

Report of the Deputy Chief Executive and Director of Customer and Corporate Services

Information Governance and Complaints

1. Summary

1.1 This report provides Members with updates in respect of:

- Information governance performance
- ICO decision notices
- Personal data breach
- LGSCO Complaints – December 2018 to January 2019

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 performance information for the three reporting quarters (April to December 2018) are shown in full at Annex 1. This includes the performance information for the same reporting period in 2017 for comparison and highlighted are the figures which may be of most interest.

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

2.2 The Council's performance for responding in time to both FOI and EIR enquiries has fallen slightly. This does tend to happen in Q3 – October to December – and is as a result of annual leave peak in the run up to and during the festive period. We have taken steps already to re-emphasise to all areas via directorate and senior

management team meetings, the legal requirement to respond to FOIs and EIRs in a timely way.

- 2.3 Following requests for comparator performance, members received details of FOI's received for other authorities at their last meeting, and some further comparative information has been sourced at Annex 2. This is FOI and EIR performance information for 2017 from the gov.uk website which provides statistics for central government bodies.
- 2.4 You will note from this information that the council receives annually a similar volume of requests as central government organisations e.g. Cabinet Office.

<https://www.gov.uk/government/statistics/freedom-of-information-statistics-annual-2017>

3. ICO decision notices

- 3.1 If someone is unhappy with the response they receive in relation to an FOI or EIR request 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

<http://search.ico.org.uk/ico/search/decisionnotice>

- 3.2 Summaries of the ICO decision notices received since the last report are shown at Annex 3 with copies of the full published reports at Annex 4a, 4b, and 4c.
- 3.3 From the three decision notices (one of which covers three cases), the outcomes were:
- 1 where the complaint was upheld
 - 1 where the complaint was partly upheld
 - 1 where the complaint was not upheld (this covers three cases)

4. Personal data breach

- 4.1 There is no further information available on the One Planet York breach from the previous report, as there has been no update or decision from the ICO yet.

5. Complaints

- 5.1 The cases where the Local Government and Social Care Ombudsman (LGSCO) have made a decision from November 2018 to date of this report are shown at Annex 5.
- 5.2 The annex details the decisions and actions recommended by the LGSCO. However there were also 16 cases where the LGSCO determined they would not investigate and they closed the cases after their initial enquiries.
- 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. 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 performance levels.
- To note the details contained in this report.

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Report Date 30 Jan 2019
Approved

Wards Affected: List wards or tick box to indicate all

All

For further information please contact the author of the report

Annexes

Annex 1 – Information Governance Performance

Annex 2 – Benchmarking Performance Information

Annex 3 – ICO decision notices - summaries

Annex 4a, b, c – ICO decision notices – full

Annex 5 – LGSCO decisions – December 2018 to January 2019

Background Information

Not applicable