

<b>SUBJECT:</b>	<b>INFORMATION MANAGEMENT UPDATE</b>
<b>DIRECTORATE:</b>	<b>CHIEF EXECUTIVE AND TOWN CLERK</b>
<b>REPORT AUTHOR:</b>	<b>BECKY SCOTT, LEGAL &amp; DEMOCRATIC SERVICES MANAGER (LDSM)</b>

## **1. Purpose of Report**

- 1.1 To update Audit Committee on the progress of information management and in particular the General Data Protection Regulation (GDPR) Vision 2020 project.

## **2. Training Programme**

- 2.1 As members are aware, the Information Commissioners Office (ICO) set out the framework for the Council to work in to ensure compliance with the Data Protection Act 1998 ('DPA') and the General Data Protection Regulation which will come into force on the 25 May 2018. Also the forthcoming Data Protection Bill which is due to replace the DPA in April/May 18.
- 2.2 Assistant Directors are monitoring the take up of the training programme and are taking responsibility, along with the Service Managers, for its implementation. Training was accepted to be a requirement and it was noted that it would enable customers to trust us to deliver the services, and demonstrate to the ICO that the organisation was taking the protection of its data seriously.
- 2.3 The general audit and information asset audit recommendations were included as an IMP for Performance DMT's which are now included in Service Plans. All service areas have received face to face team training, as well as training for service managers and team leaders identified as Information Assets Owners (IAO's) and annual members training
- 2.4 Current take up for the DP e learning training on City People is over 80%. The list of those who have not completed the training has been sent to each Assistant Director and they are currently chasing up the progress. A further report of those who have not completed it will be reviewed at the end of March. The current completion level would not be considered satisfactory to the ICO and completion of this training should be 100%.
- 2.5 It became apparent that some staff have limited contact with personal data, if any. Therefore, the Information Governance Officer (IGO) has prepared a sheet for those staff members who just need to know the basic framework and to assist those staff who do not have easy access to the computer system.

## **3. IGO progress**

- 3.1 Further to the last progress reported the IGO has done the following:-

- Continued to lead the operational work in the internal GDPR Working Group on the Vision 2020 Project. Including implementing the outstanding actions on the GDPR action plan.
- Completed the training programme for teams and focussed on getting staff to do their e-learning module with the preparation of the basic framework sheet for staff with limited contact with personal data.
- Continues to assist in implementing the audit recommendations for City of Lincoln Council (CLC) and from East Lindsey's audit into the Revs and Bens service
- Completed the preliminary stages of an internal audit planned of Information Governance at CLC with the Audit Manager
- Met all Assistant Director's to report outcome of asset audits in their area and has had an appointment with a nominated representative of the remaining directorate Major Developments.
- Ongoing support to all staff with DP and GDPR queries, which have increased due to awareness. Finalising ISA's, reviewing all current ISA's, responding and recording breaches internally, raising awareness, drafting and posting communications for the data protectors forum and city people, assisted the LDSM in updating the action plans in respect of GDPR compliance.
- Developed an improved Data Protection Impact Assessment process together with guidance which has been issued and completed by a number of asset owners across directorates. Meeting with IAO's to provide assistance with these assessments when requested.
- Developing and issuing an IAO/GDPR Handbook for each IAO to be able to refer to for an outline of their responsibilities
- Developing and delivering a training session in January/February for the IAO's in respect of the checklist to be rolled out for the IAO's to complete in relation to their role as an IAO and the changes to be made by GDPR.
- Prepared a GDPR Data Protection Policy to replace the current one for consideration by Policy Scrutiny Committee and then Executive.
- Analysed data breaches to monitor and report data breach trends internally. Also overseeing reviews of processes to mitigate future risks.

#### **4. GDPR Action Plan Progress**

4.1 The GDPR Action Plan is attached at Appendix A.

4.2 The GDPR Group are prioritising becoming compliant and completing the project however there is a lot of work to be done, particularly in the following areas:-

## (a) Training

### Action:

*Ongoing Data Protection training (Article 32 GDPR-testing effectiveness of organisational measures for security of processing) and ensure renewed every 2 years and non-completion followed up. Include member training. Implement ongoing training needs plan.*

Once we have completed the e learning training, the ongoing training will be essential and needs to be programmed as to how this will be achieved, and will be made easier when Netconsent is in place.

