

Review of Information Policy Framework

Summary

- 1 This report presents a revised Data Protection Policy. This follows a review of the information management policy framework which identified the current policy as no longer fit for purpose.

Background

- 2 The Information Governance Strategy, approved by Council Management Team in December 2007, included a review of the information governance policy framework. The major legal obligations are those of
 - The Data Protection Act 1998
 - The Freedom of Information Act 2000

and other regulatory obligations covered by the documents listed in the background papers. In addition information security has increased in profile since then and is briefly dealt with below.

- 3 The data protection policy of December 2001 promotes compliance and explains what the main requirements are. But it fails to explain what choices are available to managers, how directors can be assured that their services are compliant, or to convey members' policy requirements. In any case awareness is low, as identified by the Audit Commission, which in itself brings a compliance risk. A revised policy, version 2.1, is proposed at Annex A; communications and training are also aspects of the Strategy that support the policy.
- 4 The draft information security policy is principally concerned with technical controls over electronic records and data. Therefore the Head of IT will continue to lead on its development for the time being and no proposals are made here. However members might note the high public profile of this issue in recent months, and the expectation that non-electronic data, and controls, require consideration soon.
- 5 The procedures for dealing with information requests work well and no change

is proposed. The policy framework for records management is also sound, providing a basis for practical improvement within services – actually the biggest area of work during the remainder of the Strategy.

Consultation

- 6 The Information Management Working Group has been actively engaged in developing the Strategy and its policies. The group meets monthly and provides liaison on relevant matters, but is also a ready route for consultation within departments when needed.
- 7 Information sharing is the subject of agreement with the relevant partners, and an important step has already been taken in HASS with the adoption of North Yorkshire's model protocol. If successful in easing the burden of writing and negotiating such agreements it may well be used more widely.

Options

- 8 Almost every paragraph of the proposed data protection policy is optional, since it deals with those areas where the council has discretion over how to achieve compliance. It aims to apply a model similar to financial management - directors retain formal responsibility, management of services is devolved to managers; and the Director of Resources provides an audit and advice service to provide internal check and independent assurance.
- 9 The policy also seeks to establish a balanced relationship between each citizen and the council. An important emphasis is placed on "fair processing" – telling (although not usually asking) each person what the council does with their data. This is what enables him or her to exercise control over it.
- 10 This approach to fair processing could inform a data sharing policy, to be prepared and presented if the data protection policy is approved.

Analysis

- 11 alternatives to the policy-and-audit model of data protection compliance would be
 - centralised control, with all systems, processes and disclosures authorised by a data protection officer. This would be costly to operate and very costly to set up, and inconsistent with other management arrangements
 - omit the audit element. This would save money but leave the council unable to assure itself that the risk of non-compliance, with associated financial and reputation risks, is minimised.

Implications and actions

12

- **Financial:** there are no relevant implications to the adoption of the proposed data protection policy
- **Human Resources (HR)** there are no relevant implications to the adoption of the proposed data protection policy
- **Equalities** there are no relevant implications to the adoption of the proposed data protection policy
- **Legal** there are no relevant implications to the adoption of the proposed data protection policy
- **Crime and Disorder** there are no relevant implications to the adoption of the proposed data protection policy
- **Information Technology (IT)** there are no relevant implications to the adoption of the proposed data protection policy
- **Property** there are no relevant implications to the adoption of the proposed data protection policy

Corporate priorities

13 Improved policy guidance contributes to the following corporate objectives:

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

Risk Management

14 The strategy is aimed at reducing the risks associated with non-compliance with relevant law. No new risks are introduced by the adoption of the strategy.

Recommendations

15 It is recommended that the Executive:

- Approves the draft Data Protection Policy

Contact Details**Author:**

Robert Beane
Information Management Officer
Resources
01904 552933

Chief Officer Responsible for the report:

Liz Ackroyd
Assistant Director of Resources (Audit & Risk
Management)

Report Approved Date

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

All

For further information please contact the author of the report

Background Papers:

Data protection policy (December 2001)
Freedom of information policy (July 2004)
Corporate records management policy (July 2004)
Information Management Charter (July 2004)
Subject access request procedure
Freedom of information request procedure
RIPA procedure V7

Your business @ risk; report, Audit Commission 2007
Information Governance Strategy 2007

Annexes:

A: Data Protection Policy V2.1