

20 October 2022	ITEM 6
Standards and Audit Committee	
Annual Information Governance Report April 2021 – March 2022	
Wards and communities affected: All	Key Decision: Non-key
Report of: Lee Henley – Strategic Lead Information Management	
Accountable Director: Jackie Hinchliffe – Director of HR, OD & Transformation	
This report is: Public	

Executive Summary

- During 2021/22, the council processed 98% of Freedom of Information (FOI) requests within the 20-working day legal timeframe. The Information Commissioner expect public authorities to answer at least 90% on time so this is a positive. Thurrock’s performance is based on 903 FOI requests that were processed.
- During the reporting period, the council received 148 Subject Access Requests under the Data Protection Legislation. 91% of these requests were processed within the legal timeframe. The volume of SAR’s received for this reporting period has increased by 76% compared to 2020/21.
- The council continue to drive forward its compliance work programme in-line with the Data Protection Act.
- Records Management work activity is captured within Appendix 3. Key work areas include ensuring records are held in-line with the Data Protection Act.

1. Recommendation

1.1 To note the Information Governance activity and performance

2. Introduction and Background

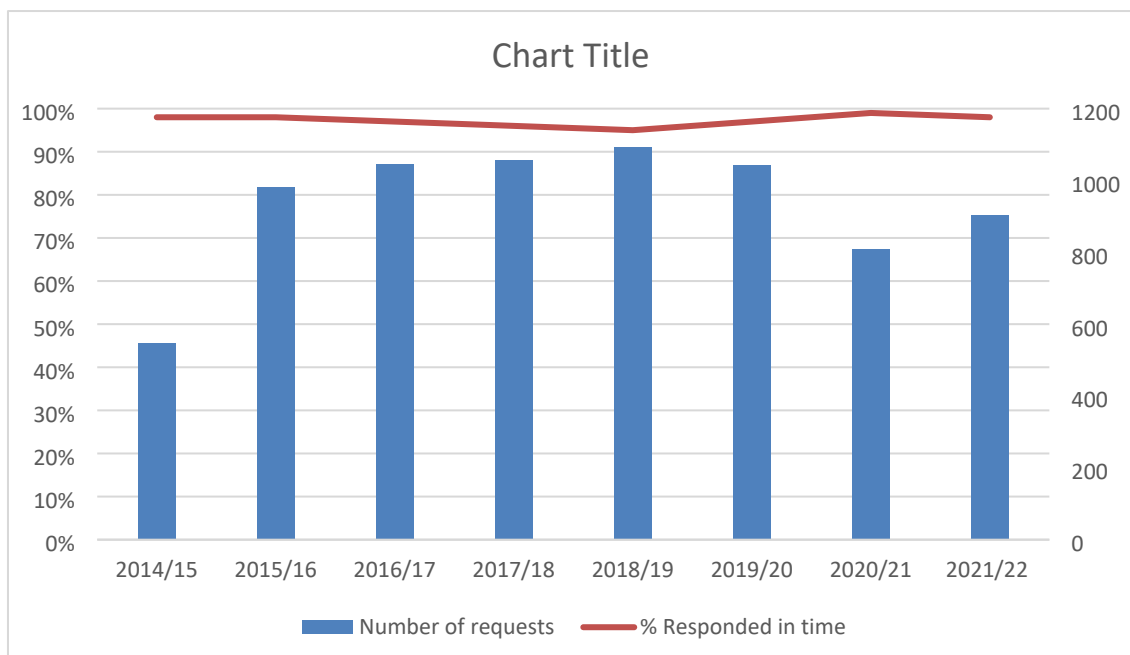
2.1 This report provides an update on the following Information Governance areas:

- Freedom of Information
- Data Protection
- Records Management

2.2 Freedom of Information:

2.2.1 During the reporting period, 903 FOI requests were recorded on the council's FOI system. The table and graph below details year-on-year volume and performance data since 2014. Since 2014/15, the volume of requests received have increased significantly, however strong performance has been maintained at all times. Appendix 1 provides additional information on FOI data for the reporting period.

