
Audit & Governance Committee

Report of the Director of Customer & Business Support Services

Update on Information Governance – May 2016

Background

1. This report provides Members with :
 - a progress update on the Information Commissioners Office (ICO) audit recommendations and action plan;
 - an update on information governance;
 - our plans to meet the request to provide details on ICO cases where the outcome was against the council.

Update on Action Plan

2. The Committee received a report at its December meeting in relation to a voluntary audit of information governance within the Council undertaken by the Information Commissioner's Office (ICO).
3. Prior to the audit the ICO, conducted both scoping and engagement stages with the council as well as their own intelligence gathering. This was to determine and refine the three scope areas, the audit would cover. During these stages, the council provided both evidence of sustained improved performance and demonstrated good practice, in dealing with Freedom of Information and Environmental Information requests which meant the ICO did not include these as one of the three main scope areas in their audit. Details of current performance are set out later in this report.
4. In response to the audit findings the Council prepared an action plan which was shared with the Committee. We are making significant progress in delivering that action plan and a progress report appears in the Annex to this report.

5. The next key milestone in progressing the action plan will be during the week commencing 23 May 2016 when the ICO is expected to undertake a desk-based review to establish the progress we have made to address their recommendations. The ICO's approach to considering authorities' responses to audits may best be appreciated by having regard to the fact that there are cases where enforcement action has been undertaken despite action plans having been completed.

General Update

6. The following other achievements and progress has been undertaken since the last report to this committee:
 - a. The transfer of all information governance activities from Veritau to the council team, was completed earlier this year. This transfer was undertaken following discussions with the ICO and we have confirmed to the ICO that this has been completed. This now means that the council team is responsible for conducting reviews and responses to ICO cases. It is anticipated that a report will be brought to a future meeting of this committee providing information on ICO cases where they have found against the council.
 - b. We continue to sustain our previous performance improvements for in-time compliance of Freedom of Information (FOIs) and Environmental Information Regulations (EIRs) requests. Using the same methodology for in-time compliance as previous years, as well as other neighbouring local authorities we achieved in-time compliance for April 2015 to March 2016 of 95.6%. In 2014/15 this was 93.9% and in 2013/14, it was 81%.
 - c. We have made significant and sustained performance improvements for in-time compliance with Data Protection Act Subject Access to Records requests (SARs). This was a specific area that ICO auditors recommended we improve upon. Again using the same methodology for in-time compliance as previous

years, as well as other neighbouring local authorities, we achieved in-time compliance for April 2015 to March 2016 of 77.1%.

- d. We have retained the required level of assurance to be able to use Health and Social Care Information Centre services.
- e. We have and are responding to significant changes in the regulatory framework. In particular these relate to the transfer of personal data where services are based in the U.S. and to a new European wide framework for data protection to be introduced over the next two years.

Consultation

7. Not relevant for the purpose of this report.

Options

8. Not relevant for the purpose of this report.

Analysis

9. Not relevant for the purpose of this report.

Council Plan

10. 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

11. 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

12. The council may face financial and reputational risks if the information it holds is not managed and protected effectively. For example, the ICO can impose civil monetary penalties up to £500k for serious data security breaches (this may be increased following the signing of the General Data Protection Regulation (GDPR)). 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. For example, under section 55 and/or section 61 of the Data Protection Act (DPA) 1998.

Recommendations

13. Members are asked to consider and note the contents of this report, including the news and update information.

Reason: To ensure that Members are kept updated on matters in respect of information governance.

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Wards Affected: All

Annexes

Annex 1 – Action and Progress Plan - ICO audit recommendations