

3 October 2024		ITEM 11
Audit Committee		
Annual Information Governance Report - April 2023 – March 2024		
Wards and communities affected: All.	Key Decision: Non-key	
Report of: Rachael Steel – Information Services Manager		
Accountable Assistant Director: Marta Pochtowska – Chief Digital Officer		
Accountable Director: Daniel Fenwick - Executive Director of Corporate Services and Monitoring Officer		
This report is public		
Version: Final		

Executive Summary

- For the reporting period, the council processed 98% of Freedom of Information (FOI) requests within the 20-working day legal timeframe. The Information Commissioners Office (ICO) expect public authorities to answer at least 90% within timeframe so this is a positive. Thurrock’s performance is based on 1116 FOI requests that were processed.
- During the reporting period, the council received 125 Subject Access Requests under the Data Protection Legislation. 89% of these requests were processed within the legal timeframe.
- 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.

Commissioner Commentary

To be advised.

1. Recommendation(s)

- 1.1 **To agree the report goes onto Audit Committee for consideration.**
- 1.2 **Audit Committee 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, 1116 FOI requests were recorded on the council's FOI system. The table below details year-on-year volume and performance data from 2020. Strong performance has been maintained at all times and Appendix 1 provides additional FOI information for the reporting period.

Year	Number of Requests	% Responded to in time
2020/21	808	99%
2021/22	903	98%
2022/23	920	96%
2023/24	1116	98%

2.2.2 Below is a high-level summary of complaints from the Information Commissioners Office, where they have reached a final decision on FOI related cases within the reporting period.

Complaint	Outcome
The council refused to release data relating to moving traffic offences.	Not upheld by the Information Commissioners Office as the information is not held by the council.
The council had failed to reply to a request relating to the seven principles of public life	Not upheld by the Information Commissioners Office as the information had already been supplied

2.2.3 There were 23 FOI internal reviews that were received and completed within the reporting period. An internal review takes place when the requestor raises a concern with the council's original response. Of the 23:

- 6 were upheld
- 16 were not upheld
- 1 was withdrawn

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 SAR's. 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.

2.3.2 During the reporting period, the council received 125 SAR requests. Of the 125 requests, 89% were processed within the legal timeframe. The 12 requests that did not meet the deadline, were large/complex requests and staged information disclosures were provided to individuals. The remaining 2 requests that did not meet the deadline was due to the data not being provided by the service area in the required timeframe.

2.3.3 There were 14 SAR internal reviews that were received and completed within the reporting period. A SAR internal review takes place when the requestor raises a concern with the council’s original response. Of the 14:

- 9 were upheld
- 3 were not Upheld
- 2 are on hold as we require further information from the requester

2.3.4 The table below shows volumes of SAR requests and performance since 2020. Appendix 2 provides a breakdown of SAR per Directorate.

Year	Number of Requests	% Responded to in time
2020/21	84	98%
2021/22	148	91%
2022/23	108	91%
2023/24	125	89%

2.3.5 During this reporting period, the council received 1 complaint from the Information Commissioners Office in relation to SAR’s. The outcome of this complaint has not been received to date.

2.3.6 **General Data Protection Matters** - Below is a high-level summary of complaints from the Information Commissioners Office, where they have reached a final decision on general data protection concerns.

Complaint	Outcome
The council received 1 complaint regarding a service users data being in her mother-in -laws Housing Benefit letter in error	Complaint upheld by the Information Commissioner Office. They however accepted the mitigating steps we had already implemented and required no further action.

2.3.7 **Data Sharing** - During the reporting period, the council processed 218 data sharing requests. Of the 218:

- 110 were received from the Police
- 108 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.

2.3.8 Individual Rights - Under the Data Protection Act individuals have a number of information rights. SAR's (or right of access) is one right, but others include:

- Right to rectification
- Right to erasure
- Right to restriction
- Right to data portability
- Right to object
- Right to prevent automated decision making

During the reporting period, the council processed 11 Individual Rights Requests (in addition to SAR's).

10 related to erasure requests, and:

- Records were erased in 3 cases, as the council relied on consent as its legal basis when collecting the personal data
- The request for erasure was refused in 2 cases, as the council have a legal obligation to retain the personal data
- 1 erasure request was partially erased, however there were some documents that we have a legal obligation to retain.
- No information was held for 1 erasure request; therefore, this was closed as no data was held
- 1 erasure request was cancelled by the requester
- 2 erasure requests are on hold as we require further information from the requesters.