Year	Number of Requests	% Responded to in time
2014/15	548	98%
2015/16	980	98%
2016/17	1046	97%
2017/18	1056	96%
2018/19	1093	95%
2019/20	1042	97%
2020/21	808	99%
2021/22	903	98%



2.2.2 There were no closed complaints from the Information Commissioners Office, where they have reached a final decision on FOI cases within the reporting period.

2.3 Data Protection:

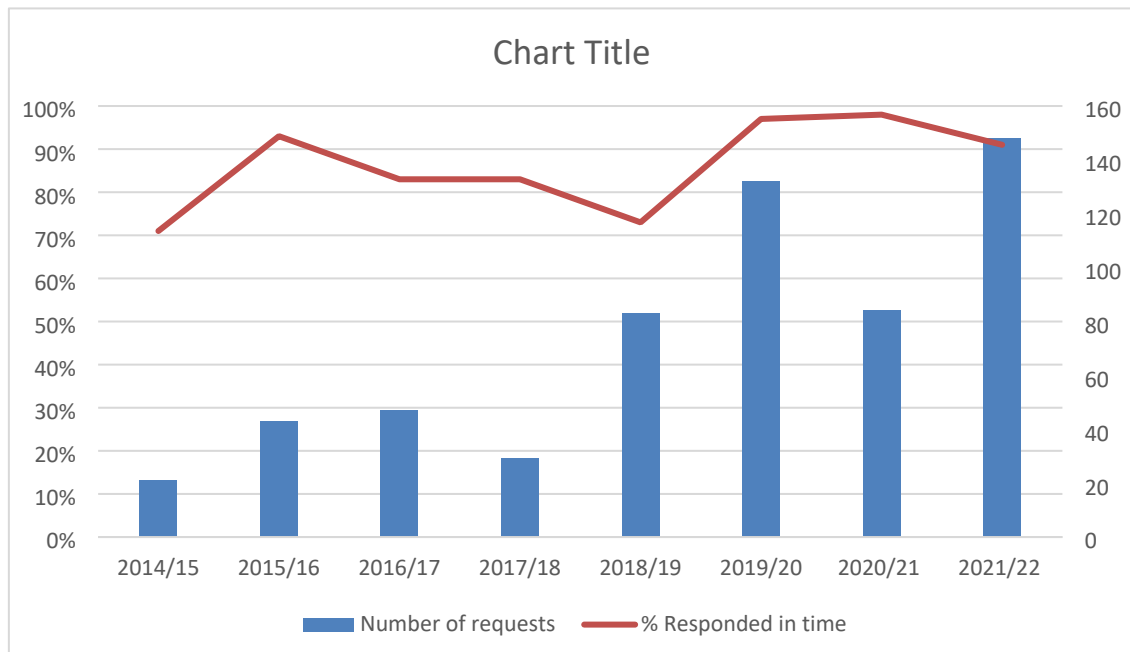
2.3.1 Subject Access Requests (SAR):

- The Data Protection Act states that personal information must be processed in accordance with the rights of data subjects. This can result in anybody making a request to the council about any information we hold on them and these are referred to as SARs. Requests can range from very specific records such as

Council Tax, Benefits claim history, Social Care records or to all information held by the council.

- During the reporting period, the council received 148 SAR requests. This is the largest volume of SARs received by the council in any given year. Of the 148 requests, 91% were processed within the legal timeframe.
- The table and graph below details volumes of requests and performance since 2014. Appendix 2 provides a breakdown of subject access requests per Directorate.

Year	Volume	Performance within timeframe
2014/15	21	71%
2015/16	43	93%
2016/17	47	83%
2017/18	29	83%
2018/19	83	73%
2019/20	132	97%
2020/21	84	98%
2021/22	148	91%



2.3.2 Data Protection Compliance - Appendix 2 provides additional information on general data protection compliance for the reporting period.

2.3.3 Below is a summary of complaints from the Information Commissioners Office, where they have reached a final decision on Data Protection related cases within the reporting period.