## (b) Privacy Impact Assessments

### Action:

*Data protection Privacy Impact Assessments- Article 35 of GDPR Introduces a formal Policy to require a DPIA. Conduct a DPIA for new systems that involve the processing of personal data, or significant changes to existing systems. Such DPIAs should be signed off at an appropriate level and implemented into project planning at the earliest stage.*

These have been rolled out to various teams to be completed in respect of assessing how we process personal data before a project/piece of work, for example.

In addition from May these assessments will become mandatory in particular circumstances including retrospectively for core systems proceedings large amounts of sensitive data.

## (c) Contract review for GDPR clauses

### Action:

*Contracts with Processors Article 28 identify contracts for review and ensure these and new contracts are GDPR proof. Joined up approach with Legal and Procurement*

Each contract for CLC which include personal data needs to be reviewed and amended to comply with the GDPR. The IGO and the LDSM are finalising the standard clauses to be used and then will be rolling these out to contract managers and assistance given to ensure compliance.

## (d) Record of Processing Activities

### Action:

*Record of Processing Activities (ROPA) - Article 30 to be prepared based on the asset register to include data sharing details and legal basis for processing. ROPA database to be designed and implemented*

We have an asset register compiled by the IGO after extensive work with IAO's. This needs to be kept up to date by IAO's and this needs to include the legal basis

for processing. The register does include a description of information being shared although this may need to be expanded upon in some areas.

#### (e) Individual Rights

Action:-

Rectification, 'right to be forgotten', data portability- Articles 16-20. Document the review and weeding process for software systems storing personal data. This task should have an assigned owner and be monitored. Develop plan for 'weeding' of data as part of R&D work.

The Business Development and IT Manager continues to work on this area however solutions are complex, and options potentially expensive and resource intensive.

#### (f) Policies and procedures

Action:

*Draft GDPR policies to be implemented and agreed before May 2018 to replace Data Protection Policy and Summary sheet. Obtain approval and issue to staff.*

The GDPR Data Protection Policy will be considered at Executive on 22 March 2018 and thereafter there needs to be a review of all policies.

The above actions are the ones which the GDPR working group highlight as being the more complex ones where extensive resources are needed, particularly for the IGO and also time from all other staff involved to ensure we can achieve compliance. Assistant Directors have been asked to re-iterate to their teams the importance of undertaking any work in this area, as well as to monitor their Service Managers/IAO's who have numerous responsibilities.

The GDPR Plan has also been key coded to identify the completed actions highlighted in green. Actions where further work is required and where failure to complete may result in a higher fine under GDPR of 20 million Euros are highlighted in yellow. Actions where further work is required and failure to complete in may result in the lower fine of 10 million Euros.

### **5. Annual Spring Clean**

- 5.1 In accordance with the City People article, it was agreed by Assistant Director's that officers will be encouraged to carry out a clean-up of the data they hold in January, in particular that information held on emails. The LDSM and the IGO are aware that many officers have done this and reduced their inbox sizes accordingly.

### **6. Breaches**

- 6.1 There has been fewer breaches in recent months and none resulting in sanctions from the ICO.

## **7. Data Protection Officer**

7.1 This post, which is required under the GDPR, is now being recruited to.

## **8. GDPR Fee Structure**

8.1 Fees payable to the ICO have been confirmed to be rising to £2,900 per year, an increase of £500. This is understood to be to assist the supervisory body to enforce the GDPR. For councillors, there is a rise of £5 each to £40 which will be met by the Democratic Services budget.

## **9. AGS**

9.1 The Annual Governance Statement (AGS) status for the Information Governance section is now amber, and all the work being undertaken for the implementation of the GDPR will be reviewed in due course to see whether the Council might improve this status.

## **10. Vision 2020**

10.1 The GDPR project is one of the Vision 2020 projects to be delivered in year 2018/19. The Working Group has been meeting monthly to ensure that we are on target with our Project Plan.

10.2 This work ensures that staff are high performing in their collection and processing of customer's data. It also assists to ensure that the Council is trusted to deliver the services, and ensures compliance.

## **11. Organisational Impacts**

11.1 Finance

The fee to the ICO will be met by within existing corporate budgets.

11.2 Legal Implications

As outlined in the report.

## **12. Recommendation**

12.1 To note the report and progress of the internal GDPR working group.

**Is this a key decision?**

No

**Do the exempt information categories apply?**

No

**Does Rule 15 of the Scrutiny Procedure Rules (call-in and urgency) apply?**

No

**How many appendices does the report contain?**

5

**List of Background Papers:**

None

**Lead Officer:**

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