

Report To: Corporate Governance Committee

Date of Meeting: **11<sup>th</sup> July 2017**

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

Report Author: Alan Smith, Senior Information Risk Owner (SIRO)

Title: **SIRO report for 2017/18**



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

The report covers the period **April 2017 to March 2018** 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. That the contents of the report are 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.

#### 4.1 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 2017/18 year**. There have been two minor breaches however (both in Education). These were:

- E-mail sent to incorrect e-mail address
- Letter sent to wrong address

Both were investigated, but neither were considered serious enough to report to the Information Commissioner's Office.

Last year, the ICO made a recommendation that we should develop a formal policy on staff taking personal data relating to their clients out of the office. This has been completed and has now been agreed by the LJCC and is going to Cabinet for approval on the 31<sup>st</sup> July. Work to implement this policy will be required across the Council, but especially in Services where there is still a reliance on paper based systems.

#### 4.1 General Data Protection Regulations (GDPR)

The new Data Protection Regulations came into force on 25<sup>th</sup> May 2018. The new regulations provide a framework with greater scope and much tougher punishments for those who fail to comply with new rules around the storage and handling of personal data.

As requirements of the new regulations have become clearer, the Council has been working towards meeting them. The focus of this work has been on the Information Commissioner's Office "12 steps to take now", which was published last year

To support the preparatory work, an Information Governance Group (IGG) was formed during 2017 consisting of representatives from across all services. The IGG is chaired by the Senior Information Risk Owner and also includes Lisa Jones in her role as Data Protection Officer. The IGG has helped to provide a forum for discussing the new requirements and overseeing the work being undertaken.

The action plan shown in Appendix 1 provides an update on progress being made. Most actions are on track and have been completed. There are a few slight delays associated with the following:

- Development of a complete Information Assets Register; and
- Review of contracts to meet GDPR requirements.

These are mainly associated with a lack of capacity in some areas.

Internal Audit has been asked to review Data Protection compliance in Services as part of their 2018/19 forward work-plan. This should help provide the Council with some assurance on levels of compliance going forward.

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

There has been a total of 1,367 requests during the 12 months to 31<sup>st</sup> March 2018. This figure marks an increase of 2% on last year, with higher numbers of FOI requests, although EIRs have reduced during this period.

	FOI	EIR	Total (& within deadline)	Misc. requests	Final total (& within deadline)
14/15	880	127	1007	131	1138 (91%)
15/16	871	183	1054	182	1236 (93%)
16/17	955	128	1083 (95%)	248	1331 (96%)
17/18	1042	85	1127	240	1367 (95%)

**Table 1: Number of completed requests for 2014/15 to 2017/18**

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 below.

APPLICANT TYPE	NO OF REQUESTS
Academic	21
AM/MP	95
Business	132
Charity/Lobby Group	86
Corporate	1
Councillor	4
Individual	516
Insurance Company	1

Local Authority	16
Media	221
NHS	4
Other	11
Solicitor	9

Top 10 Enquirers over the last 12 months:

1	AM/MP	17
2	INDIVIDUAL	15
3	AM/MP	14
4	AM/MP	12
5	AM/MP	11
6	MEDIA	8
7	INDIVIDUAL	8
8	INDIVIDUAL	8
9	MEDIA	7
10	INDIVIDUAL	7

In some cases, decisions regarding access to information were challenged by the requestor and an internal review was undertaken. There were 13 of these over the last 12 months. NB any expression of dissatisfaction from a requester is treated as a request for an internal review.

Some internal reviews, and other complex or sensitive cases, were referred to the Access to Information Panel, chaired by the Head of Legal, HR and Democratic Services. The Panel met 5 times during the year and reviewed 11 cases. Appendix 2 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 2017/18.

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, 95% of requests have been dealt with within the legislative requirement.

- 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?**  
*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?**  
*Although this report is for information only, there would be a risk to the Council if proper information management and data protection systems are not maintained. Committee oversight is an important element of ensuring that our systems are effective.*
- 11. Power to make the Decision**  
*No decision is required*