

**Report of the Interim Assistant Director – Legal and Governance**

**Information Governance and Complaints**

**1. Summary**

1.1 This report provides Members with updates in respect of:

- Information governance performance
- ICO decision notices
- Publishing of responses
- LGSCO Complaints from April 2019 to date of this report

**2. Information Governance Performance**

2.1 The council publishes performance data on timeliness for responding to requests made under Freedom of Information Act (FOI), Environmental Information Regulations (EIR) and Data Protection Act subject access to records requests (SARs), via the York Open Data platform via the below link. The current full performance information for both reporting quarters 1 and 2 (April to June and July to September 2019) are shown in full at Annex 1 and highlighted are the figures which may be of most interest which show that we are making improvements across all areas in timeliness of responses.

<https://data.yorkopendata.org/group/freedom-of-information>

2.2 In response to feedback from previous Committee, Annex 2 shows the performance information for the same reporting periods from previous years for comparison. Further work will be done for the next Committee report to show these in graphical formats and take account of any further feedback on what Committee would want to see included in the performance report.

- 2.3 The Council's performance for responding in time to FOI, EIR and SARs has improved in quarter 2 from quarter 1. We undertook work to understand the fall in the previous quarter and the steps we then took have resulted in this improvement. We will continue to work on ensuring further improvement is made and sustained.
- 2.4 Unfortunately we have not been able to include comparator performance this quarter that is usually included from West Yorkshire and City of York Council legal framework group (WYLAW) as this has not been circulated to us yet.
- 2.5 Efforts were made again recently to ask for performance information from neighbouring local authorities, to include with this report, however at this point, there was no agreement to share that information.

### **3. ICO decision notices**

- 3.1 If someone is unhappy with the response they receive in relation to an FOI, EIR or SAR request, or if they want to raise a complaint under data protection legislation in relation to the rights of individuals, there is an opportunity to seek an internal review and then to complain to the ICO. The ICO publishes their decision notices and these are all available at

<https://icosearch.ico.org.uk/s/search.html?collection=ico-meta&profile=decisions&query=&f.By+authority|publicAuthority=City%20of%20York%20Council>

- 3.2 There has been no enforcement notices or monitoring reports for the council by the ICO however there has been one ICO decision notice in Quarter 2. A summary is shown at Annex 3 and the full published report at Annex 3a.
- 3.3 There were no actions the council had to take from this decision notice as we withheld the information requested correctly however we did not advise the requester in the timescale set out by the legislation.

### **4. Publishing responses**

- 4.1 You will recall from the last report to Committee that we had fallen significantly behind in publishing FOI and EIR responses on the

council's website. We have now updated the current website pages with FOI and EIR responses up to and including July 2019.

- 4.2 We are continuing to work with the council's web content team to ensure we are compliant with the new accessibility standards for websites by March 2020 in how we publish responses which is over and above the requirement under the legislation for providing a disclosure log.

## 5. **Complaints**

- 5.1 The cases where the Local Government and Social Care Ombudsman (LGSCO) have made since April 2019 to the date of this report are shown at Annex 4.
- 5.2 The annex details the decisions and actions recommended by the LGSCO.
- 5.3 The information governance and complaint team continue to work with the Corporate Management Team, Directorate Management Teams as well as with individual service areas to identify areas for improvement or shared learning opportunities.
- 5.4 The annual complaint report covering corporate complaints, adults social care and childrens social care complaints which went to Customer and Corporate Services Scrutiny Management Committee on Monday 11<sup>th</sup> November 2019 is available for your information at the link below, in the public reports pack, point 5, pages 31 to 74.

<https://democracy.york.gov.uk/ieListDocuments.aspx?CId=144&MId=11306&Ver=4>

## 6. **Consultation**

Not relevant for the purpose of this report.

## 7. **Options**

Not relevant for the purpose of this report.

## **8. Analysis**

Not relevant for the purpose of this report.

## **9. Council Plan**

- 9.1 The council's information governance framework offers assurance to its customers, employees, contractors, partners and other stakeholders that all information, including confidential and personal information, is dealt with in accordance with legislation and regulations and its confidentiality, integrity and availability is appropriately protected.

## **10. Implications**

Relevant implications are set out in the body of the report

## **11. Risk Management**

The council may face financial and reputational risks if the information it holds is not managed and protected effectively. For example, the ICO can currently impose civil monetary penalties up to 20million euros for serious data security breaches. The failure to identify and manage information risks may diminish the council's overall effectiveness. Individual(s) may be at risk of committing criminal offences.

## **12. Recommendations**

Members are asked:

- To note the improved performance levels.
- To note the details contained in this report.

## Contact Details

Author:

Lorraine Lunt  
Information Governance &  
Feedback Team Manager  
Telephone: 01904 552247

Chief Officer Responsible for the report:  
Suzan Harrington, Interim Assistant  
Director – Legal and Governance  
Telephone: 01904 554145

Report  
Approved

Date 22 November  
2019

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

All

For further information please contact the author of the report

### Annexes

Annex 1 – Full performance report

Annex 2 – Year on Year comparison performance report

Annex 3 – ICO decision notices for the reporting period – summary

Annex 3a – ICO decision notice for the reporting period – full

Annex 4 – LGSCO decisions – April 2019 to date of this report

### Background Information

Not applicable