

Report To: Corporate Governance Committee

Date of Meeting: 17th July 2020

Lead Member / Officer: Cllr Tony Thomas, Lead Member Housing & Communities
Alan Smith, Senior Information Risk Owner (SIRO)

Report Author: Craig Berry, Business Information Team Manager

Title: **SIRO report for 2019/20**

1. What is the report about?

The report covers the period **April 2019 to March 2020** 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

Within this reporting period, there had been 1 significant breach of the Data Protection Act by the Council. The breach involved sensitive personal data about 5 individuals mistakenly included in a court bundle. Investigations concluded that this was caused by human error. The Information Commissioners Office was informed of the breach and requested that we review processes to reduce the likelihood of it happening again.

During 2019/20, there had been 12 minor breaches. These included:

- Letters sent to wrong address
- Emails sent to wrong recipients
- Incorrect paperwork sent out
- Lost documentation

4.2 Freedom of Information (FOI), Environmental Information Regulation (EIR) and Subject Access (SAR) requests.

There had been a total of 1261 requests received during the 12 months to 31st March 2020. This represents a 15% decrease on 2018/19. It's believed that the Council publishing more information to its website has been a key factor in this decline in requests.

Further details are below:

<u>COMPLETED REQUESTS - FINANCIAL YEAR</u>					
	<u>FOI</u>	<u>EIR</u>	<u>Total</u>	<u>DP</u>	<u>Further total</u>
-					
<u>14/15</u>	<u>880</u>	<u>127</u>	<u>1007</u>	<u>131</u>	<u>1138</u>
<u>15/16</u>	<u>871</u>	<u>183</u>	<u>1054</u>	<u>182</u>	<u>1236</u>
<u>16/17</u>	<u>955</u>	<u>128</u>	<u>1083</u>	<u>248</u>	<u>1331</u>
<u>17/18</u>	<u>1042</u>	<u>85</u>	<u>1127</u>	<u>240</u>	<u>1367</u>
<u>18/19</u>	<u>1175</u>	<u>94</u>	<u>1269</u>	<u>231</u>	<u>1500</u>
<u>19/20</u>	<u>971</u>	<u>151</u>	<u>1122</u>	<u>139</u>	<u>1261</u>

During 2019/20, 93% of all information requests were responded to within their time limits. This represents a slight decrease compared to the last 3 years.

Further details are below:

REQUESTS COMPLETED WITHIN DEADLINE - FINANCIAL YEAR						
	FOI	EIR	Total	Add DP	Further total	No. within deadline
14/15	810	121	931	107	1038	91%
15/16	810	178	988	165	1153	93%
16/17	910	126	1036	245	1281	96%
17/18	983	84	1067	236	1303	95%
18/19	1123	87	1210	215	1425	95%
19/20	906	137	1043	134	1177	93%

Main applicant categories

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.

Top Enquirers over the last 12 months

APPLICANT TYPE EIR/FOI ONLY	
INDIVIDUALS	555
BUSINESS	213
MEDIA	172
CHARITY/LOBBY GROUP	85
ACADEMIC	34
AM/MP	16
SOLICITOR	15
OTHER LA	11
UNION	8
COUNCILLOR	5
INSURANCE CO	3
NHS	2
OTHER	3
	1122

In some cases, decisions regarding access to information were challenged by the requestor and an internal review was undertaken. There were 35 of these over the last 12 months. Some of the reviews were undertaken by an Access to Information Panel, which is chaired by the Head of Legal and Democratic Services (see appendix 1).

NB any expression of dissatisfaction from a requester is treated as a request for an internal review.

Details of the 35 internal reviews are below:

Outcomes:	
Complaints Upheld	11
Complaints Partially Upheld	6
Complaints Not Upheld	18
Challenge Types	
Contesting Exemptions	11
Contesting Information not held	21
Questions not answered / wrong docs supplied	3

One FoI request was looked into by the Information Commissioner's Office during 2019/20. No further correspondence was received following our response.

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

Appendix 1 – Panel Meetings 2019/20

Date	Case Ref	Subject	Exemptions Considered	Stage of Request	Outcome
01/08/2019	4145	Emergency Planning	S24 (National Security). S31 (Prevention of Crime).(Suggested by external agencies)	First Response	General Information Disclosed
	5215	Cyber Security	S31 (Prevention of Crime)	Internal Review	S31 Confirmed
	5053	Cyber Security	S31 (Prevention of Crime)	First Response	S31 Confirmed
03/09/2019	5280	Job roles and pay Public Health	S40 (Third Party Personal Data) S31 (Prevention of Crime) versus publication of data	Internal Review	Part S40 confirmed
		Service Query Funerals		None	S31 confirmed. More research required
26/09/2019	Service Query Multiple requests	Business Rates Transactions over £500	S31 (Prevention of Crime)	None	S31 confirmed. More research required
			S12 (Over 18 Hours) and S14 (Vexatiousness)	Various	S12 confirmed
11/11/2019	5427	Payments to suppliers	S43 (Commercial Sensitivity)	First Response	Disclosed S31 confirmed for one area. Disclose another
		Service Query 4850 Business Rates Job Evaluations	S31 (Prevention of Crime) Whether information held	None ICO letter	Complex disclosure