

Report to	Governance and Audit Committee
Date of meeting	20 th November 2024
Lead Member / Officer	Cllr Julie Matthews (Corporate Strategy, Policy and Equalities) / Helen Vaughan-Evans (Head of Corporate Support Service: Performance, Digital & Assets and Senior Information Risk Owner (SIRO))
Head of Service	Helen Vaughan-Evans (Head of Corporate Support Service: Performance, Digital & Assets and Senior Information Risk Owner (SIRO))
Report author	Information Governance Group
Title	Senior Information Risk Owner (SIRO) report for 2023-24

1. What is the report about?

1.1 The report covers the period April 2023 to March 2024 and provides information on the Council's information governance. This includes information about data breaches of the Data Protection Act that have been subject to investigation by the DCC SIRO. The report also covers data about Freedom of Information, Environmental Information and Data Protection requests received by the Council, including those that have been referred to the Information Commissioner's Office (ICO). The report also includes information about Denbighshire's schools.

2. What is the reason for making this report?

2.1 The Council's [Data Protection Policy](#), the Freedom of Information Policy and the Environmental Information Regulations Policy require an annual report on progress to the Corporate Governance Committee to allow Member oversight.

3. What are the Recommendations?

3.1 That the contents of the report 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.

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).

4.4 The Data Protection and Digital Information Bill (DPDI) Bill as proposed by the previous Westminster government (before 04/07/2024) is now obsolete. The new Westminster government is in the early stages of creating a Digital Information and Smart Data Bill, as well as a Cyber Security and Resilience Bill.

Data Protection Breaches

4.5 Between April 2023 and March 31st, 2024 there were 33 data breach incidents involving personal data. This is an increase from 2022/23 where there were 27 breaches. But represent a decrease from 2021/22 where there were 35 data breaches. Table 1 in appendix 1, provides further detail on the data protection breaches notified during 2023/24 including reason for breach and quantity.

4.6 One of these incidents were considered reportable to the Information Commissioner's Office and remains under investigation. This is a reduction from 2022/23 when three data breaches were considered reportable to the Information Commissioner's Office (ICO).

4.7 The underlying cause of the majority of these breaches are essentially human error. Potential IT solutions are currently being explored and remain a standing agenda point for the Information Governance Group who meet quarterly.

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

4.8 There were a total of 1188 FOI and EIR requests during the 12 months up to 31st March 2024. Table 2, in appendix 2, provides further detail on the number of completed requests for 2014/15 to 2023/24 including total requests received and number and percentage responded to within deadline.

4.9 FOI and EIR requests decreased significantly during 2021/22 (-10%), but have risen by 17% since. The upward trend is continuing with a record number of requests in Quarter 4 2023/24 (359 requests).

4.10 The ICO require at least 90% of FOI and EIR requests to be responded to within deadline. We have met this target for the last 2 years.

4.11 The information requested through the year was on a wide range of subjects, for example dog breeding, foster care, asylum seekers, trees planted and felled, and parking fines (PCNs). However, the most requests we received were for information about:

- Public health funerals and Court of Protection funerals: 49
- Temporary accommodation: 24
- Equalities: approximately 19
- Potholes: 18
- CCTV: 18

4.12 Some requests for information are time-consuming and escalation to senior officers, or escalation by submitting more requests can occur, increasing the burden on the Council's Access to Information Team.

4.13 Table 3 in appendix 2 provides number of requests by applicant type for 2023/24. The largest number of requests were received from the following applicant types. It should be noted that we are not always able to identify the applicant type and record unknown types as 'public'. The 'public' category was increased by probable bot activity on one occasion – approximately 20 requests received within a few hours, all with formulaic email addresses and with similarly formatted content. This could happen again as people experiment with new technology. 4 requests were received in the Welsh language or bilingual during the year.

Data Protection Requests (Requests for personal data)

- 4.14 195 data protection requests were received during 2023/24- a drop from 236 received during 2022/23. Table 4 and chart 1, in appendix 3, provides further detail on totals since 2019/20.
- 4.15 85 (43.5% of total received) were Subject Access Requests [up from 77 and 32.5% last year] and 110 (56.5 of total received) were Exemption Requests [down from 159 and 67.5% last year].
- 4.16 The proportion of Exemptions requests for personal data (usually law enforcement) have come down to a more reasonable level, reducing from 67.5% of all personal data requests in 2022-2023, to 56.5% of requests in 2023-2024 (in 2022-2023 there were a handful of large-scale police operations that created more than 30 different personal data requests just on their own). 2023-2024 is more like the ratio of SARs vs Exemptions requests we would normally expect to see. Detailed breakdown of Data Access Requests during 2023/24 is provided in table 5, appendix 3.
- 4.17 Total responses within deadline are around 92% for the year. This is down from 94% in previous year. A small number of Quarter 3 and 4 cases are estimated. This is due to those ongoing cases experiencing a delay with verifying ID, and/or application of the extended 90-day statutory deadline. These outstanding cases will not be finalised as within/outside of deadline until after June 2024. Law enforcement requests don't technically have a statutory "deadline" date like Subject Access Requests (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

- 4.18 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 17 internal reviews over 2022/23, 9 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.
- 4.19 Where issues cannot be resolved directly with the requester by the Access to Information Team, 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 Senior Information Risk Owner during 2023/24.

Three Panels were held during the year and the requests concerned the North Wales Hospital, empty Council buildings, cybercrime, and the Drift Park Playground.

4.20 With regard to Subject Access Requests; whilst there is no statutory right to an internal review, the ICO do recommend a review process. 5 internal reviews took place 2023-2024 (up from 3 in 2022-2023). Further detail relating to these as follows:

- 2 x disclosures refused due to safeguarding concerns regarding the data subjects. Internal review decisions supported the initial refusals to disclose in both cases.
- 1 x disclosure refused due to likely prejudice to ongoing statutory regulatory processes. Internal review decision supported the initial refusal to disclose.
- 1 x challenge regarding redactions. Requester felt that redaction was too harsh. Internal Review partially upheld their challenge and provided a small amount of further data.
- 1 x complaint following a Subject Access Request disclosure, alleging inappropriate disclosure and poor quality of recorded personal data. Internal review found complaint not upheld.

Information Commissioners Office

4.21 The ICO intervened in one FOI case this year. A Service mistakenly advised a requester to go to the ICO instead of directing a request to Access to Information. This is unlikely to happen again, and the request has been answered without a decision notice being published.

4.22 The ICO intervened in no Subject Access requests in 2023-2024.

Schools

4.23 Schools are individually responsible for the way their data is managed and are their own data controllers, but the Council via the Deputy Data Protection Officer for Schools provides support 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. Appendix 4 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.