

<b>8 July 2021</b>		<b>ITEM: 6</b>
<b>Standards and Audit Committee</b>		
<b>Annual Information Governance Report</b>		
<b>Wards and communities affected:</b> All	<b>Key Decision:</b> Non key	
<b>Report of:</b> Lee Henley – Strategic Lead Information Management		
<b>Accountable Strategic Lead:</b> Lee Henley – Strategic Lead Information Management		
<b>Accountable Director:</b> Jackie Hinchliffe – Director of HR,OD & Transformation		
<b>This report is:</b> Public		

## Executive Summary

- During 2020/21, the council processed 99% of Freedom of Information (FOI) requests within the 20 working day legal timeframe. This is improved performance compared to the previous year (97%) and is based on 808 FOI requests that were processed. The Information Commissioner expect public authorities to answer at least 90% within the legal timeframe so this is a very positive outcome, particularly given the challenges of the pandemic and new ways of working across the council.
- The council continues to ensure data is identified for routine publication online. This work forms part of the Transparency Agenda and aims to increase openness and accountability; whilst reducing unnecessary processing of FOI requests.
- During 2020/21, the council received 84 Subject Access Requests under the Data Protection Legislation. 99% of these requests were processed within the legal timeframe.
- The council continues to drive forward its compliance work programme, following the introduction of the UK General Data Protection Regulation (GDPR) and Data Protection Act 2018.
- Records Management work activity is captured within Appendix 3. Key work areas include embedding an effective use of electronic records management to ensure compliance with the Data Protection Act.

### 1. Recommendation(s)

- 1.1 **To note the Information Governance and Records Management 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 2020/21, 808 FOI requests were recorded on the council's FOI tracking system. The table below details year-on-year volume and performance data since 2014. 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%

### 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 a SAR. 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 2020/21, the council received 84 SAR requests. Of the 84 requests, 99% (83) were processed within the legal timeframe (1 or 3 months depending on complexity).
- During 2020/21, the council did not receive any complaints from the Information Commissioners Office regarding the management of SAR's.
- The table below shows volumes of requests and performance since 2014.

Year	Number of Requests	% responded to in time
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	99%

- Appendix 2 provides a breakdown of subject access requests per directorate.

#### 2.3.2 Data Protection Compliance:

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

#### 2.4 Records Management:

- 2.4.1 A records management work programme is in place to drive forward best practice and compliance in relation to the management of electronic and manually held 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 Directors Board.

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

- 6.1 The council has effective systems and processes in place for managing Information Governance.
- 6.2 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.
- 6.3 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: **Tim Hallam**  
**Strategic Lead Legal**

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:

- FOI failure could result in regulatory intervention as the ICO are now starting to target poor performing councils for FOI which will lead to reputational damage.
- There are various avenues available to the Information Commissioner's Office 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 Information Commissioner also has the power to serve a monetary penalty notice on a data controller.

### **7.3 Diversity and Equality**

Implications verified by: **Natalie Smith**  
**Community Development and Equalities Manager**