Complaint	Outcome
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Complaint received that the council had not responded to a Subject Access Request (SAR)	The council were not the Data Controller for the SAR and the individual was informed of this. This was accepted by the ICO, however they raised a concern that the council delayed its response to the individual.
Individual was concerned with the way their personal data has been handled. Specifically, the council has shared their personal information containing inaccurate data to a third party without her consent	<p>This related to a data protection incident that had already been considered in-line with the council's procedures. A full response was provided to the ICO back in May 2021, setting out how the council handled the incident. No further responses were received from the ICO</p> <p>In addition to the above, the council linked in with the individual in relation to their right to rectification concerns (due to inaccurate data), however the individual chose to not progress this and then made a SAR instead.</p>

2.3.4 During the reporting period, the council processed 182 data sharing requests. Of the 182:

- 101 were received from the Police
- 81 were received from other third parties (e.g., another council)

For sharing requests, the Data Protection Team ensure the request is a valid request in-line with the Data Protection Act. This will include checking that the purpose of sharing is lawful.

2.4 Records Management:

2.4.1 The council aim to reduce the number of physical records located at on-site and off-site storage locations. Progress on this project is reported via Digital and Demand Board.

2.4.2 A records management work programme is in place to drive forward best practice and compliance in relation to the management of electronic records. Appendix 3 provides additional details regarding Records Management work activity.

3. Issues, Options and Analysis of Options

3.1 There are no options associated with this paper.

4. Reasons for Recommendation

4.1 This report is for noting purposes. There are no recommendations requiring approval.

5. Consultation (including Overview and Scrutiny, if applicable)

5.1 This report was sent to the council's Information Governance Group and Directors Board.

6. Impact on corporate policies, priorities, performance and community impact

- 6.1.1 The council has effective systems and processes in place for managing Information Governance.
- 6.1.2 The council's ability to comply with information governance legislation demonstrates its commitment to openness and accountability. This will allow residents and customers to have a confidence in what we do and will help build trusting relationships.
- 6.1.3 Access to information can also be closely linked to the Customer Services and ICT Strategies.

7. Implications

7.1 Financial

Implications verified by: **Jonathan Wilson**
Assistant Director Finance

There are no specific financial implications from the report and the service response is delivered from within existing resources. It is noted there are significant financial penalties for non-compliance with the Data Protection Act.

7.2 Legal

Implications verified by: **Gina Clarke - Corporate Governance Lawyer & Deputy Monitoring Officer**

Given that this is an update report provided for noting purposes there are no legal implications directly arising from it. The following points are of particular note from a legal compliance perspective:

- Failure to respond to FOI requests within the statutory time limits could lead to complaints to the Information Commissioner Officer (ICO). In addition, it could result in regulatory intervention, as the ICO are now starting to target poor performing councils for the length of time taken to respond to FOI requests, which could lead to reputational damage.
- There are various avenues available to the ICO to address an organisation's shortcomings in relation to the collection, use and storage of personal information. These avenues can include criminal prosecution, non-criminal enforcement and audit. The ICO also has the power to serve a monetary penalty notice on a data controller.

7.3 Diversity and Equality

Implications verified by: **Natalie Smith - Strategic Lead Community Development and Equalities**

There are significant diversity issues for the whole community regarding FOI and Data Protection. The successful implementation of FOI and Data Protection allows our customers, stakeholders, partners, and the public to access and receive information.

7.4 **Other implications (where significant)** – i.e., Staff, Health Inequalities, Sustainability, Crime and Disorder or Impact on Looked After Children