We received 1 request for rectification and it was refused, as we had received the information from another council. Appropriate steps were engaged to ensure the requester was updated and the other council was made aware of the request.

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

2.3.10 Incidents reported by the council - For the reporting period there was 1 data protection incident that were reported to the Information Commissioners Office by the council.

- A photograph was taken of a document displayed on a screen and has been leaked to the press and all Councillors.

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 Senior Leadership Team.

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

6.1.1 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.

6.1.2 Access to information can also be closely linked to Customer Services and ICT Strategies.

7. Implications

7.1 Financial

Implications verified by: **Dawn Calvert**
Chief Finance Officer
30 April 2024

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**
Governance Lawyer & Deputy
Monitoring Officer
1 May 2024

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 is 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**
Head of Service Community Development

There are no direct equality and diversity implications arising from this report. The successful implementation of FOI and Data Protection ensures that diversity issues are fully considered, allowing our customers, stakeholders, partners, and the public to access and receive information.

7.4 **Risks**

The main risk if the archives are not reviewed for content exceeding retention timeframes are that the ICO could impose fines for retaining data longer than required. In addition, it could also lead to reputational damage and higher storage costs going forward. There is also a chance (albeit very small) that The National Archives could find us failing in archival requirements and take the data and process it on our behalf - and charge us as they see fit for the privilege.

7.5 **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

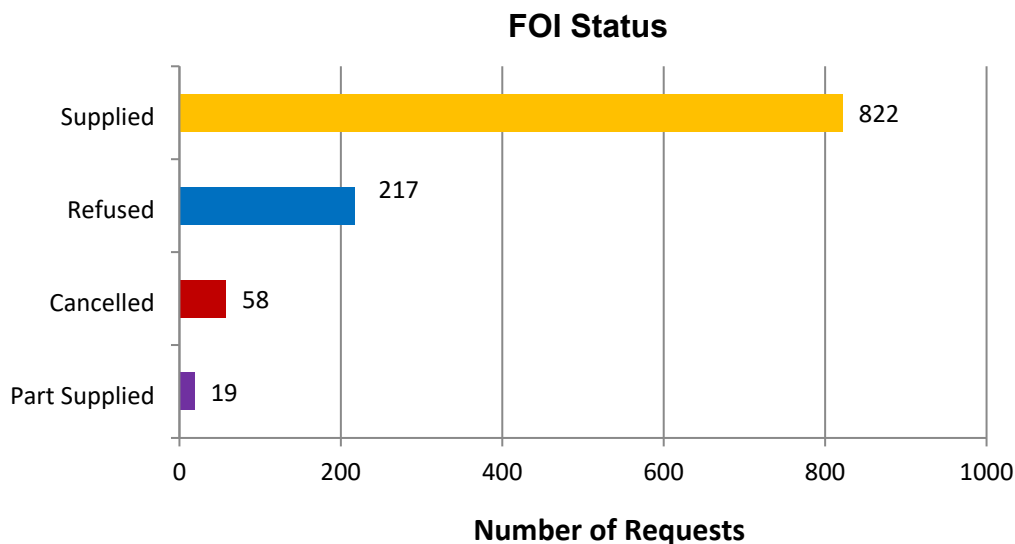
Appendix 3 – Records Management

Report Author:

Rachael Steel – Information Services Manger

Appendix 1 - Freedom of Information

The chart below shows that of the 1116 requests received in the reporting period, 822 (74%) were supplied with all information requested, 217 (19%) were refused, 19 (2%) were part supplied and 58 (5%) were cancelled.



Freedom of Information (FOI) activity and performance (based on top 10 areas).