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**

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

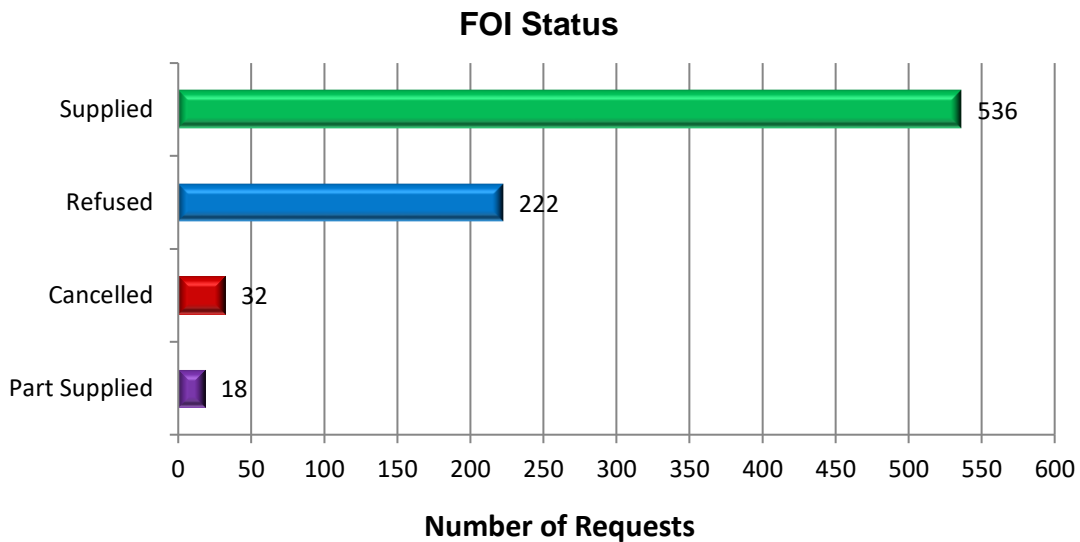
### **Report Author:**

Lee Henley

Strategic Lead Information Management

**Freedom of Information**

The chart below shows that of the 808 requests received in during the reporting period, 536 (66%) were supplied with all information requested, 222 (27%) were refused, 32 (4%) were cancelled and 18 (3%) 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**

