CITY OF YORK COUNCIL

Audit and Governance Committee   **5 February 2020**

Report of the Director of 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 December 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.

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

2.2   At Committee in December I proposed that work would be undertaken to provide performance reports in graphical formats and consider further comments and feedback given by Committee. However I have not been able to complete that work ahead of this meeting, due to my absence from the workplace since 5th December 2019. This will be completed for next meeting.

2.3   Work is underway across different information governance networks and groups in the Yorkshire and Humberside region regarding sharing of performance information that is informative and useful. I will update the Committee on the progress of this work.

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 their full reports at

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

3.2   Since the last report in December, the ICO has now published their decisions notice from 15th October 2019 to 17 January 2020. The summaries of these are available at Annex 1

4. Publishing responses

4.1   FOI and EIR responses have been published on the council's website for a number of years. However the usability of the current publishing of responses is not ideal and has been scrutinised by customers and councillors. The current classification of documents makes it unclear where to find specific information, the order is not automatically chronological and there is no dedicated search functionality.

4.2   Also statistics relating to 01/04/2018 to 31/03/2019 show usage of the FOI headline pages on the website is low.

4.3   New regulations, known as 'Public Sector Bodies Websites and Mobile Applications (No. 2) Accessibility Regulations', came into force in 2018 which mean our websites must achieve level 'AA' of the W3C's Website Content Accessibility Guidelines (WCAG 2.1),

4.4   As a result of Accessibility Regulations all responses hosted on the council's website must be reviewed including the use and nature of PDF documents which means there is a high risk of breaching the accessibility guidelines.

4.6   The (historic and current) amount, and the rate at which they're published means the issue is growing, with more and more significant capacity needed to address the remedial workload.

4.6   We are going to stop publishing responses on the website (or other online channel, as all channels need to comply with Accessibility Regulations) dated from December 2019 and replace with an adequate 'disclosure log' online in 'plain text'. This approach will be implemented for a 6 month trial to better understand customer appetite and demand. The disclosure log will complement the existing online form, which allows customers an easy online method to request information

5.   Complaints

5.1   Local Government and Social Care Ombudsman (LGSCO) cases from the last report to Committee in December, to the date of this report are shown at Annex 2.

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.

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. Legal Implications

The Council has a duty to comply with the various aspect of information governance related legislation.

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 and damage its reputation. Individual(s) may be at risk of committing criminal offences.

12. Recommendations

Members are asked:

- To note the details contained in this report.

Contact Details

Author: Lorraine Lunt
Information Governance &
Feedback Team Manager
Telephone: 01904 554145

Chief Officer Responsible
for the report: Janie Berry,
Director of Governance

Report Approved | √ | Date | 30 January 2020

Wards Affected: List wards or tick box to indicate all   All   √

For further information please contact the author of the report

Annexes
Annex 1 - ICO decision notices for the reporting period – summary
Annex 2 – LGSCO cases

Background Information
Not applicable