

Joint Report of the Director of Customer & Business Support Services,
and Veritau Ltd

INFORMATION GOVERNANCE STRATEGY UPDATE, INCLUDING FREEDOM OF INFORMATION PROCESSES

Summary

1. This report briefly updates members on information governance matters and at the committee's request at its meeting of 9 July 2013, the report also reports on the Freedom of Information (FOI) process in light of several recent reviews including one by internal audit. This will assist members in monitoring risk areas highlighted in the council's Annual Governance Statement.

Background

Information Governance Strategy

2. The Corporate Information Governance Group (CIGG) is responsible for addressing new and emerging information related issues. CIGG is also responsible for implementing the information governance strategy, developing and maintaining the associated policy framework and for promoting good practice in the management of data and information. CIGG is chaired by the council's senior information risk officer (SIRO), Ian Floyd. Since the last report to this Committee on 17 April 2013, CIGG has met on three occasions.
3. The main priorities of CIGG continue to be focused on the achievement of level one of the Information Assurance Maturity Model (as agreed with the Audit and Governance Committee in February 2012).

4. In the last year, CIGG has:

- developed further awareness raising measures, including the regular publication of 'shouts' on the council's intranet and other guidance for staff;
- formulated a roll-out plan for the Metacompliance training application;
- continued to engage with Information Asset Owners in order to support them and to improve their understanding of information governance;
- further developed the council's Information Asset Registers;
- improved reporting procedures for possible data security breaches;
- continued monitoring of data security breaches reported in the period (and the taking of remedial action where necessary); and
- continued a series of unannounced audit visits to assess staff awareness of the need to secure personal and sensitive information.

Freedom of Information (FOI) Requests

5. At the meeting of this committee on 9 July 2013 members considered the council's draft Annual Governance Statement, including information governance risks around the processing of FOIs. The following was requested:

Freedom of Information Processes – the Council was receiving an increasing number of Freedom of Information requests, many of which were complex in nature. At times there had been delays in responding and therefore there was a planned internal audit review of systems and processes. The Committee would be asked to consider any findings associated with this review. Members suggested that it would be helpful if the report included comparative data with other authorities.

6. In September 2012, the council's resources and systems for complaints, feedback, FOI and a range of other data requests, including cases referred to the Information Commissioner's Office, was centralised within Customer Services.

7. Since commencing a centralised approach the total amount of business passing through the Customer Feedback Team has risen by 400%, the majority is related with complaints but with an evident increase in number of FOIs received (see table below)
8. The FOI transactions for City of York Council (CYC) in 2011/12, 2012/13, and 2013/14 (first quarter) are summarised below with the % answered within the 20 day prescribed deadline set by the Freedom of Information Act 2000.

Year	Number of FOIs	% completed within 20 days
2011/12	804	87%
2012/13	954	75%
2013/14 Apr-June	288	77%

9. In the two years to March 2013 the council received an average of 67 and 80 FOIs a month respectively. This has increased to 96 in the first three months of the current financial year.
10. According to a survey of councils carried out by University College London (UCL) in 2010, the average percentage of requests completed by unitary authorities within 20 days was 83.2%.
11. Available published data from other councils is shown below for the period 2012/13:

Council	Number of FOIs	% completed within 20 days
NE Lincolnshire	1092	99%
North Yorkshire County Council (NYCC)	1029	97%
Solihull	728	94%
South Ayrshire	897	77%

12. The exemplar council appears to be North East Lincolnshire which has improved its performance from 83% on time in 2009/10 to 99% by March 2013, in addition to NYCC which consistently performs at high levels against the 20 day target.

13. Other trends emerging recently for CYC FOIs:
 - they are becoming increasingly complex with multiple elements to the enquiry;
 - in some cases FOIs are targeted and repeated;
 - some can result in other activity around complaints and reviews;
 - they are increasingly facilitated through the 'whatdotheyknow' website.
14. There are some clear issues for CYC, however, in terms of time taken to process FOIs linked to associated processes, and this triggered an internal management review earlier this year of systems and procedures.

Review of Processes 2013

15. The internal review has taken into account the findings of a recently completed internal audit of the process, appeal reviews of complaints into FOI handling undertaken by Veritau, and reviews undertaken by the Information Commissioner's Office (ICO). The ICO is an independent body responsible for enforcing information legislation for example the Data Protection Act 1998 and Freedom of Information Act 2000.
16. The internal audit of the process has resulted in a draft audit opinion giving a 'limited assurance' of controls currently in place.
17. The main findings of the review are:
 - the importance of meeting FOI legislation is not consistently recognised by staff across the council who may be required to respond to requests;
 - internal deadlines are not set to ensure that the external deadlines are achievable;
 - processes are often complex involving a number of different stages late in the process, which can all contribute to overall delays;
 - cross council requests are not co-ordinated effectively;
 - real-time performance information is not routinely monitored or published.