None

8. **Background papers used in preparing the report**

None

9. **Appendices to the report**

Appendix 1 – Freedom of Information

Appendix 2 – Data Protection

Appendix 3 – Records Management

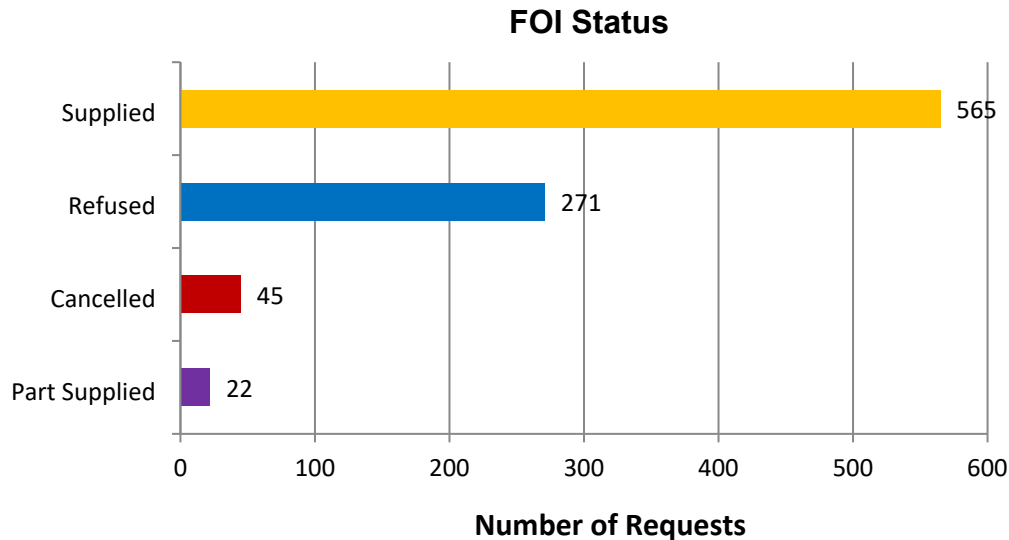
Report Author:

Lee Henley

Strategic Lead Information Management

Appendix 1 - Freedom of Information

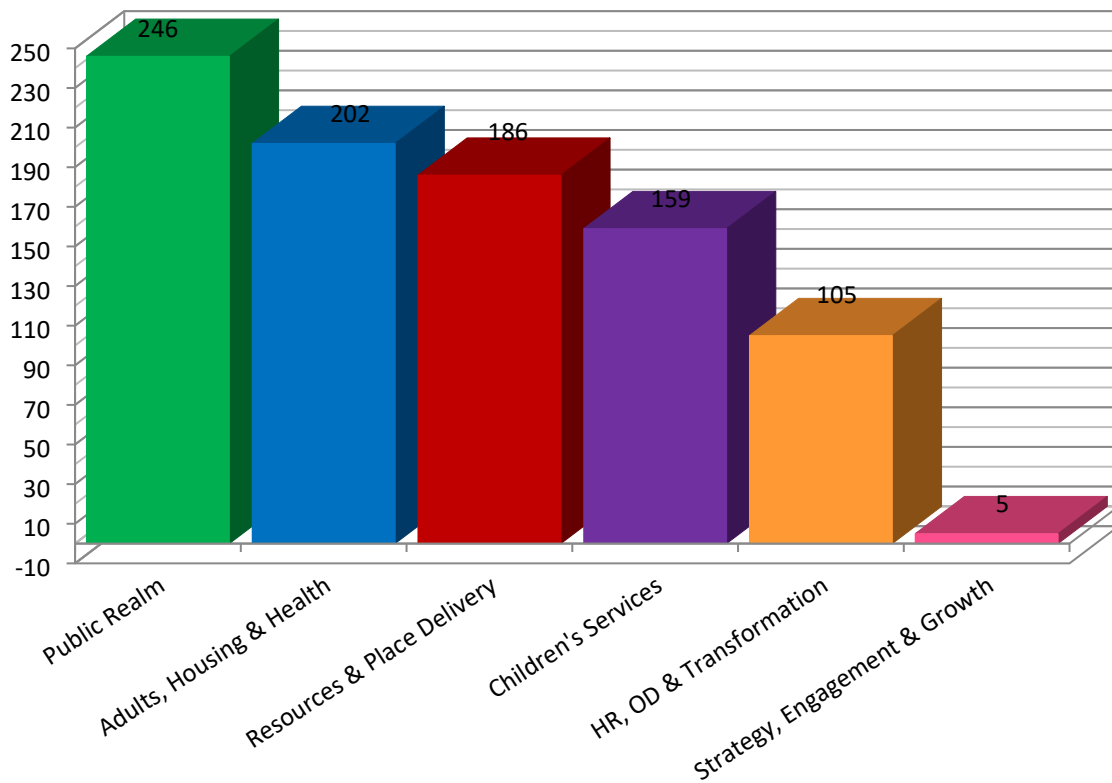
The chart below shows that of the 903 requests received in the reporting period, 565 (63%) were supplied with all information requested, 271 (30%) were refused, 45 (5%) were cancelled and 22 (2%) were part supplied.



