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Meeting of Executive Member for Corporate  
Services and Advisory Panel

10 June 2008

Report of the Assistant Director of Resources (Audit & Risk Management)

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## Information Management Annual Report 2007/08

### Summary

- 1 This outturn report advises Members of activity in the area of Information Management during 2007/08. It deals with the work of the Information Management Officer (IMO).<sup>1</sup> It is for information and no decision is required, but members have previously requested further information about this developing area of the Council's work and members' views and comments are welcome.

### Background

- 2 The role of IMO was established in 2003 to provide advice and ensure compliance on data protection and related matters. Personal privacy, public information rights and open government are key to the way in which the Council interacts with customers and citizens. The role of Information Management is to ensure that we can, and do, engage properly and well across the community, fulfilling our legal duties along the way.
- 3 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"*.

### Information Governance Strategy

- 4 The Information Governance Strategy (IGS) identifies a programme of work to improve information management in the council, by providing a policy framework to guide services and help them use new technology and new ways of working with their information to improve efficiency, enable a smooth move into Hungate, and ensure compliance. It was approved by Council Management Team in December 2007 and by the Audit & Governance Committee in January 2008.
- 5 The IGS envisages a framework of policies requiring defined outcomes, with

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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 (2004).

directors and service managers having discretion to achieve them within their own service constraints. The Director of Resources provides (through IMO) advice and training, and audit and assurance, as internal control. The whole is aimed at a corporate improvement in this aspect of governance.

- 6 Records management is now the main focus of the IGS, with the move to Hungate as a powerful “driver” for improvement and innovation. The Document Management System (DMS) project will provide an essential tool for enabling services to reduce the volume of paper records.

### Personal privacy & the Data Protection Act 1998 (DPA)

- 7 The Audit Commission has reported<sup>3</sup> that awareness of the data protection policy is low and that this represents a compliance risk. It is also something of a surprise, given the good awareness of the importance of privacy that casual enquiries had revealed before. A revision of the policy already existed in draft and as part of the IGS has been submitted to the Executive. Once approved it will be promoted to all council officers.
- 8 The DPA is most visible to those who make a “*Subject Access Request*” for a copy of the personal data the Council holds about them.
- 9 In 2007/08 eleven requests were received compared to two in 2006/07. None was from current or former staff. Two were later withdrawn. There were no complaints in year, although in two cases the solicitor acting for the data subjects complained about the late reply during April 2008.

### Public information rights & the Freedom of Information Act 2000 (FOI)

Table 1 FOI enquiries received 2007/08 by department

Department	No of enquiries	% of total
Chief Executives	26	10
City Strategy	38	14
Housing & Adults Social Services	28	11
Learning Culture & Children’s	63	24
Neighbourhood Services	39	15
Resources (including subject access managed centrally)	72	26
<b>Total</b>	<b>266</b>	<b>100</b>

- 10 266 enquiries were received in the year to March 2008 compared to 242 in

<sup>3</sup> Your Business @ Risk; Audit Commission 2007

2006/07. 17 had been brought forward from March 2006 and 36 were incomplete and carried forward into 2007/08. Therefore 247 were completed.

- 11 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 FOI enquiries received 2007/08 by enquirer

Enquirer	No of enquiries	% of total
Academic	8	3
Business	34	13
Individual	96	35
Media	84	31
Political party or politician	20	8
Campaign group or charity	16	6
Other public authorities	2	1
Trade union	2	1
lawyer	4	2
<b>Total</b>	<b>266</b>	<b>100</b>

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

Table 3 FOI enquiries received 2007/08 by topic

Enquirer	No of enquiries	% of total
Costs and expenses	54	21
Procedures, policy decisions and meeting minutes	14	5
Personal data about staff member/s or other 3rd party	20	7
Performance measures / other statistics	30	11
Contracts	20	7
Delivery of public services or benefits	47	18
Environmental information	4	2
Health & safety matters	6	2
Local issues - important to individuals	34	13
other	37	14
<b>Total</b>	<b>266</b>	<b>100</b>

- 13 Of the 247 completed in year, 188 were answered within the twenty working days normally allowed. 15 were withdrawn, or suspended awaiting further information, or were managed as non-FoI business requests, and the remaining 44 went over time. There is no specific penalty for going over time although completion within timescales may be regarded as a performance indicator for this aspect of service.