- House of Multiple Occupation (HMO's)
- Homelessness/Rough sleepers

**Children's**

- Children in Care/Looked after Children's
- Education Services

**Environment & Highways**

- Pot holes
- Parking Enforcement

**Place**

- Noise/nuisance complaints
- Planning enquiries

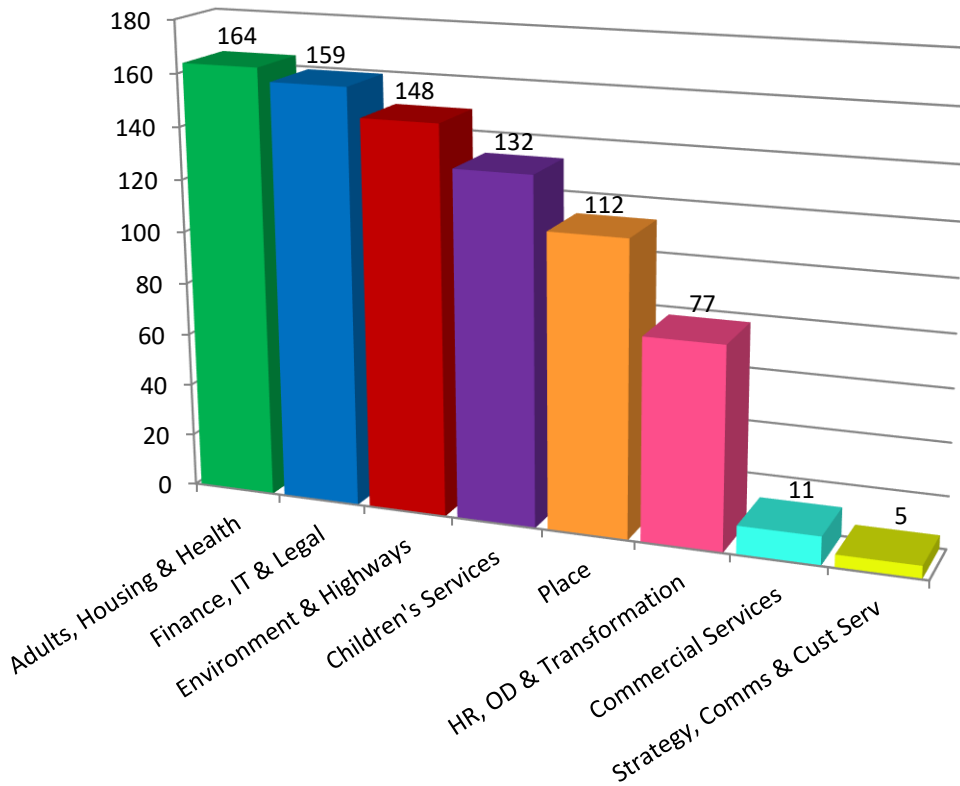
**Finance & IT**

- Business Rates/Covid Support Grants
- Council Tax enquiries

**HR, OD & Transformation**

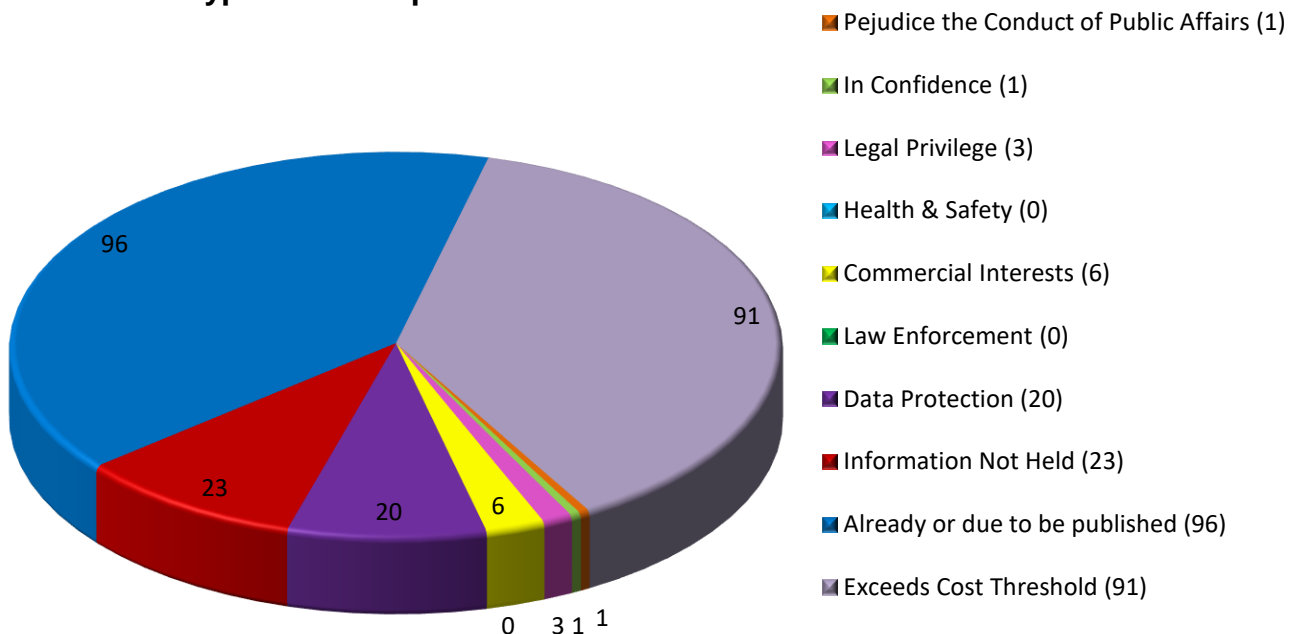
- Recruitment
- Staff Structures

**Breakdown of requests per directorate**



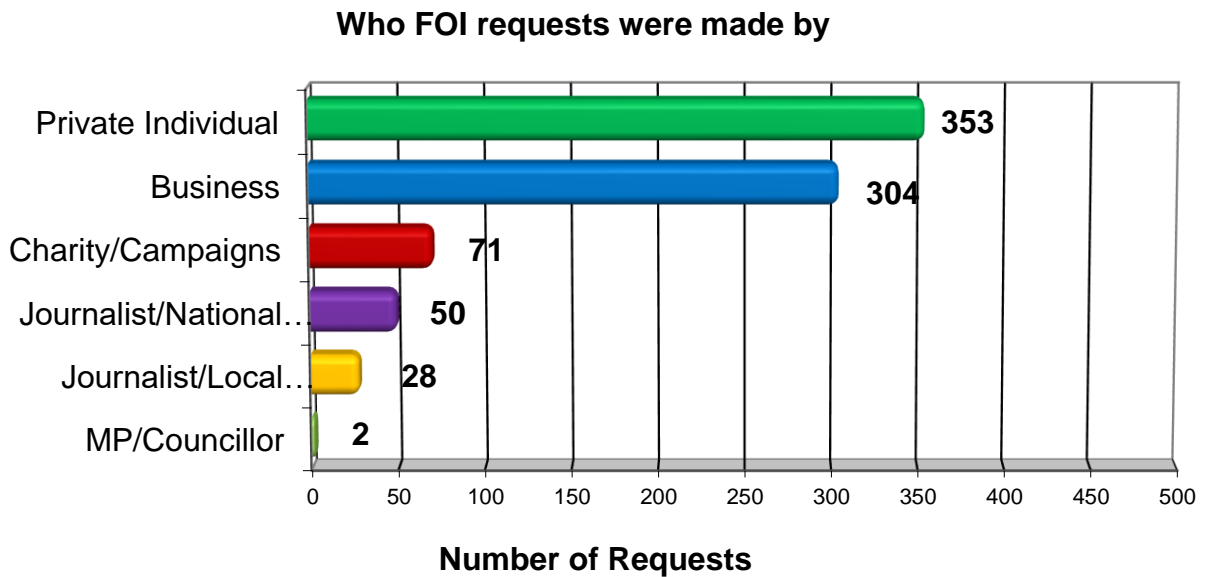
The chart below shows the type of exemptions and refusals that were applied (based on a total of 240 requests that were part supplied or refused). Please note the chart below does not balance back to 240 as more than one exemption can be applied per request.