The chart below shows requests received per Directorate. In addition to this, the FOI themes for the larger Directorates (in terms of FOI volumes) are shown below:

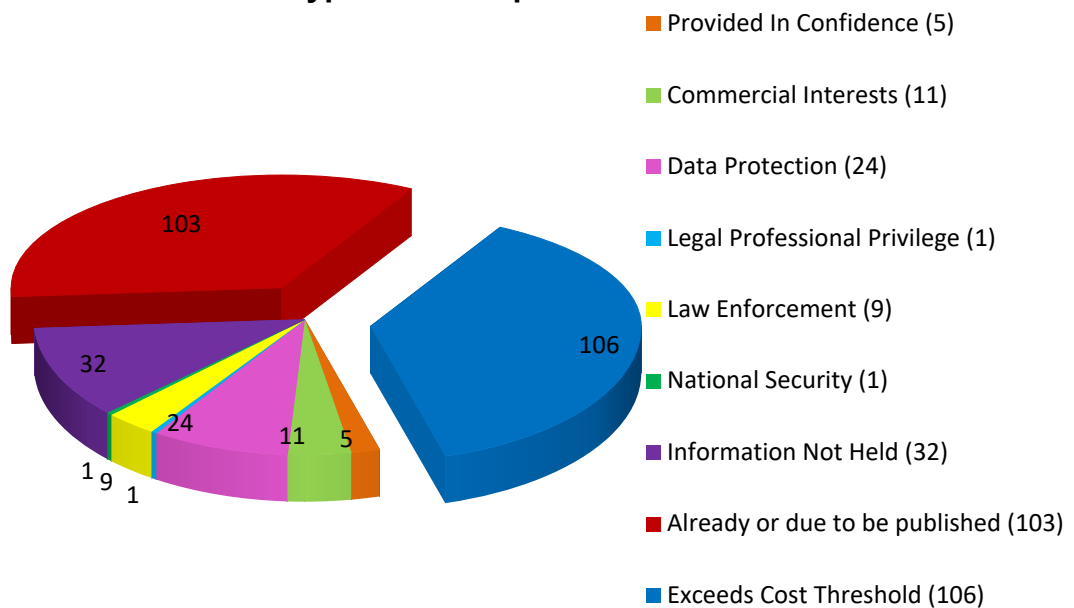
- Adults, Housing Health:
 - Care Packages/Provision
 - Housing stock
- Resources and Place Delivery:
 - Business Rates information
 - Council Tax
- Public Realm:
 - Electric Vehicle Charging
 - Burials/Cremations
- Childrens:
 - Looked after Children
 - Special Education Needs
- HR, OD & Transformation:
 - General Staff Enquiries
 - Software Providers and Systems

