

**Report To:** Corporate Governance Committee

**Date of Meeting:** 19<sup>th</sup> July 2017

**Lead Member / Officer:** Cllr Richard Mainon  
Alan Smith, Head of Business Improvement & Modernisation

**Report Author:** Alan Smith, Senior Information Risk Owner

**Title:** SIRO report for 2016/17

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### **1. What is the report about?**

The report covers the period April 2016 to March 2017 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 Office of the Information Commissioner (ICO), and provides some information about the Access to Information/FOI 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?**

3.1. 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 oversight of the process.

#### Data Protection Breaches

I am pleased to report that there have been no significant breaches of the Data Protection act in the Council during the 2016/17 year, though there have been a total of 5 less serious ones.

- 2x incidents of posting personal information to the wrong address
- 1x incident of personal information left on a form

- 1x incident of personal information dropped in a car park. Found 10 minutes later.
- 1x incident of personal information dropped in a petrol forecourt.

Of these five incidents, only one was deemed serious enough to report to the Information Commissioner's Office (the petrol station incident), but no action was deemed necessary by the ICO. The ICO considered that although a breach had occurred, the Council's systems were generally robust and that the breach was the consequence of a member of staff not following the agreed protocols. Disciplinary action was taken in this case.

The ICO has made one recommendation to us though, which is that we should develop a formal policy on staff taking personal data relating to their clients out of the office. This should replace the guidelines we currently use, which are advisory only. The Business Information Team Manager will develop a DCC policy in this area, but initial thinking is that it will raise some technology based issues, especially in Community Support Services, where DCC or our partners still use some paper systems. It may be necessary to tackle these in a phased way, perhaps in line with more general initiatives to digitise the Council's processes.

### General Data Protection Regulations (GDPR)

In last year's report I advised Members that new regulations were expected during 2016 and this has been the case.

Privacy issues arising from an exponential growth in consumer and mobile technologies, an increasingly connected planet and mass cross border data flows have pushed the EU to entirely rethink its data protection legislation to ensure that these fundamental rights are fully protected in today's digital economy. As a consequence of this, the GDPR was developed and will apply in the UK from 25th May 2018. Although it's an EU piece of legislation, the government has confirmed that the UK's decision to leave the EU will not affect the commencement of the GDPR.

The Council is taking a collaborative approach to its preparation for the new regulations by working with other public sector bodies in order to ensure a consistent and collaborative approach across North Wales.

The main tasks over the next 12 months, include:

- Development of an information assets register that identifies our personal information holdings
- Review of privacy notices
- Awareness raising and preparation of new training materials

I have established a working group within the Council to plan and develop any new arrangements needed in DCC, the most significant task being the creation of a comprehensive Information Asset Register. Once completed, this will be an important resource for the Council, one that will underpin our understanding of the extent of our

information assets and allow us to manage any risks associated with them. Extra capacity is being provided from service reserves to assist with GDPR preparations.

Freedom of Information (FOI) and Environmental Information Regulation (EIR) requests.

There has been a total of 1,331 requests during the 12 months to 31<sup>st</sup> March 2017. Again, this figure marks an increase (8%) on last year, with higher numbers of both FOIs and misc. requests<sup>1</sup>, although EIRs have reduced during this period.

**Table 1: Number of completed requests for 2014/15 to 2016/17 and 2014/15**

	<b>FOI</b>	<b>EIR</b>	<b>Total (&amp; within deadline)</b>	<b>Misc. requests</b>	<b>Final total (&amp; within deadline)</b>
<b>14/15</b>	<b>880</b>	<b>127</b>	<b>1007</b>	<b>131</b>	<b>1138 (91%)</b>
<b>15/16</b>	<b>871</b>	<b>183</b>	<b>1054</b>	<b>182</b>	<b>1236 (93%)</b>
<b>16/17</b>	<b>955</b>	<b>128</b>	<b>1083 (95%)</b>	<b>248</b>	<b>1331 (96%)</b>

The FOI and EIR requests are concentrated on some areas more than others and as before, are predominantly business related or from individuals. The most frequent requesters over the last 12 months are set out in the table in Appendix 1.

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 10 times during the year and reviewed 12 cases. Appendix A is a list of these, along with the outcome of each review.

No complaints about the Council under the FOI Act were investigated by the Information Commissioner’s Office during 2016/17.

It is worth noting that managing FOI/EIR and DP requests continues to present a resource cost to the Council, with an officer engaged full time on this. In addition, considerable work is delivered within Services by the IMOs (Information Management Officers), who provide the detailed answers for each question. Despite a significantly increased workload, 96% of requests have been dealt with within the legislative requirement.

**5. How does the decision contribute to the Corporate Priorities?**

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<sup>1</sup> This includes subject access requests, continuing health claims and police requests (section 29s)

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?**  
*The report is for information only*
- 7. What are the main conclusions of the Well-being Impact Assessment?**  
*A WBIA is not required*
- 8. What consultations have been carried out with Scrutiny and others?**  
*n/a*
- 9. Chief Finance Officer Statement**  
*Not required*
- 10. What risks are there and is there anything we can do to reduce them?**  
*This report is for information only*
- 11. Power to make the Decision**  
*No decision is required*