Title: Information Governance Annual Report

Report of the Chief Operating Officer

<table>
<thead>
<tr>
<th>Open Report</th>
<th>For Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wards Affected: All</td>
<td>Key Decision: No</td>
</tr>
</tbody>
</table>

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Accountable Director: Claire Symonds, Chief Operating Officer

Summary:

This report provides an update on Information Governance issues in the Council. This report also sets out work that has been completed in the past year.

Recommendation(s):

The Select Committee is recommended to:

(i) Note the work that has been on-going to improve Information Governance within the Council; and

(ii) Note the planned actions for 2017/18

Reason(s)

To provide the Public Accounts and Audit Select Committee with an update on the Council’s Information Governance work.

1. **Introduction and Background**

1.1. This paper forms the annual report on Information Governance to the Public Accounts and Audit Select Committee. Information Governance primarily focuses on the Council’s obligations under the Freedom of Information Act and the Data Protection Act.

1.2. The report provides information and assessment of the Council’s performance across its activities on Information Governance and details:-
The key elements of the Council’s governance arrangements and performance and range of activities for which the Council is responsible for.
Performance and effectiveness, and
Lists actions proposed to deal with significant governance issues (where identified)

2 Information Governance

2.1 The Council remains committed to the on-going professional development of members and officers, not least as a control mechanism to help prevent data breaches. A review of the ‘Managing Information’ online training course which was first introduced in October 2012 has been undertaken and a more up-to-date and relevant i-learn course has been developed. All staff and managers will be required to complete the ‘Data Protection’ course by 31st May 2017. This is a mandatory course and is an annual requirement. Completion rates will be monitored and will form part of the staff annual appraisal process.

2.2 In 2016, the Council recognised the scale of the task of preparing itself for forthcoming legislative changes, in the form of the new general data protection regulation (GDPR) and, as a result, deleted the post of information governance officer and recruited a senior Information Governance Manager. The GDPR is the first major set of changes to the data protection act since 1998, and will place additional responsibilities upon the council. These range from how we give people access to their data to reducing the time period for compliance and the current charging system.

2.3 In October, 2016, the council accepted an invitation from the ICO to take part in a data protection audit. The scope of the audit is still to be established, but ICO audits are known to be helpful in aiding councils to improve their information governance management, but are also recognised as somewhat onerous. A draft audit action plan is being presented to Assurance Group in mid-April.

3 Freedom of Information Requests

Over the last three years the number of FOI requests received each year by the council has decreased.

3.1 The expectation of the Information Commissioner’s Officer is for councils to be at least 90% compliant with responding to FOI requests within the given 20 days. The Council’s current compliance rate is around 50%. With the new staffing structure now in place, a full review of all processes is being undertaken to improve efficiency and effectiveness with the expectation that compliance rates will greatly improve within 6 months, as a full review of our processes is currently being undertaken. We aim to be meeting the ICO target by no later than the end of December 2017. We also plan to fully publish our FOI responses on the website later this year.

3.2 FoI Requests received:
- In 2013/14 the Council received 1444 requests
- In 2014/15 the Council received 1483 requests
- In 2015/16 the Council received 1032 requests
3.3 Requests responded to within the statutory deadline:
- In 2013/14 the Council responded to 77% of requests within the deadline
- In 2014/15 the Council responded to 69% of requests within the deadline
- In 2015/16 the Council responded to 65% of requests within the deadline
- For the period 1st March 2016 to 28th February 2017 our compliance rate was 50%

4 Data Protection Act - Subject Access Requests

4.1 The Council received 120 Data Protection Act Subject Access requests for the period 1st April 2015 to 31st March 2016, of which 22% exceeded the 40 day deadline. For the period 1st March 2016 to 28th February 2017 the Council received 162 Data Protection Subject Access requests. Of these 56% were out of time. The complex and involved nature of some of our requests, which can extend to several thousand pages per case, can sometimes mean that we are unable to respond in the 40 days allotted.

4.2 The Council continues to £10 charge for each request (the maximum figure allowed by government). From May 2018, legislative changes mean that we will not be able to raise this charge. Information data breaches continue to be reported and investigated internally to ensure that lessons are learnt and the likelihood of breaches is reduced. The latest information on data breach incidents is shown in the table below:

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<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td>Computer / laptop stolen / lost</td>
<td>2</td>
<td>1</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Confidential information disclosure</td>
<td>8</td>
<td>0</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Papers left on printer or in public area / lost</td>
<td>7</td>
<td>2</td>
<td>3</td>
<td>1</td>
</tr>
<tr>
<td>RSA token lost / stolen</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Unsecure email or scan sent / incorrect recipient</td>
<td>0</td>
<td>1</td>
<td>6</td>
<td>2</td>
</tr>
<tr>
<td>Improper storage of information</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Information sent to 3rd Party</td>
<td>7</td>
<td>9</td>
<td>9</td>
<td>6</td>
</tr>
<tr>
<td>USB memory device lost / stolen</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Totals</td>
<td>25</td>
<td>14</td>
<td>19</td>
<td>10</td>
</tr>
</tbody>
</table>
4.3 The levels of reported breaches remain broadly consistent. Critical breaches occur about twice a year and it is these that are the main focus of our prevention / management activity. Once critical case was self-reported to the Office of the Information Commissioner (ICO) in 2016. This case was investigated, but the ICO felt that the council took sufficient steps to mitigate, and accordingly no further action was taken.

4.4 The detail of each critical breach is discussed at Assurance Group to identify issues, trends and mitigations that need to be addressed.

5. Work plan review for 2017/18

<table>
<thead>
<tr>
<th>2017/2018 workplan activities</th>
<th>Current Status</th>
<th>Future Planning</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assurance Group</td>
<td>A standing item of Report of the SIRO is on every agenda.</td>
<td>The Board will continue to meet monthly and promote good working practices and support information governance matters.</td>
</tr>
</tbody>
</table>
| Develop, implement and recruit to the role of Information Governance Manager | The post was created and the successful applicant took up the post on 30th January 2017 | Responsibilities include:  
  - Implementing the new GDPR requirements  
  - Review and improve performance regarding all matters relating to information compliance (FOI, SAR)  
  - Provide advice, training and support to staff and managers regarding information governance matters  
  - Produce and implement a number of policies to support |
6. Work plan priorities for 2017/18

6.1 Priorities for 2017/18 will be fully determined by the recommendations within the ICO audit which we will receive in July 2017. Up until this point our information governance work will focus on:

- a review of FOI handling and responses
- a review of council information assets and records management
- a review of information transparency
- a review of privacy, information sharing and retention approaches

Background Papers Used in the Preparation of the Report:

None

List of appendices:

None