

Report To: Governance and Audit Committee

Date of Meeting: July 28th 2021

Lead Member / Officer: Cllr Hugh Evans, Leader
Alan Smith, Head of Business Improvement & Modernisation

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

Title: **SIRO report for 2020-21**

1. What is the report about?

The report covers the period **April 2020 to March 2021** 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. This year, for the first time, the report includes information about Denbighshire's schools.

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.

The report this year has more information than in previous years due to the Council's increased investment in the safe management of data, including:

- Greater engagement with Schools
- Additional dedicated officer time made available in Legal Services
- An effective cross-council collaboration in the form of the Information Governance Group, chaired by the Council's Senior Information Risk Officer
- Awareness raising across all services through training and dedicated support

Even despite these improvements, data breaches still occurred, and these are described below, along with the information of the Council's role in managing Freedom of Information Requests, Environmental Information Requests and Subject Access Requests.

4.1 Data Protection Breaches

Between April 2020 and March 31st 2021 there were 22 data incidents involving personal data, an increase on last year when there were 13.

Other people's information included in documentation by error	6
Email containing personal data sent to wrong person	10
Documents posted and sent to wrong person	4
Other	2

Table 1: Data protection breaches notified during 2020/21

Although only one of these incidents was considered reportable (to the Information Commissioner's Office), it is still a significant increase. The underlying cause of these is essentially human error, but as SIRO I have some concerns that these instances have become more common because most office based staff have been working away from the office during the year, and they have therefore not had access to the same checking processes in place at their normal place of work. To counter this, new procedures for remote 'checking' are being explored, including:

- Whether it is possible for Microsoft Outlook to stop automatically formulating external email addresses in the recipient section – ongoing, IT
- Whether it is possible for a pop up to appear on Microsoft Outlook to confirm whether the sender wants to send the email (as it does when an email has no subject, without an attachment etc.) when addressed to an external recipient – ongoing, IT
- When reports are being printed by Business Support Staff on behalf of another member of staff who is not in the office, this report is printed and scanned back to the relevant member of staff to check, prior to the report being posted – ongoing, Social Services

Refresher training on data protection is being launched for all staff, which includes advice on managing data safely when working away from the office

Regarding the incident that was reported to the Information Commissioners Office (details of another data subject contained in documents in error), no further action was judged necessary by the ICO.

4.2 General Data Protection Regulations (GDPR)

All planned work in this area is now complete, with the exception of some work on the Council's contract register: A programme of work on the assessment and modification of the remaining contracts is continuing, organised on a priority basis.

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

There has been a total of 1196 requests during the 12 months to 31st March 2021. For the first time in recent years, FOI requests have decreased significantly. It is not clear for what reason, but if disruption of normal business due to the pandemic is the cause, then we can expect levels to increase again over the next 12 months as society starts to return to normal.

EIR requests have increased this year, but a proportion of this again seems to be a consequence of the pandemic. Land search companies, unable to access DCC buildings to make the searches themselves, have submitted EIR requests instead. This accounts for about half the increase over last year's figures. As this issue is resolved, it seems likely that the number of requests will return to more normal levels. It is worth noting though, that information requests in all categories appear to have become more complex during the period, requiring more resources to meet them.

	FOI	EIR	total	DP/SAR	Further total
14/15	880	127	1007	131	1138
15/16	871	183	1054	182	1236
16/17	955	128	1083	248	1331
17/18	1042	85	1127	240	1367
18/19	1175	94	1269	231	1500
19/20	971	151	1122	139	1261
20/21	778	280	1058	138	1196

Table 2: Number of completed requests for 2014/15 to 2020/21

There has been a drop this year in the number of requests completed within the statutory timescales (Table 3). This appears to be the result of information officers within Services

being under pressure, in large part due to the general dislocation brought about by the pandemic.

Year	Total Requests Received	Number Within Deadline	Percentage Within Deadline
14/15	1138	1038	91%
15/16	1236	1153	93%
16/17	1331	1281	96%
17/18	1367	1303	95%
18/19	1500	1425	95%
19/20	1261	1221	96%
20/21	1196	1010	84%

Table 3: Requests completed within deadline

4.4 – Requests for Review

In some cases, decisions regarding access to information were challenged by the requestor and an internal review was undertaken. There were 24 of these over the last 12 months, 13 of which were all or partially upheld.

Where issues could not be resolved directly with the requestor, or they were complex or sensitive cases, they were considered by the Access to Information Panel, chaired by the Head of Legal, HR and Democratic Services. The Panel met twice during the year, to consider 3 cases that could not be resolved directly.

4.5. Information Commissioners Office

The ICO has been involved in three cases during this period:

- May 2020. We received an ICO letter indicating that a requester had not received an FOI response. This issue was resolved and the complaint withdrawn.
- Feb 2021. We received a preliminary ICO letter regarding a FOI/DP case, but this case was not taken up.
- March/April 2021 The ICO criticised our handling of data protection matters in connection with a requester and instructed us to make the requested information (an EIR) available.

4.6 Schools

This is the first time the SIRO report has included data from schools. The Council now has a Deputy Data Protection Officer working exclusively with schools, and this has meant we have much better information on this sector. Schools are individually responsible for the way their data is managed and are their own data controllers, but the Council clearly has an interest in supporting them to achieve the highest standards in relation to data protection. We do this in all kinds of ways, including advice and access to our policies and procedures.

4.7 Data Breaches in schools

There have been **14** reported minor breaches during the period April 2020 – March 2021 including 1 cyber incident.

Most of these resulted from pupil information being sent via post or email to the incorrect parent, or emails sent disclosing parents personal email addresses to all recipients, (not using bcc).

There was 1 incident of data being irretrievably lost and 1 incident of pupil personal data wrongly published on a school social media account.

A cyber incident affected all 6 secondary schools between 18th and 23rd June 2020. A phishing email was found to have been sent to several staff email accounts. When the attachment was opened, it created a 'rule' which auto-forwarded all emails to an unauthorised @gmail account. This breach was reported to the ICO within 72 hours as we were aware that at least 1 email account had been affected by this malware. Upon investigation of email accounts affected, it was found that a very small amount of personal data was lost from one school. The ICO was updated and no action was taken.

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

This report supports the Council's objective to be efficient and effective, 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