Area	FOIs received	% FOI responded within timeframe	Reasons for missed deadlines
Housing	120	99% (119)	1 x FOI deadline missed: <ul style="list-style-type: none"> Late return of information by the service area
Childrens Services	110	100% (110)	Not Applicable
Education	105	99% (104)	1 x FOI deadline missed: <ul style="list-style-type: none"> Late return of information by the service area
Planning	71	99% (70)	1 x FOI deadline missed: <ul style="list-style-type: none"> Late return of information by the service area resulted in late approval
Human Resources	70	99% (69)	1 x FOI deadline missed:

			<ul style="list-style-type: none"> Late return of information by the service area resulted in late approval
Finance	65	86% (56)	9 x FOI deadlines missed: <ul style="list-style-type: none"> 2 x late approvals by the service area 7 x late return of information by the service area
Adult Social Care	65	100% (65)	Not Applicable
Highways Maintenance	64	97% (62)	2 x FOI deadlines missed: <ul style="list-style-type: none"> 1 x late return of information by the service area 1 x missed as it was logged late by the Information Management Team
IT	44	98% (43)	1 x FOI deadline missed: <ul style="list-style-type: none"> Late approval of information by the service area
Waste & Recycling	37	100% (37)	Not Applicable
Totals	1116	98% (1092)	

Note – Totals shown are based on all FOI requests therefore over and above the top 10 areas

The FOI themes for some of the larger service areas (in terms of FOI volumes) are shown below:

Housing

- Temporary Accommodation
- Homelessness
- Private Sector Housing

Childrens:

- Children in care/LAC
- Supported Accommodation

HR

- Organisational Structure/Charts
- Gender and Equality

Finance

- Investments
- Household Support Fund

Adult Social Care:

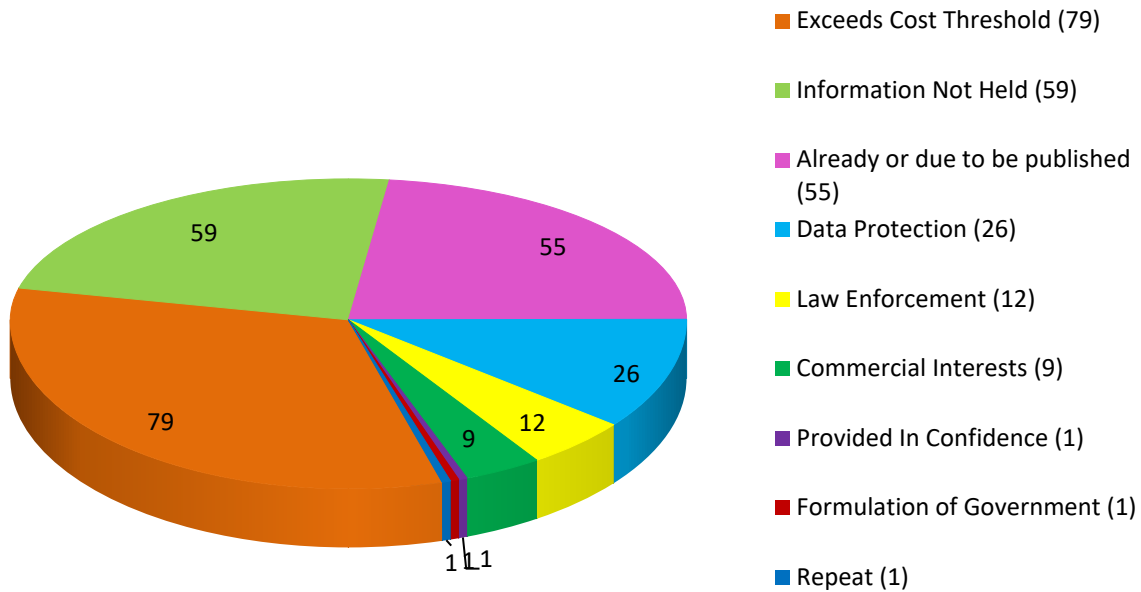
- Disabled Facilities Grants
- Home Care/Residential Services

