Audit & Governance Committee

Report of the Director of Customer & Business Support Services

Update on Information Governance

Background

1. This report provides Members with an update on information governance developments since the last report to this committee in June 2015.

Summary

2. Following an agreement to review the council's approach to and provision of, information governance and management, including the Local Government Transparency Code 2015 requirements, work has been progressing to implement internal audit report recommendations as well as best practice developed by the government and the Information Commissioner's Office (ICO) including their codes of practice.

3. Furthermore, following our agreement with the ICO to an audit of our processing of personal data, in three key scope areas of records management, data sharing and subject access requests, we have received the ICO's final report and audit opinion. This was a constructive process and provides us with real benefits and opportunities to continue to make improvements across all areas of information governance.

Recent achievements and information update

4. The following work and progress has been undertaken since the last report to this committee:

   a. Please see annex 1 for the latest performance report for responding to enquiries under Freedom of Information, Environmental Information Regulations and Data Protection subject access requests. We continue to improve our response performance alongside managing the increased number and complexity of enquiries.

b. Please see annex 2 for the latest performance report for responding to request for internal reviews under Freedom of Information, Environmental Information Regulations and Data Protection subject access requests and also, responding to Information Commissioner's Office cases.

c. Please see annex 3 for the ICO data protection audit report Executive Summary (November 2015). The headlines from this audit are as follows:

Areas of good practice

- Policy compliance software has been implemented and was reported to be working effectively to communicate key policies to staff and ensure that they have read them.
- Secure storage facilities and thorough archive procedures were in place at Yorkcraft.
- Quarterly information security checks are carried out at the council's two main offices and formal audit reports are produced and presented to the Corporate Information Governance Group (CIGG).
- The Multi Agency Information Sharing Protocol is a good model for Information Sharing Agreements (ISAs) because it is a high level agreement setting out common rules to be followed by all partners and is intended to be used as a basis for future ISAs.

Areas for improvement

- Many services did not have up-to-date retention schedules and many staff seemed unsure about who was responsible for monitoring retention periods.
- Records management does not currently feature regularly on the Corporate Information Governance Group (CIGG) agenda to mandate and monitor records management improvements.
- The Council is in a transitional period in relation to its Subject Access Requests (SAR) processes and therefore many new procedures need to be formally documented and embedded.
- SARs compliance rates between 1st April 2014 and 31st March 2015 were very low, at 51.1%.
- There is no systematic data sharing training in place and no council wide training needs analysis to identify the requirement for such training.
- The Council's privacy impact assessment process is yet to be fully developed and implemented.

Overall conclusion

- Limited Assurance – *there is limited level of assurance that processes and procedures are in place and delivering data protection compliance. The audit has identified considerable scope for improvement in existing arrangements to reduce the risk of non-compliance with the DPA .*

Our response and action planning

We accepted the recommendations made in each of the three scope areas and are underway with implementing the action plan. This can be found at annex 4.

We also agreed for the publication of the Executive Summary on the ICO's website on 27th November 2015.

ICO Follow-up

The ICO will undertake a desk-based follow-up of the audit in May 2016 to assess our progress against the recommendations.

d. The Health and Social Care Information Centre information governance toolkit assessment is due for renewal by March 2016 and work will start on attaining this again later in the year.   We will be aligning the actions to complete this with the ICO audit action plan.

e. Creation of new roles within the Customer Feedback Team to support the increased caseloads across all customer feedback areas, including complaints, FOI enquiries, SAR requests as well as the transfer to this council team, of all information governance requirements from Veritau, which is to be completed by end of 2015.

f. The high visibility campaign (Th!nk Privacy) to drive home the importance of information and data security was delivered to councillors.

g. The former Corporate Information Governance Group has been revamped and renamed the "Information Management Board" . The Board comprises directorate information guardians and subject leads/experts and exists to provide leadership in the development, delivery and compliance management for information governance and records management across the council.

Consultation

5. Not relevant for the purpose of this report.

Options

6. Not relevant for the purpose of this report.

Analysis

7. Not relevant for the purpose of this report*.*

Council Plan

8. 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

9. There are no implications to this report in relation to:-

- **Financial**
- **Human Resources (HR)**
- **Equalities**
- **Legal**
- **Crime and Disorder**
- **Information & Communications Technology (ICT)**
- **Property**
- **Other**

Risk Management

10. The council may face financial and reputational risks if the information it holds is not managed and protected effectively. For example, the ICO can levy fines up to £500k for serious data security breaches. The failure to identify and manage information risks may diminish the council's overall effectiveness.

Recommendations

11. Members are asked to consider and note the contents of this report, in particular the achievements made, as well as the opportunities and challenges we have from the ICO audit.

Reason: To ensure that Members are kept updated on information governance developments.

Contact Details

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Specialist Implications Officers

Assistant Director of Governance and ICT

Wards Affected: Not applicable   **All**   [   ]

For further information please contact the author of the report

Background Papers:

None

Annexes

Annex 1 – FOIs EIRs SARs April to August 2015
Annex 2 – April to September 2015 reviews & ICO
Annex 3 – ICO – Executive Summary Report November 2015
Annex 4 – ICO Report (redacted), including audit action and progress plan