
Meeting of Executive Member for Corporate Services and Advisory Panel

8 June 2007

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

Information Management Annual Report 2006/07

Summary

- 1 This outturn report advises Members of activity in the area of Information Management during 2006/07. It deals with the work of the Information Management Officer (IMO).¹ 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 Practice² has statutory force and requires that *"the records management function should be recognised as a specific corporate programme"*.

Personal privacy & the Data Protection Act 1998 (DPA)

- 4 Awareness of data protection matters continues to be good across the organisation, with evidence of widespread understanding of the Council's duty to protect privacy. Maintaining personal privacy is an important, albeit largely invisible, aspect of public service. 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.
- 5 In 2006/07 two requests were received compared to nine in 2005/06. Neither

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

² 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).

was from current or former staff. There were no complaints.

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

- 6 242 enquiries were received in the year to March 2007 compared to 219 in 2005/06. 21 had been brought forward from March 2006 and 17 were incomplete and carried forward into 2006/07. The following tables summarise the 246 completed requests.

Table 1 FOI enquiries 2006/07 by department

Department	No of enquiries	% of total
Chief Executives	21	9
City Strategy	42	17
Housing & Adults Social Services	49	20
Learning Culture & Childrens	49	20
Neighbourhood Services	23	9
Resources (including subject access managed centrally)	62	25
Total	246	100

- 7 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 2006/07 by enquirer

Enquirer	No of enquiries	% of total
Academic	9	4
Business	35	14
Pressure groups	15	6
Individuals	109	44
Media	62	25
Political party	11	4
Other public authorities	5	2
Total	246	100

- 8 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 2006/07 by topic

Enquirer	No of enquiries	% of total
Personal data	12	5
Policies	30	12
Procurement	19	8
Service	46	19
Statistics	84	34
Finance	49	20
Planning	2	1
Total	246	100

- 9 Of these 246, 175 were answered within the twenty working days normally allowed. 39 were withdrawn, or suspended awaiting further information, or were managed as non-FoI business requests, and the remaining 32 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.
- 10 The results of the settled enquiries were as follows:

Table 4: outcomes of FoI enquiries

Outcome	No of enquiries	% of total
Disclose	164	67
fee limit invoked	2	1
information not held (denial)	47	19
neither confirm nor deny that information is held	1	0
refuse in full	16	7
refuse in part	22	9
transfer to another authority	1	0
suspend//withdraw	21	8
Re-scope	2	1
not FoI	21	8
more than one outcome	-51	-20
Total	246	100

- 11 Two complaints were made to the Information Commissioner following internal reviews that had not satisfied the enquirer. One other had been outstanding from the previous year.
- Case 1: the Council was criticised for the delay in responding to the complaint, although it was acknowledged that the information requested had not been held and could not have been disclosed. **Complaint partially upheld.**
 - Case 2: the enquiry was held to be outside the scope of the Act, because it was directed to another body that was not a public authority. **Complaint not upheld.**
 - Case 3: the enquiry was begun but had not been decided by the end of 2005/06. A Decision Notice from the Information Commissioner has since been issued confirming that the decision to withhold was correct. **Complaint not upheld.**

Regulation of Investigatory Powers Act 2000 (RIPA)

- 12 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 now the only purpose for which a local authority can invoke RIPA.

Table 5: issue of RIPA authorisations

Service	06/07	05/06
Fraud (Resources)	5	5
Trading Standards (Neighbourhood Services)	2	3
Children's Services	0	1
Environmental Protection (Neighbourhood Services)	0	1
Total	7	10

- 13 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 periodically³.
- 14 In 2006/07 seven authorisations for directed surveillance were given compared to 10 in 2005/06, one of which was still in force at the end of the year. Table 5 above indicates which services authorised them.

³ The last inspection was in January 2003.

- 15 One “covert human intelligence source” (CHIS, the formal term for informers) was recruited but was no longer operational at the end of the year. In this case the CHIS made test purchases in shops suspected of having sold certain goods to underage buyers.
- 16 No notices were served to obtain communications data. There were no errors in the RIPA procedure to report to the Commissioners.

Staff Warning Register

- 17 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 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.
- 18 The increase in authorised users suggests growing awareness of the register and its relevance to a wide range of Council services. During the year access was extended to councillors following a decision by Corporate Services EMAP in September 2006. Enquiries from councillors to IMO on this (or any other information management matters) are welcome.
- 19 It was also the subject of an FOI request in March, leading to a press report later in the year.
- 20 The table below summarises the increasing scope of the register.

Table 6: scope of the Staff Warning Register

	2004	2005	2006	2007
Persons on Register	24	54	74	95
Properties on Register	1	50	61	63
Authorised users	58	190	298	341

Advice and training

- 21 An important function of IMO is to provide expert advice on information management and provide corporate support to key processes undertaken within departments such as the overall management of FOIs. In 2006/07, 77 enquiries and requests for advice were answered, covering all the areas of work set out above. These ranged from simple telephone queries to requests requiring considerable research.
- 22 Two rounds of training sessions were completed, covering data protection, freedom of information, and records management. Records Management was oversubscribed and an extra session was therefore provided. Response forms

indicated a good level of satisfaction and a third training round is planned for summer 2007.

Consultation

- 23 The Information Management Working Group's membership includes Cllr Jamieson-Ball, the members' 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

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

Corporate priorities

- 25 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

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

Risk Management

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

Recommendations

- 28 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 Y **Date** 27 May 2007

Specialist Implications Officer(s): 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

Annexes:

None