**Types of Exemption/Refusal**



The Information Governance Team respond to complaints received regarding FOI. During the reporting period, the council received 3 replies from the Information Commissioner's Office (ICO) regarding previously logged complaints and in all 3 cases the ICO agreed with the council's approach and upheld the exemptions applied. Two of these complaints are now being considered by an Information Rights Tribunal.

The chart below identifies where FOI requests to the council originated from



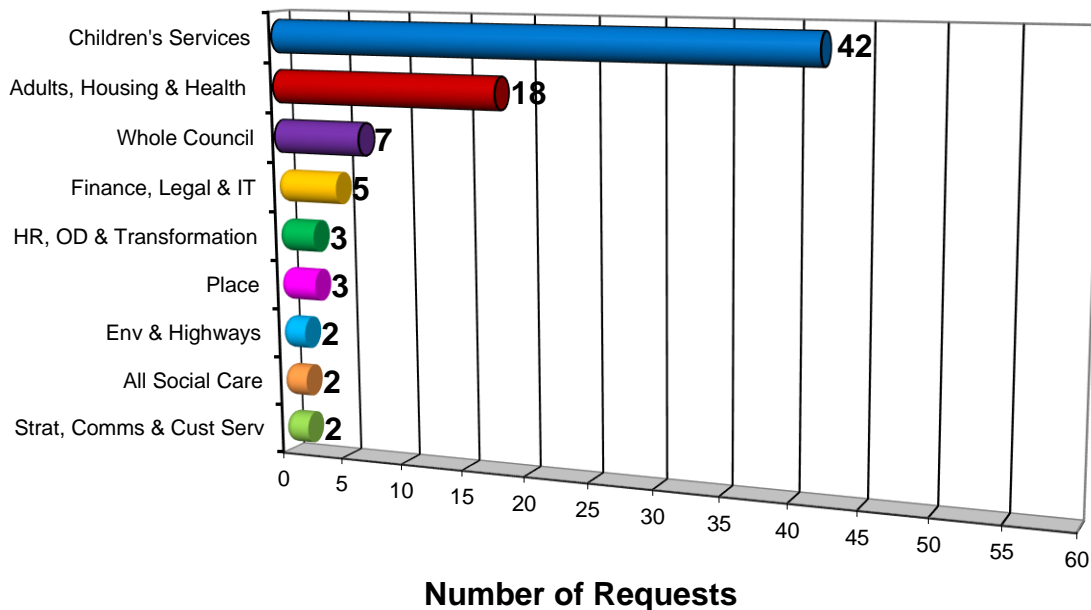


**Data Protection**

**Subject Access Requests:**

The chart below highlights the data owner areas for the 84 requests processed within 2020/21.

**Subject Access Request - Data Owners**



**Data Protection compliance across the council:**

A summary of the new Data Protection Act key changes, along with the progress made by the council to comply with these changes is detailed below:

Key Changes	Progress Made
Organisations must now demonstrate that they comply with the new Act (evidenced based).	<p><b>Completed work:</b></p> <ul style="list-style-type: none"> <li>• A new Data Protection policy is in place</li> <li>• A Data Protection Compliance Programme has been produced and refreshed</li> <li>• Mandatory Data Protection training has been updated and implemented</li> <li>• Engagement with suppliers has taken place - to ensure the council meets the 'right to be forgotten' and "data portability" rights requirements</li> </ul>

	<ul style="list-style-type: none"> <li>• Contract clauses have been amended</li> <li>• Monitoring of Data Protection training has taken place</li> </ul>
<b>Key Changes</b>	<b>Progress Made</b>
Significantly increased penalties for any breach of the Act (not just for data breaches) has been introduced.	<b>Completed work:</b> <ul style="list-style-type: none"> <li>• Mandated training is in place and has been rolled out across the council. Staff have system access removed until training is completed</li> <li>• A Data Protection Compliance Programme has been produced and has been refreshed</li> </ul>
A legal requirement is now in place for security breach Notification to the Information Commissioners Office.	<b>Completed work:</b> <ul style="list-style-type: none"> <li>• The council's security incident reporting procedure has been refreshed, which will result in certain breaches being reported to regulatory bodies</li> </ul>
Data Protection Impact Assessments (DPIA) are now required for high risk processing and/or when using new technologies.	<b>Completed work:</b> <ul style="list-style-type: none"> <li>• A DPIA process has been produced and implemented</li> <li>• The DPIA procedure is part of the procurement process</li> </ul>
Specific requirements for transparency and fair processing must be adhered to.	<b>Completed work:</b> <ul style="list-style-type: none"> <li>• A detailed guide on information rights has been produced and is available on our website</li> <li>• A layered approach to privacy notices has been implemented</li> </ul>
Tighter rules are in place where consent is the legal basis for processing personal data.	<b>Work to be completed:</b> <ul style="list-style-type: none"> <li>• As part of the Information Governance (IG) Group work, checks are being undertaken to review how the council are obtaining and recording consent and whether the council need to make any changes.</li> </ul>
Requirement to keep records of data processing activities.	<b>Work to be completed:</b> Work is on-going (and this will always be fluid due to new systems implemented) by our Information Governance Group to compile a robust Record of Processing Activity.