Highways

- Electric Vehicles/Charging points
- Highway Operations & Maintenance

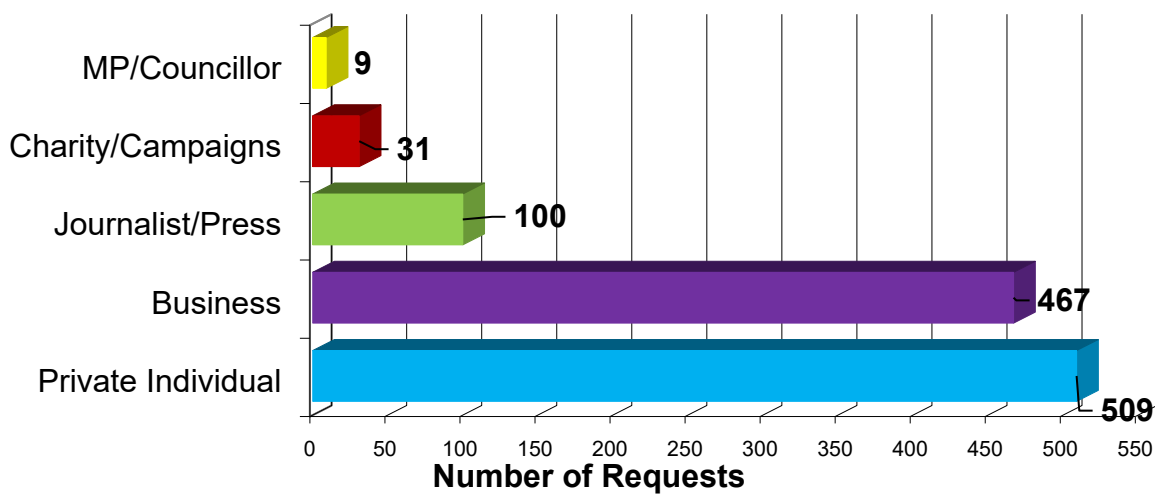
The chart below shows the type of exemptions and refusals that were applied (based on a total of 236 requests that were part supplied or refused). Please note the chart below does not balance back to the total number of part-supplied or refused requests, as more than one exemption can be applied per request.

Types of Exemption/Refusal



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

Who FOI requests were made by

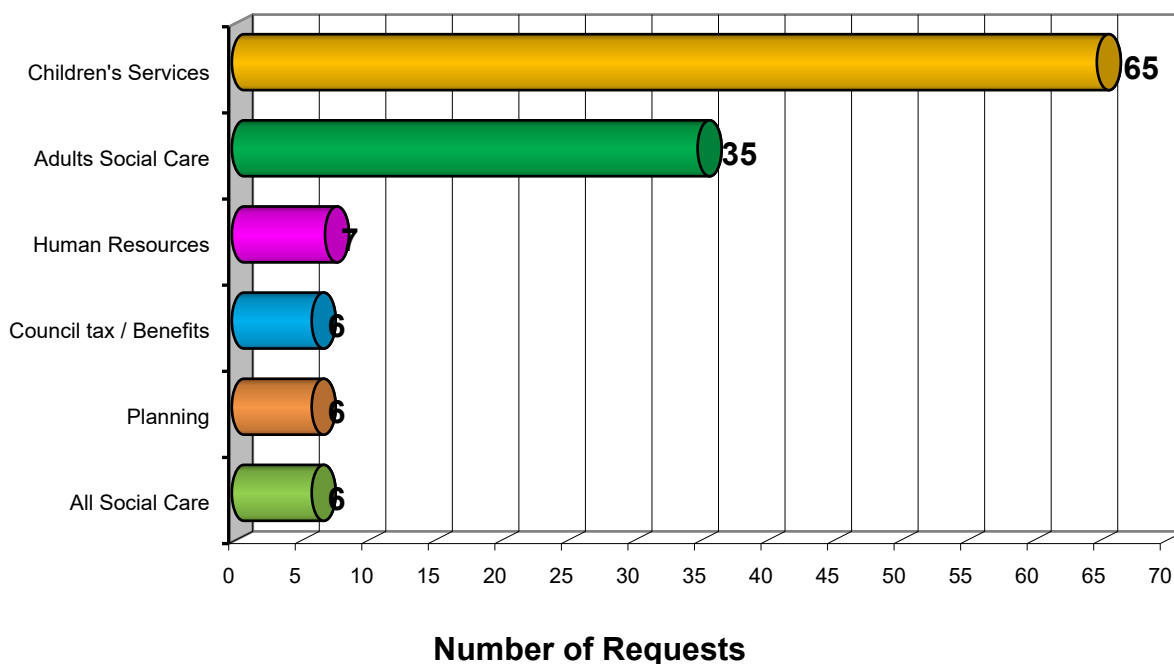


Appendix 2 - Data Protection

Subject Access Requests:

The chart below highlights the data owner areas for the 125 requests processed within the reporting period.