Breakdown of requests per directorate

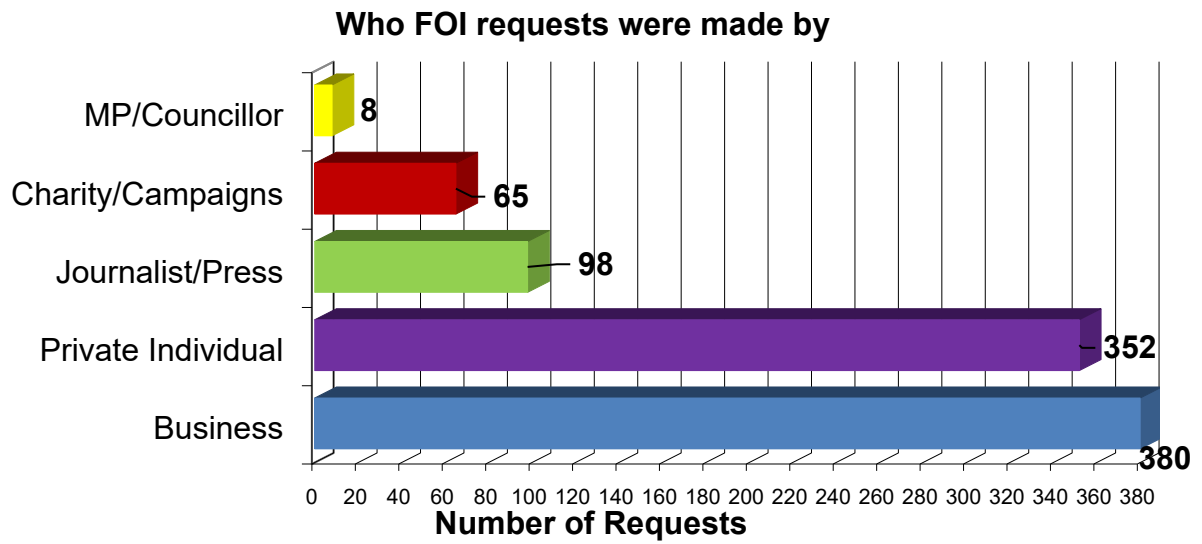


The chart below shows the type of exemptions and refusals that were applied (based on a total of 293 requests that were part supplied or refused). Please note the chart below may not always balance back to the total number of part supplied or refused requests, as more than one exemption can be applied per request.

Types of Exemption/Refusal



The chart below identifies where FOI requests sent into the council originated from.

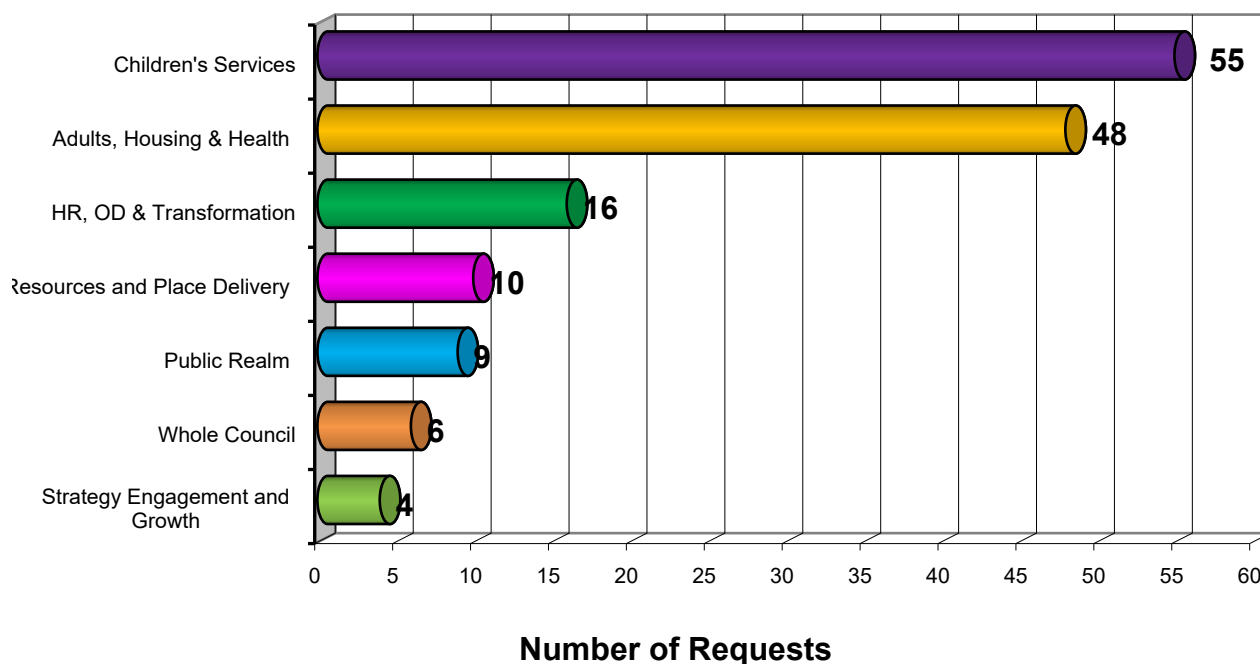


Appendix 2 - Data Protection

Subject Access Requests:

The chart below highlights the data owner areas for the 148 requests processed within the reporting period.

