

Report To: Corporate Governance Committee

Date of Meeting: 21st may 2014

Lead Member / Officer: Barbara Smith – Lead Member for Modernisation
Alan Smith – Head of Business Improvement & Modernisation.

Report Author: Alan Smith

Title: SIRO report for 2013/14

1. What is the report about?

The report covers the period April 2013 to March 2014 and details breaches of the data protection act by the Council that have been subject to investigation by the Senior Information Risk Officer (SIRO). It also covers complaints about the Council relating to Freedom of Information legislation that have been referred to the Information Commissioner, and provides some information about the Access to Information requests made to the Council.

2. What is the reason for making this report?

The Council's Data Protection Policy requires an annual report on progress to the Corporate Governance Committee to allow Member oversight of the process.

3. What are the Recommendations?

The contents of the report should be noted by the Committee.

4. Report details.

Deficits in our information management system have been a risk for the Council for several years. In response to this, a new approach has been put in place, including the appointment of a Corporate Information Manager and the review of key policies, particularly relating to Data Protection and Access to Information. Following these reviews, the Corporate Information Manager has published a strategic approach to information management in DCC and is reporting on progress to the Corporate Governance Committee on a regular basis.

These developments have helped to lessen the risks faced by the Council in this area, to the extent that the risk score on the corporate risk register has now been reduced. Key to these improvements has been the development of improved training, greater clarity in the systems we use, and rigour in reporting and managing information. Alongside the Data Protection Officer, the Senior Information Risk Owner (SIRO) has an explicit responsibility to ensure that information held by the council is managed safely, effectively and in accordance with the legislation. The

systems designed to ensure that these roles are carried out successfully depend on transparency and openness, so it is especially important that Members have an oversight of the process.

This report is therefore designed to part of the new 'business as usual', in that it forms part of the commitments made in the Council's Data Protection and Access to Information policies. The appendices therefore detail some of the key actions in this area over the year to 31st March 2014, focusing on the Data Protection breaches reported to the SIRO (appendix A). Other information is included to inform Members: a list of complaints made to the Information Commissioners Office (ICO) about the Council, and the outcome (appendix B); statistics relating to the receipt of Access to information requests (Appendix C) and a table setting out the disputes handled by the Access to Information panel and the outcomes (Appendix D).

Members will note that there has been no major breach of the Data Protection Act by the Council in this period, although some have been considered to sufficiently serious to report them to the ICO. A common feature of many is the poor addressing of letters, so that personal information goes to an unintended recipient. Training and improved checking procedures can help reduce this sort of error, and ultimately, the increasing use of automatic systems will reduce this further. It is worth noting though, that the Council has so far avoided the significant losses of personal information that have befallen many organisations, often incurring significant civil penalties. However, it is the person whose data has been lost or incorrectly disclosed that is the real loser in these cases. As awareness of this amongst staff increases and our systems for managing information gradually improve, it is to be hoped that such breaches become more uncommon.

Members will also note the very high volume of access to information requests received by the Council, particularly under Freedom of Information legislation. Overall requests stand at more than 90 per month, a workload that is currently managed by one full time officer in the central team, but includes considerable time put in by nominated Information Management Officers (IMOs) in Services. These requests are concentrated on some areas more than others. The five most frequent areas of inquiry over the last few months have been:

1. Public Health Funerals (requests from businesses)
2. Business Rates (requests from businesses)
3. Bedroom Tax (requests from media, charities and lobby groups, politicians and individuals)
5. Empty Properties (requests from politicians, media, businesses, charities and lobby groups and individuals)
6. Social Housing (requests from media, charities and lobby groups, politicians and individuals)

Appendix D sets out the source of Access to Information requests to the Council for the year by requestor type.

In some cases, decisions regarding access to information were challenged by the requestor or there was not agreement internally about whether information held by the Council should be released or not. These cases were reviewed by a Panel chaired by the Head of Legal and Democratic Services. The panel met nine times during the year and reviewed 14 cases. Appendix E is a list of these, along with the outcome of each review.

7. How does the decision contribute to the Corporate Priorities?

This report supports the Council's objective to modernise, but is not directly linked to a corporate priority.

8. What will it cost and how will it affect other services?

There are no financial implications to consider.

9. What are the main conclusions of the Equality Impact Assessment (EqIA) undertaken on the decision? The completed EqIA template should be attached as an appendix to the report.

No assessment is required as this report is for information only.

10. What consultations have been carried out with Scrutiny and others?

None, this report is for information only.

11. Chief Finance Officer Statement

Not required

12. What risks are there and is there anything we can do to reduce them?

The action of members scrutinising this report is part of the mitigation process of mitigating the corporate risk relating to information management.

13. Power to make the Decision

No decision is required.