

Report To: Corporate Governance Committee

Date of Meeting: 20th May 2015

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

Report Author: Alan Smith

Title: SIRO report for 2014/15

1. What is the report about?

The report covers the period April 2014 to March 2015 and details breaches of the data protection act by the Council that have been subject to investigation by the Senior Information Risk Officer (SIRO – in DCC this is the Head of Business Improvement & Modernisation). 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.

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 '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

2015, 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 C); statistics relating to the receipt of Access to information requests and a table setting out the disputes handled by the Access to Information panel and the panel outcomes (Appendix B).

Members will note that there has been no major breach of the Data Protection Act by the Council in this period, and only two have been considered to have been sufficiently serious to report them to the ICO, as opposed to 4 last year. There has also been an overall reduction in the number of cases requiring action by the SIRO, from 8 last year to 5 this year, which can perhaps be put down to the increasing awareness of data protection issues in the Council as a whole.

Members will also note that the very high volume of access to information requests received by the Council that I drew attention to in last year's report, has continued despite the fact that we now publish more information on the DCC website than before. Overall requests for the period to 31st March stand at 1137, still more than 90 per month. Of these, 91% were responded to within the appropriate timescale. This workload is currently managed by one full time officer in the central Corporate Information 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 and are predominantly business related. The five most frequent areas of inquiry over the last 12 months have been:

1. Public Health Funerals
2. Business Rates
3. Contracts - ICT especially
4. Looked After Children/Child Protection (- roughly 50% from the Media , the other 50% mainly from individuals)
5. Domiciliary Care/Social Care (roughly 50% from Business, 20% Media, 20% Individuals, 10 % Charities/Lobby Groups and Politicians)

Overall, of the 1137 requests, 499 (43%) came from Individuals (many of whom will be business people or media who don't identify themselves as such); 202 (17%) came from Businesses; 168 (14%) from the Media; 64 (5%) from Politicians; 56 (4%) from Charities and Lobby Groups; 41(3%) from Academics. The remainder came from other groups, including the NHS, Solicitors, Unions and the Police.

In some cases, decisions regarding access to information were challenged by the requestor or there was disagreement 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, HR and Democratic Services. The panel met 3 times during the year and reviewed 7 cases. Appendix B is a list of these, along with the outcome of each review. Again, this is an improvement on last year, where a panel was required on 9 occasions to review 14 cases.

In the 14/15 period, 3 complaints under the FOI Act were made to the Information Commissioner's Office about the Council, the same number as last year (See Appendix C). Of the three, two were found in the Council's favour. In the third, we were found to be in breach of the legislation by taking too long to respond to a Subject Access Request. Whilst regretting this, the ICO recognised that it was a particularly complex piece of work and that

this factor had contributed to the lateness of the response. No further action on the part of the Council was required by the Commissioner. Since this case, procedures have been improved to ensure that complex cases are recognised early on in the process so that timely responses can be made.

5. 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.

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

There are no financial implications to consider.

7. 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.

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

None, this report is for information only.

9. Chief Finance Officer Statement

Not required

10. 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 process of mitigating the corporate risk relating to information management.

11. Power to make the Decision

No decision is required.

Appendix A: Data Protection Breaches 2014/2015

Date	Service involved	Description	Action taken	ICO reported
July 2014	Education	Personal data sent to wrong address	Data subject informed Address checking procedures improved EDRMS implementation accelerated	No
November 2014	Children & Family Services (CFS)	Social worker emailed sensitive personal data to home email address for family member to type up notes.	Data subject affected informed of the breach Staff member disciplined Member of staff reported to professional body	Yes
December 2014	CFS	Personal data sent to wrong address.	Improved processes for checking addresses implemented – guidance circulated to Middle Managers	No
January 2015	Housing	Files containing personal information found on Working Document Store with open access across Council	Files removed from WDS. Communication sent to Middle Managers asking them to review their files on WDS	No
March 2015	Housing	Personal data published in a report for Cabinet that was then published to website.	Data Subjects informed Met with internal staff to discuss the circumstances of the breach Committee report oversight arrangements improved – Report to SLT April 2015	Yes

Appendix B: Access to Information Panel Meetings 2014-15

Date	Reference	Subject	Outcome
15.4.2014	DP540	Complex case	Approach agreed
	FOI 3575	Cloud Services	Section 1 (1) (a) (information not held) and partial response
	FOI 3730	IT Security	Exemption 31 (law enforcement) and partial response
	FOI 3761	Empty Homes	Clarification requested from Requestor (no response)
	FOI 3689	Grounds Maintenance	Disclosed after definition debate
		Public Health Funeral FOIs	Section 31 agreed (law enforcement) for all the personal data requested. Needs to be monitored
20.8.2014	CFS letter	Discussion – complex case	Partial response agreed and Section 40 (2) applied to 4 questions (personal data).
	FOI 3945	Broadband in schools	S43 (2) exemption (commercial sensitivity) and partial response
	FOI 3975	Cleaning & Catering contracts	S43 (2) (commercial sensitivity) rejected
11.9.2014	FOI 3975	Appeal heard again as panel decision not accepted.	S43 (2) (commercial sensitivity) rejected. S1 (1) (a) info not held applied to catering questions

Appendix C: Complaints to the ICO about DCC

Date	Ref	Issue	Outcome
March 2014	DP 540	Late response to Subject Access request	ICO found that timescales had been exceeded, but no further action required.
August 2014	DP 598 (RFA0570683)	Complaint that DCC had not supplied information in accordance with the legislation.	DCC found to have acted correctly
Feb 2015	DP 392 (FER0538283)	Complaint that DCC had not supplied information in accordance with the legislation.	DCC found to have acted correctly