

Information Governance and Complaints

Summary

1. This report provides Members with updates in respect of:
 - Information governance performance
 - ICO decision notices
 - Publication Scheme and publishing responses
 - LGSCO Complaints from April 2019 to date of this report

Information Governance Performance

2. 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 Quarter 1 (April to June 2019) are shown in full at Annex 1. This includes the performance information for the same reporting period (April to June 2018) last year for comparison and highlighted are the figures which may be of most interest.

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

3. The Council's performance for responding in time to FOI, EIR and SARs has fallen. We have undertaken work to understand this fall and are taking steps to ensure improvements are achieved and sustained. This includes a re-emphasise to all areas via Corporate Management Team, directorate and senior management team meetings of the compliance requirement to respond to FOI, EIR and SARs in a timely way.

4. Following requests for comparator performance, we have shown below information we have been provided from WYLAW

WYLAW – April 2018 to 31st March 2019		
	FOI	EIR
BRADFORD	1502	404
CALDERDALE	1417	67
KIRKLEES	1365	295
LEEDS	2455*	
WAKEFIELD	1492	12
YORK	1479	589
WYCA	74	13

* Leeds - separate requests - estimated split (last year) 75% FOI/25% EIR

We do not FOI/EIR

ICO decision notices

5. 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>
6. There has been one ICO decision notice in Quarter 1 and a summary is shown at Annex 2 and the full published report at Annex 2a.
7. I can confirm that from this decision notice, we complied in full and in time with the recommendations.

Publication Scheme including publishing responses

8. Due to resource and workload pressures we have fallen significantly behind in publishing FOI and EIR responses on the council's website. However we have taken the opportunity to link up with the work required to ensure we meet the forthcoming new website accessibility standards in regard to publishing "pdf" documents on a website. We are therefore planning to update the current website pages with FOI and EIR responses by the end of September 2019 and work with the web content team to ensure we are compliant with the new accessibility standards by March 2020.
9. We have also taken the opportunity to review the council's publication scheme to ensure it meets the requirements as set out in FOI Act as well as the ICO's model publication scheme requirements for local authorities. The reviewed publication scheme will be taken to the Corporate Management Team for approval and then will be published on the council's website.

Complaints

10. 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 3.
11. The annex details the decisions and actions recommended by the LGSCO.
12. 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.
13. The annual complaint report covering corporate complaints, adults social care and childrens social care complaints will be sent onto this Committee after it has been to full Council.

Consultation

14. Not relevant for the purpose of this report.

Options

15. Not relevant for the purpose of this report.

Analysis

16. Not relevant for the purpose of this report.

Council Plan

17. 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.

Implications

18. Relevant implications are set out in the body of the report

Risk Management

19. 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.

Recommendations

20. Members are asked:

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

Reason: To keep Members updated.

Contact Details

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Report
Approved

Date 4 September
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 – Information Governance Performance

Annex 2 – ICO decision notices - summaries

Annex 2a – ICO decision notices – full

Annex 3 – LGSCO decisions – April 2019 to date of this report

Background Information

Not applicable