	12	6
more than one outcome	-16	-8
Total	211	100

### Regulation of Investigatory Powers Act 2000 (RIPA)

- 16 This act provides for a system of senior level authorisations for actions such as surveillance of individuals and the use of informers. It supports the council's crime prevention services by regulating what might otherwise be breaches of citizens' human rights. Crime prevention is now the only purpose for which a local authority can invoke RIPA.
- 17 The IMO's role is to maintain the central register of authorisations (required by the Home Office codes of practice), and to liaise with the Surveillance Commissioner and the Interception of Communications Commissioner, who

“police” the codes and inspect periodically<sup>3</sup>.

- 18 In 2005/06 ten authorisations for directed surveillance were given, none of which was still in force at the end of the year. The following table indicates which services authorised them:

*Table 5: issue of RIPA authorisations*

Service	
Fraud (Resources)	5
Trading Standards (DEDS)	3
Children’s Services	1
Environmental Protection (DEDS)	1
	10

- 19 No covert human intelligence sources (“CHIS”, the formal term for informers) were recruited. None was operational at the beginning of the year.
- 20 Two notices were served to obtain communications data, one each in Fraud and Trading Standards<sup>4</sup>. An external company, Singlepoint, has been appointed to act as the single point of contact (“SPOC”) when requesting communications data from communications service providers. Revision of the RIPA Procedure to take account of this is included in the workplan for 2006/07.
- 21 There were no errors in the RIPA procedure to report to the Commissioners.

### Staff Warning Register

- 22 The Staff Warning Register identifies people and properties posing a risk to council staff. Much of the data is sensitive and, in accordance with Information Commissioner guidance, the procedure seeks to ensure it is disclosed on a “need to know” basis. The information available is factual and objective, with a periodic review to ensure continued relevance.
- 23 The table overleaf summarises the increasing scope of the register.
- 24 The increase in authorised users suggests growing awareness of the register and its relevance to a wide range of council services. New and revised Health & Safety policies and procedures will integrate it further into the full range of risk reduction options available to managers, and the resulting risk assessments are likely to lead to further increases in use, including access by councillors.

<sup>3</sup> The last inspection was in January 2003.

<sup>4</sup> Three were reported to the Commissioner for calendar year 2005; two fell in financial year 2005/06

*Table 6: scope of the Staff Warning Register*

	<b>April 2004</b>	<b>March 2005</b>	<b>April 2006</b>
Persons on Register	24	54	74
Properties on Register	1	50	61
Authorised users	58	190	298

- 25 These improvements follow review by an ad-hoc panel including users and members of the Health & Safety service. Other changes include
- extending the criteria for inclusion to take account of the forthcoming Violence & Aggression Policy - the register will thus become a mechanism for improving the protection of staff from fear and alarm, as well as actual harm
  - preparing a new database, using different software, to improve accessibility and presentation.

### Advice and training

- 26 An important function of IMO is to provide ad-hoc advice on information management. 121 enquiries and requests for advice were answered (83 in 2004/05), covering all the areas of work set out above. These ranged from simple telephone queries to requests requiring considerable research.
- 27 Two rounds of training sessions were completed, covering data protection, freedom of information, and records management. 32 places were provided on the first session and 51 on the second. Response forms indicated a good level of satisfaction and a third set is planned for summer 2006. Records Management was oversubscribed (perhaps surprisingly) and an extra session has been planned.

### Workplan

- 28 The IMO workplan for 2005/06 seeks to continue progress by concentrating on the areas of training, records management and audit. Audits will be based on risk, particularly involving service privacy statements and retention and deletion of records.
- 29 The workplan also includes a review of the Data Protection Policy. This is needed to incorporate the council's view of personal privacy into the framework of the Charter, and because certain policy choices have emerged as a result of an Appeal Court judgement (the Durant case). These choices will be put before members later in 2006.
- 30 Specific advice will be provided to the EASY project. EASY will change the way personal data is managed and stored, to improve the overall customer

relationship. But it is important to ensure that improved operational efficiency does not impinge adversely on citizens' (or staff) privacy and appropriate safeguards will be devised.