## Appendix 3 – Records Management

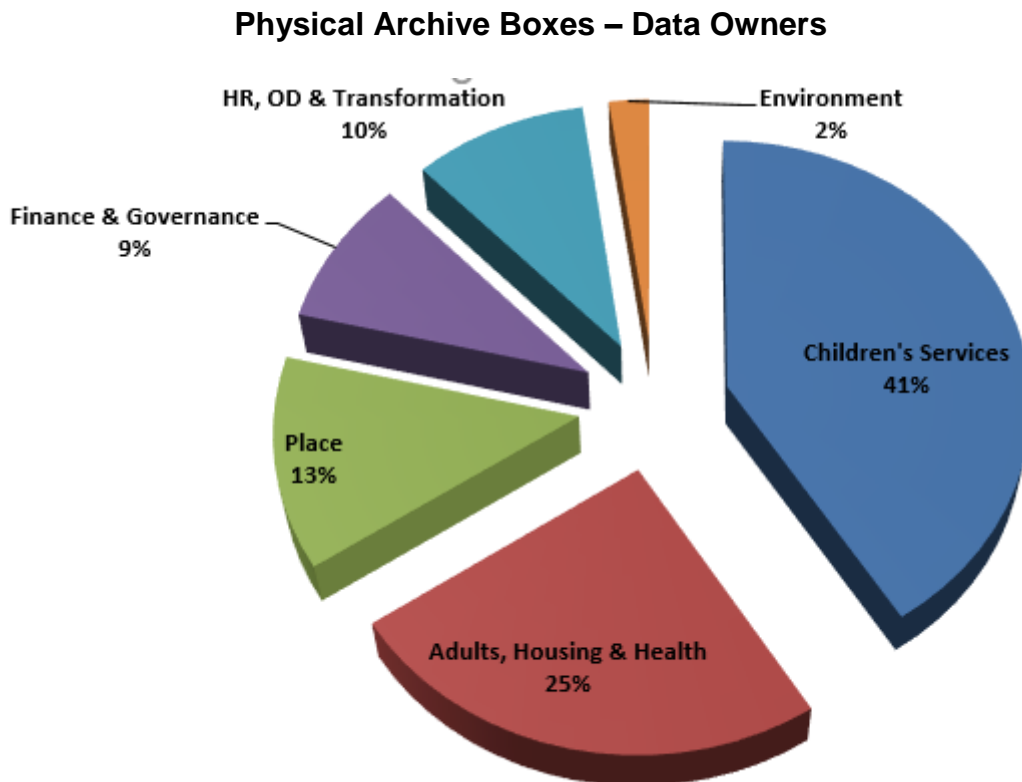
### Records Management

#### **Policies & Procedures:**

All records management policies and guidance have been reviewed and revised as necessary.

#### **Physical Records:**

The chart below highlights the data owner areas for the 9,539 physical archive boxes currently in onsite storage. Work on this has slowed down due to Covid/Agile working arrangements.



#### **Project figures from inception (May 2017)**

A reduction of 2,694 boxes

A cost saving of £83,686

#### **Financial Year 2020-2021**

A reduction of 225 boxes from 2019/20

Costs of storage = £21,883 (reduction of £2,249 from 2019/20)

This project has been impacted this year due to Covid and Agile working arrangements. However progress is still being made regarding the disposal of data which has reached its retention period plus digitisation of relevant data.

### **Electronic Records:**

The Records Management team have been working to reduce the volume of data without assigned disposal review triggers.

Electronic workflows have been created in the records management system (Objective) to identify files which have reached or exceeded their retention period (as defined by the disposal review trigger and corporate disposal schedule). Review tasks are then assigned to the relevant data managers. 295 disposal reviews have resulted in 214 authorised file deletions to date.

### **Objective Home areas:**

Home area storage causes operational, business continuity and compliance concerns for the council. With this in mind:

- Objective server settings have been periodically changed to reduce the number of documents allowed to be stored within Home areas
- A limit has been set to ensure individuals do not store more than 100 documents within their Home area
- Regular reminders are issued to all users exceeding 90% of personal storage limit