Subject Access Request - Data Owners



Data Protection compliance across the Council:

Accountability is a legal requirement as part of the Data Protection Act. It makes organisations responsible for complying with the Data Protection Act. Due to this, the council must be able to demonstrate how it complies with the Data Protection 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 is in place and this group has identified key information assets on a central Record of Processing Activity. At the point new assets are identified and added to the Record of Processing Activity, 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 Record of Processing Activity are current and correct. These reviews allow any identified risks to be recorded and gaps in compliance to be addressed.

Performance on Information Governance Group tasks to meet the requirements of the Data Protection Act is strong. The amount of work required for each Information Governance lead varies based on the number of key assets (systems) the service area has. The following is a list of on-going/outstanding Records of Processing Activity tasks, although this will change weekly/monthly due to the timing of certain tasks.

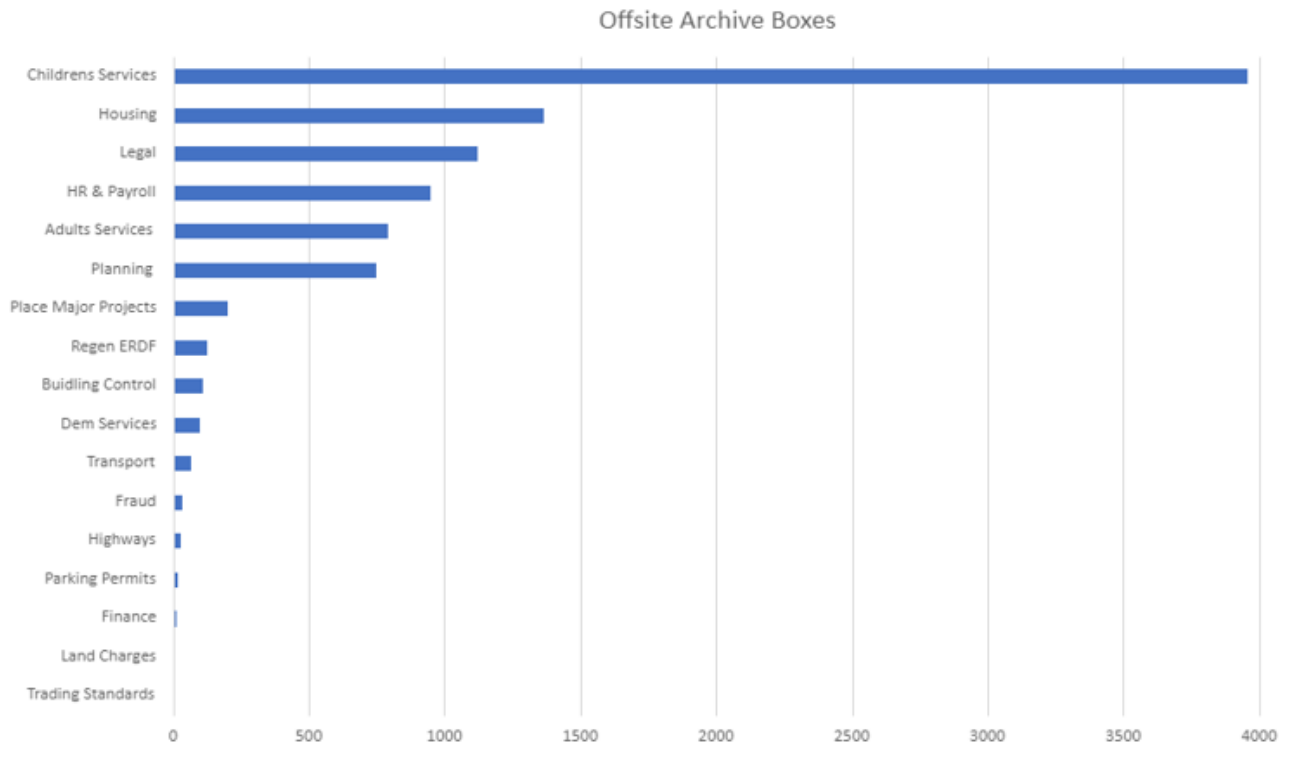
Area (Numbers in brackets represent number of Assets)	Number of outstanding	Summary of outstanding tasks
Children's Services (19)	10	Annual Returns: <ul style="list-style-type: none"> • Synergy Admissions, SAM and ENROL • Liquidlogic - LCS (CiN & CP) • Liquidlogic - LCS (CLA, Fostering & Adoption) • ContrOCC • School /Synergy Transport Manager - Children, Driver and Escorts ROPA Entry Review: <ul style="list-style-type: none"> • Synergy Admissions, SAM and ENROL • Liquidlogic - LCS (CiN & CP) • Liquidlogic - LCS (CLA, Fostering & Adoption)
HR (9)	2	ROPA Entry Review: <ul style="list-style-type: none"> • Matrix SCM • Oracle Cloud
Economic Development (1)	2	Annual Return & ROPA Entry Review: <ul style="list-style-type: none"> • Ticketsolve
Adults Social Care (9)	1	Annual Return: <ul style="list-style-type: none"> • ContrOCC
Environmental Health (9)	1	ROPA Entry Review <ul style="list-style-type: none"> • Plotbox
Housing (3)	0	
Fraud (1)	0	
Highways (4)	0	
Parking & Enforcement (2)	0	
Transport (2)	0	
Finance (8)	0	
Legal & Electoral Services (6)	0	
Customer Services (5)	0	