## Consultation

- 31 The Information Management Working Group's membership includes the Executive Member as Information Management Champion, as well as representatives from each department, plus one each from the Archives service and HR because of their specialist interest. The group meets monthly and provides liaison on relevant matters, but is also a ready route for consultation within departments when needed.

## Options and Analysis

- 32 This is a factual information report and no decision is required, so no options or analysis are provided.

## Corporate Objectives

- 33 The Information Management function contributes to the following corporate objectives:
- 4: *create a safe city through transparent partnership working by ensuring personal data is shared in a structured and proper way. This also assists the following:*
  - 5.5: *promote...modern social care...with partners in public and voluntary sectors*
  - 6.2: *ensure that all residents can access the joined up services they need by promoting accountability through freedom of information*
  - 8: *transform City of York Council into an excellent customer-focussed "can-do" authority*  
the infrastructure of records management, and of widespread understanding of the way the council can connect with citizens and customers, provide a foundation for all council services to improve.

## Implications

- **Financial**

- 34 Direct costs are principally staff (1.5 FTE) and the maintenance of the email search software used to assist Subject Access Requests. A small overspend was contained within the Resources Departmental outturn result.
- 35 Indirect costs include those of completing enquiries made under access to information legislation. Costs are recovered from FoI enquirers where it is economical to do so. This is permitted for postage and copying costs, which are usually very small. Enquiries governed by the Environmental Information

Regulations can be, and are, charged for in full. The current Data Protection Policy does not apply the permitted charge for subject access requests.

36 In November 2004 the government announced that local authorities would be reimbursed for the costs of FoI requests. An amount of £10k has been included in the annual Revenue Support settlement and ODPM has confirmed that no specific grant will be made.

37 There is a wide range in the time needed to complete each of the 211 enquiries. An estimated<sup>5</sup> average of c 3.2 hours each (including the time of service managers, trackers and IMO but not that of chief officers or councillors) would indicate a likely total cost of around £10k. This average disguises a small number of very burdensome inquiries, including some that have involved councillors in considerable work.

- **Human Resources (HR)**

38 The Records Management Code of Practice includes a section dealing with HR implications hence the participation of HR in the Working Group. Awareness and training in information management matters have been identified by HR as areas that need to be addressed. Details of the training provided to date are provided above and the Working Group will continue to identify training needs and how they can be met with any additional resources required being highlighted as necessary. Additional concerns exist regarding the Council's ability to meet the information management agenda within existing capacity, particularly in relation to the Council's records management requirements and the resources required to respond to FOI requests. Again these matters are under consideration by the Working Group and will be reported in due course.

- **Equalities**

39 None except that the Staff Warning Register procedure includes a requirement to avoid all prejudice.

- **Legal**

40 None

- **Crime and Disorder**

41 None

- **Information Technology (IT)**

The database for the Staff Warning Register is to be redesigned during 2006 to improve accessibility and presentation. Resources for this are included in the relevant IT department plans.

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<sup>5</sup> based time taken as reported by trackers, plus one hour for each enquiry for IMO, at £15/hour



- **Property**

42 None

- **Other**

43 The Staff Warning Register is an element of corporate health & safety arrangements.

## **Risk Management**

44 In compliance with the Councils risk management strategy. There are no risks associated with the recommendations of this report.

## **Recommendations**

45 The Advisory Panel advise the Executive Member that the report should be noted.

Reason: to demonstrate continuing recognition of records and information management as a corporate function in accordance with the Records Management Code of Practice.

### **Contact Details**

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**Report Approved**  **Date** 25<sup>th</sup> May

### **Specialist Implications Officer(s)**

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**Wards Affected:** *List wards or tick box to indicate all*

**All**

**For further information please contact the author of the report**

**Background Papers:**

*City of York Data Protection Policy* (December 2001)

*City of York Publication Scheme* (January 2003)

Report: *Information Management in 2004/05* Resources EMAP 18 July 2005

*City of York Freedom of Information Policy* (May 2004)

*City of York Corporate Records Management Policy* (May 2004)

*City of York Information Management Charter* (August 2004)

RIPA central register

Staff Warning Register

**Annexes:**

None