Subject Access Request - Data Owners



Data Protection compliance across the Council:

Accountability is one of the data protection principles. It makes organisations responsible for complying with the UK GDPR and the Data Protection (DP) Act. Due to this, the council must be able to demonstrate how it complies with both the Regulation and DP Act.

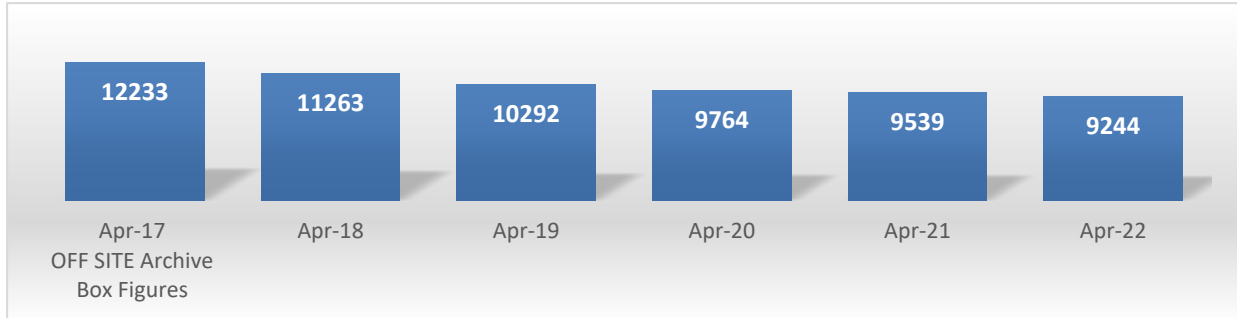
Key to accountability is an evidence base to show compliance. This can be demonstrated in a range of ways including via policies, procedures, privacy notices, data protection impact assessments, staff training, incident management, having a dedicated Data Protection Officer in post and by ensuring effective security arrangements are in place to protect personal data. These information governance requirements are in place at Thurrock and can be evidenced.

A corporate information governance group (IGG) is in place and this Group has identified key information assets on a central Record of Processing Activity (RoPA). At the point new assets are identified and added to the ROPA, the Asset Owner is required to confirm that they will undertake the roles and responsibilities in relation to the asset; re-confirmation is then required on an annual basis along with confirmation that the details recorded in the RoPA are current and correct. These reviews allow any identified risks to be recorded and gaps in compliance to be addressed.

Appendix 3 - Records Management

Physical Records:

Off-Site - The numbers of boxes containing manual records stored off-site are shown below...



The progress of this project is reported to the council's Digital and Demand Board to ensure records held in boxes are managed in-line with the Data Protection Act.

On-site – Approximately 2500 archive boxes are currently stored at various locations within Civic Offices 1. On-site archive stores must be addressed before the building is vacated and a project is on-going to address this.

Review of electronic data in Objective in-line with the records retention schedule:

The Objective system requires a 'trigger' to assign a disposal review date. For example, the retention of a standard finance file is 6 years; therefore, we need to tell the system the financial year the file relates to. This trigger is usually the date the file will be closed, therefore a finance file for the period 2021/22:

- Will have a closed date of 31 March 2022 entered on the system
- Will be held 6 years from the closed date

Previously disposal review triggers could only be applied post file creation as this was not part of the file creation process in Objective Navigator. Due to this, records were created although a retention trigger was not applied in many cases. However, the requirement to assign a disposal review trigger at file creation has now been resolved using several methods including:

- Workflow capability, as individuals are prompted via workflows to include a retention trigger
- The Records Management Team monitor all new file creations to ensure they have the relevant triggers applied

There are some legitimate reasons for not having disposal review triggers. Examples include an employee file and/or a tenancy file. A trigger cannot be applied in these cases until the member of staff leaves the council and/or a tenant moves out of a council property.

For those records that do have a retention trigger set, Departmental Information Governance Leads have been tasked with driving this forward across their service area including:

- Providing targets/deadlines for completion of tasks
- Escalation to their Assistant Director if required to obtain support and/or to agree a departmental escalation process for non-compliance