Appendix 3 - Records Management

Physical Records:

Off-Site Archive:

9649 boxes of archived corporate records are currently held off-site.



Directorate reps were appointed to drive this forward with the Records Management Team. However, due to resourcing issues minimal progress has been made to date. A draft business case has been submitted as requested, to the Assistant Chief Executive for review. This business case focuses on Children’s Services, Housing, HR, Adults Services and Planning, and contains clear resource requirements and costings to ensure physical records are managed in-line with the Data Protection Act.

On-site Archive:

Approximately 4,500 boxes of archived corporate records were relocated from Civic Offices 1 to the scanning suite in Civic Offices 2. Additional resources were approved to review the content and process these archive records accordingly. Approximately 75% of these boxes have been processed (including content detail logging, retention and digitisation requirements). A number of these have been digitised or deposited in off-site storage due to long term retention or a legal need to retain in physical format.

Approximately 1,120 boxes remain in the scanning suite. 50% of these have been reviewed and awaiting digitisation. The remainder are awaiting initial review by the data owners (Planning and Facilities) to identify the relevant process required.

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

Because of the clear benefits resulting from the disposal of unnecessary documentation, we are expected to be proactive in carrying out or instigating audits of existing documentation that may be suitable for disposal. In addition, under Data Protection legislation, personal data processed for any purpose must not be kept for longer than is necessary for that purpose. In other words, retaining documents or records that contain personal data beyond the length of time necessary for the purpose for which that data was obtained is unlawful. Where a retention period has expired in relation to a particular document a review should always be carried out before a final decision is made to dispose of that document.

To assist with this process, disposal schedules are built into the Objective EDRM system. These trigger the relevant disposal review process when used appropriately. When a folder no longer holds current data, it should be assigned a trigger such as a 'Content To' date.

For example: 'Records Management Team Meetings 2023' should have a 'Content To' date of 31/12/2023.

The system automatically looks up the applied Disposal Schedule and triggers a workflow review process at the appropriate time, based on the 'Content To' date.

There are some legitimate reasons for not having a disposal trigger. For example, a HR Employee File disposal is based on the date the staff member leaves the employ of the Council, therefore these triggers can only be applied once a leave date is known.

There are approximately 246,950 folders in Objective with no disposal review trigger applied. Approximately 50% of these are case files.

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

SharePoint DMS Migration Project

The majority of Records Management resources for 2023-2024 have been focused on delivering the ICT digital transformation foundation project for SharePoint Migration. This has included:

- Providing a 'critical friend' role to deliver the project

- User interface configuration and build, including compliance features and adherence to the Local Government Classification Scheme
- Ensuring appropriate migration of BAU data in line with Data Protection Act requirements
- Assisting ICT with relevant case file data migration, such as data cleansing and appropriate metadata tagging to support bulk migration
- Working with ICT to ensure relevant access groups created and settings applied in line with Data Protection Act
- Managing customer engagement regarding migration requirements and establishing feedback from the business following removal of 'change' resources