

Report to	Governance and Audit Committee
Date of meeting	22 nd November 2023
Lead Member / Officer	Cllr Julie Matthews / Barry Eaton
Head of Service	Helen Vaughan-Evans (Head of Corporate Support Service: Performance, Digital & Assets)
Report author	Barry Eaton (Chief Digital Officer and Interim Senior Information Risk Owner (SIRO) April 2022-Sept 2023)
Title	Senior Information Risk Owner (SIRO) report for 2022-23

1. What is the report about?

1.1 The report covers the period April 2022 to March 2023 and provides information on the Council's information governance including data breaches of the Data Protection Act, Freedom of Information, Environmental Information and Data Protection requests received by the Council and information from schools.

2. What is the reason for making this report?

2.1 The Council's [Data Protection Policy](#) requires an annual report on progress to the Governance and Audit Committee to allow Member oversight.

3. What are the Recommendations?

3.1 That the contents of the report, including Appendix 1 and 2, are noted by Committee.

4. Report details

4.1 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 Council's Chief Digital

Officer carried out the role of SIRO for the period this report covers (April 2022 to March 2023) and is the report author for this year's report.

- 4.2 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 information governance arrangements and performance.
- 4.3 Despite of the Council's information governance systems, 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 Data Protection requests (Subject Access Requests).

Data Protection Breaches

- 4.5 Between 1st April 2022 and March 31st, 2023, there were 27 data incidents involving personal data, a decrease on last year (2021/22) when there were 35 but still higher than previous year 2020/21 where there were 22. Table 1 in Appendix 1 provides further detail on the data protection breaches notified during 2022/23 including reason for breach and quantity.
- 4.6 Although three of these incidents were considered reportable to the Information Commissioner's Office (ICO), all of the reports resulted in no further action against the Council.
- 4.7 The underlying cause of most of these breaches were essentially human error. To counter this, new procedures for remote 'checking' are being explored especially useful in the context of increased home working of most office-based staff.

Freedom of Information (FOI) and Environmental Information Regulation (EIR) Requests

- 4.8 There were a total of 1,057 FOI and EIR requests during the 12 months to 31st March 2022. Table 2 in Appendix 1 provides further detail on the number of completed requests for 2014/15 to 2022/23 including total requests received and number and percentage responded to within deadline.
- 4.9 FOI and EIR requests decreased significantly during 21/22 and have only risen by 4% during 22/23. The decrease from 18/19 request levels has also been experienced by other organisations.

4.10 The ICO require at least 90% of FOI and EIR requests to be responded to within deadline. We have met this target this year.

Data Protection Requests (Requests for personal data)

4.11 236 data protection requests were received during 2022/23. Higher totals received 2022-2023 compared to 2021/22 (203 total) are likely because Data Protection cases for Children's Services are now routinely recorded centrally. Table 3 in appendix 1 provides further detail on totals since 2019/20.

4.12 77 (32.5% of total received) were Subject Access Requests and 159 (67.5% of total received) were Exemption Requests. The proportion of Exemptions requests for personal data (usually law enforcement) have continued to rise again this year.

4.13 Circa 222 (94%) of total responses were responded to within assigned deadline. Note: Law enforcement requests do not technically have a statutory "deadline" date (more an expectation of "as soon as possible). They have been recorded here as "Out of Deadline" if they go over a calendar month.

Internal Reviews

4.15 In some cases, decisions regarding access to information were challenged by the requester and an internal review was undertaken. For FOI and EIR requests there were 16 internal reviews over 2022/23, 8 of which were all or partially upheld. These are similar to last year's figures, although the number of outcomes where the challenges were upheld has decreased.

4.16 Where issues cannot be resolved directly with the requester, or where they are complex or sensitive cases, they can be considered by the Access to Information Panel, which was chaired by the Interim Head of Legal Services and the Interim Senior Information Risk Owner during 2022/23. The Panel resolved one such matter during the year, with the decision being to deem a request vexatious.

Information Commissioners Office

4.17 The ICO intervened in one case this year concerning houses of multiple occupation, but the requester's complaint was not upheld.

Schools

4.18 Schools are individually responsible for the way their data is managed and are their own data controllers, but the Council via the Council's Deputy Data Protection Officer provides support to achieve the highest standards in relation to data protection. Appendix 2 provides additional information on data breaches in schools and Freedom of Information and Data Protection requests to schools.

5. How does the decision contribute to the Corporate Plan 2022 to 2027: The Denbighshire We Want?

5.1 This report supports the Council's theme to be a well-run, high performing council.

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

6.1 N/A.

7. What are the main conclusions of the Well-being Impact Assessment?

7.1 Not Required (report for information only).

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

8.1 N/A.

9. Chief Finance Officer Statement

9.1 Not Required.

10. What risks are there and is there anything we can do to reduce them?

10.1 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

11.1 No decision is required.