Table 4: outcomes of Fol enquiries

Outcome	No of enquiries	% of total
Disclose	192	78
fee limit invoked	4	2
information not held (denial)	40	16
neither confirm nor deny that information is held	3	1
refuse in full	11	4
refuse in part	20	8
suspend//withdraw	12	5
not Fol	3	1
more than one outcome	-38	-15
<b>Total</b>	<b>247</b>	<b>100</b>

- 14 The results of the completed enquiries are shown at table 4.
- 15 Three complaints were made to the Information Commissioner and notified to the council. One was later closed by him as it had been made so late. The other two both concern an alleged refusal to provide the information requested. One has been closed by the Commissioner as what information there was has since been published (there was much less than the enquirer expected). In the other case the Commissioner's requirements are still awaited.
- 16 No Notices were issued to the council.

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

- 17 The RIPA 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 the only purpose for which a local authority can invoke RIPA.
- 18 The IMO's role is to maintain a 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.
- 19 An inspection took place in August 2007, the first since 2003, and the inspector's report included three simple recommendations. These were incorporated into a revised RIPA procedure, now in force. No errors of principle were found and the inspector commented that "the officers he met had a good understanding of the legislation and were confident in their duties".
- 20 In 2007/08 nine authorisations for directed surveillance were given compared to seven in 2006/07, one of which was still in force at the end of the year. No

“covert human intelligence source” (CHIS, the formal term for informers) was recruited. Three notices were served to obtain communications data. There were no errors in the RIPA procedure to report to the Commissioners. Table 5 indicates which services authorised them.

Table 5: issue of RIPA authorisations

<b>Service</b>	<b>07/08</b>	<b>06/07</b>
Fraud (Resources)	3	5
Trading Standards (Neighbourhood Services)	9	2
<b>Total</b>	<b>12</b>	<b>7</b>

### Staff Warning Register

- 21 The Staff Warning Register identifies people and properties posing a risk to Council staff, and is maintained further to the Council’s duty of care for its councillors and employees. Much of the data is sensitive and, in accordance with Information Commissioner guidance, the procedure seeks to ensure it is only disclosed on a ‘need to know’ basis. The information available is factual and objective, with a periodic review to ensure continued relevance.
- 22 The increase in authorised users suggests growing awareness of the register and its relevance to a wide range of Council services. Enquiries from councillors to IMO on this (or any other information management matters) are welcome.
- 23 The table below summarises the increasing scope of the register.

Table 6: scope of the Staff Warning Register

	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>
Persons on Register	24	54	74	95	109
Properties on Register	1	50	61	63	63
Authorised users	58	190	298	341	380

### Consultation

- 24 The Information Management Working Group’s membership includes the Information Management Champion, formerly Councillor Jamieson-Ball and now Councillor Ayre, and representatives from each department, plus one each from the Archives service and HR because of their specialist interest and

expertise. The group meets bi-monthly and provides liaison on relevant matters, but is also a ready route for consultation within departments when needed.

## **Options and analysis**

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

## **Corporate priorities**

- 26 The Information Management function contributes to the following corporate objectives:

Reduce the impact of violent, aggressive and nuisance behaviour on people in York

Improve leadership at all levels to provide clear, consistent direction to the organisation

Improve the way the council and its partners work together to deliver better services to people who live in York

Improve efficiency and reduce waste to free up more resources

## **Implications**

- 27 There are no financial, legal, HR, IT&T, crime & disorder, equalities, property or other implications arising from this report.

## **Risk Management**

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

## **Recommendations**

- 29 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.

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**Report Approved**  **Date** 27 May 2008

**Specialist Implications Officers:** None

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

**All**

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

**Background Papers:**

Staff Warning Register

Information Governance Strategy 2007: see [CouncilNet](#)

*Inspection by the Surveillance Commissioner*, report to Officer Governance Group  
19 October 2007

**Annexes:**

none