18. The following key improvements have been agreed with implementation timescales of 1 to 3 months. This is in addition to the provision of additional staffing resources to ensure there is capacity to meet the requirements of the FOI Act:
 - new internal deadline to be introduced of 15 days;
 - all FOIs will be sent to Heads of Service and copied to Assistant Directors;
 - training and toolkit information will be available to all staff across the council;
 - a clear mechanism will be established for cross council enquiries through the central team linked into directorate leads;
 - clearer arrangements for determining exemptions early in the process, erroneous and duplicate requests.
 - requests will be further validated in line with the guidance available from <https://www.gov.uk/make-a-freedom-of-information-request/how-to-make-an-foi-request> enquirers will be asked to provide their name and an address where they can be contacted.
 - new monitoring arrangements (outlined below) including the publication of statistics in a disclosure log on the council's website. This will include time taken to answer requests, associated estimated costs, and summary information in relation to those making the requests.
19. The draft Internal Audit report also recommends a greater level of publication of information. The council already goes beyond minimum requirements in some areas, for example publishing council job roles and salary details above £43k and publishing all expenditure, but there is more it can do.
20. An audit of published data will be undertaken against CYC's own and nationally prescribed publication schemes, to ensure that the council is publishing as much as possible in a clear and understandable way, on its website. Changes will be made within the next three months to improve the transparency and accessibility of such information. Data will be themed to allow easier identification of information. This should result in a corresponding reduction in volume of FOI requests.

Monitoring Processes

21. As part of the improvements, future monitoring processes will include:
- monthly reports to Directorate Management Teams;
 - corporate monitoring by Director of Customer & Business Support Services and the Corporate Information Governance Group (CIGG);
 - quarterly reports to Council Management Team as part of customer service monitoring reports;
 - quarterly quality assurance review by Veritau auditors;
 - annual and interim reports to Audit & Governance Committee, if agreed.
22. Targets will be set in order to reach the performance levels achieved by the best performing councils as described in this report, and future monitoring information to members will report on progress.

Consultation

23. Legal Services, Veritau Ltd and Council Management Team have been consulted on this report. The council will also be working with representatives from the Information Commissioner's Office who will review the new processes and suggest any further improvements.

Options

24. No other options are presented as the report is for information, with the exception of recommendation 29 c), in which case members can suggest an alternative level of monitoring.

Analysis

25. Any analysis in relation to the report is contained in the body of the report above.

Council Plan

26. This report contributes to the overall effectiveness of the council's corporate governance and assurance arrangements which underpin the achievement of all priorities in the Council Plan and specifically contribute to the achievement of the Core Capabilities.

Implications

27.

- **Financial** – additional resources of two staff have been added to the central team which administers responses to FOI requests, to assist with implementing the new processes and to manage increased workloads. Costs of accredited training will be managed within the service budget. See also risk management implication at paragraph 28 below.
- **Human Resources (HR)** As above
- **Equalities** None
- **Legal** Implementation of the actions arising from the internal and external reviews will assist in meeting the statutory requirements of the Freedom of Information Act.
- **Crime and Disorder** None
- **Information Technology (IT)** Medium term system changes are required to integrate FOI, complaints and feedback into the council's Customer Relationship Management System (CRM), this will be built into the IT Development Plan.
- **Property** None
- **Other** None

Risk Management

28. The information and actions outlined in this report are intended to reduce the time taken in processing FOIs and publication improvements may reduce the overall number of FOIs received, therefore introducing no new risk. Failing to improve current performance, however will increase the risk of criticism or intervention from the Information Commissioner which can include financial penalties.

Recommendations

29. Members are asked to:

- a) Consider and note the Information Governance Strategy update.
- b) Consider and note the results of Freedom of Information reviews and proposed system improvements.

c) Agree to receive 6 monthly performance reports on Freedom of Information activity, including an Annual Report.

Reason: To ensure the council meets the requirements of FOI legislation, and is open and transparent in its publishing of information.

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All ✓

Background Papers:

Item. 7 Draft Annual Governance Statement Report and associated minutes of Audit & Governance Committee 9th July 2013:

<http://modgov.york.gov.uk/ieListDocuments.aspx?CId=437&MId=8016&Ver=4>

Annexes

None