

**SUBJECT: INFORMATION MANAGEMENT UPDATE**

**DIRECTORATE: CHIEF EXECUTIVE AND TOWN CLERK**

**REPORT AUTHOR: SALLY BROOKS, DATA PROTECTION OFFICER (DPO)**

## **1. Purpose of Report**

- 1.1. To update the committee on Information management progress. This includes monitoring of the council's compliance with data protection legislation including the General Data Protection Regulation (GDPR) and the Data Protection Act 2018 (DPA).

## **2. Background of Reporting**

- 2.1. Reports are submitted on a bi-annual basis given the work completed in implementation of the GDPR in May 2018 and compliance becoming business as usual for the council. Due to the coronavirus pandemic a report has not been provided since September 2019.
- 2.2. In March the Information Commissioner's Office (ICO) confirmed that delays on data protection requests were understandable during the pandemic when resources were focused elsewhere on the response and that they would take this into account in any enforcement action.
- 2.3. Information management resources have been utilised in the governance arrangements surrounding the increased sharing of data required in the response to the pandemic, whilst continuing to ensure data protection compliance.

## **3. Audit Report and Recommendations**

- 3.1 Audit completed a report on Information management and the GDPR in June 19 and gave the council 'substantial assurance' for its Information management and Information governance arrangements.
- 3.2 Good practice identified in the Audit included:-
- Keys roles in the Information management framework are being fulfilled.
  - The council has a full range of Information management policies approved in 2018.
  - The council's website contains comprehensive data protection and privacy notice information. City People (the council's intranet for staff and members) and Netconsent (policy presentation software) hold the policies

(enabling them to be readily available) and there is internal communication when it is required.

- The data breach notification process works well. Data breaches do occur and all are investigated to determine the cause, contain the loss and identify improvements.
- Progress is monitored by the Information Governance Board and Audit Committee.

3.3 Audit made a number of recommendations for improvements with those outstanding at the last report before committee being;

- The IG/GDPR Action Plan to be replaced by an IG Risk Register. Consider whether the IG Strategy 2017/19 is to be reviewed and updated.
- Present a summary of the annual Information Asset Owner (managers/team leader) checklist issues to the IG Board and the SIRO.
- Highlight and communicate lack of uptake of Data Protection Impact Assessment (DPIA's) with IG Board.
- Raise profile of Records Management work to be done with IG Board.

The above recommendations have now been completed and further work planned.

3.4 Information management requires continuous resource to ensure compliance with data protection laws is business as usual for the council.

This includes;

- monitoring training, reviewing procedures/processes, guidance, policies, contracts, privacy notices and sharing agreements,
- processing data protection requests which have increased and become more complex following the GDPR,
- conducting urgent reactive and remedial work such as data breach management, which is subject to strict time limits (72 hours for reports to the ICO),
- increased data protection queries from staff due to the success of the GDPR awareness programme.

3.5 In 2019 there was a significant 172% increase in data protection requests likely due to an increase in public awareness of individual's data rights following implementation of the GDPR.

#### **4. Contracts**

4.1 The council has taken a risk based approach to the contracts review project to ensure all contracts with the council's suppliers processing personal data on its behalf include the GDPR clauses. This has been a resource intensive process. Major contacts have now been covered off, as well as contracts where

processors contacted the council, contracts considered high risk as processing sensitive or large amounts of personal data and all new/renewed contracts now include the clauses.

- 4.2 A comprehensive list of contracts was compiled and contract managers were contacted to indicate where personal or sensitive data was being shared to prioritise contracts for amendment. This has resulted in declared existing high risk contracts being identified and covered off. Contracts continue to be reviewed on a case by case basis.

## **5. Training**

- 5.1 Data protection training is a legal requirement under the GDPR and the ICO recommends that this is renewed at least every 2 years and preferably annually for an organisation such as the council. The council renew training annually.
- 5.2 In March 2019 the council had a completion rate for data protection training of 89%.
- 5.3 All new starters receive data protection training on induction. Staff without access to systems and who do not normally handle personal data complete a low risk form.
- 5.4 Training for this year was renewed and issued late December 19. System reports from this month show that 86% of staff have completed this year's e-learning training to date.
- 5.5 Currently 100% is not achievable as the system includes staff on long term leave, councillors who have separate face to face training and recent leavers. Work is being planned to rectify this.

## **6. Policies**

- 6.1 The Information management policies were due for general review in June. The policies are currently in the process of being reviewed although there has been a delay due to the pandemic. The council has also drafted a separate policy for special category, criminal offence data and sensitive law enforcement processing. These policies will be submitted for formal approval by policy scrutiny and executive committee following review.

## **7. Implementation of Office 365**

- 7.1 At the end of June all email accounts were migrated and upgraded to Microsoft Office 365. This will make improvements to information management and conducting complex automated email searches of data for information requests. Relevant staff are due to receive training on this shortly. Information Requests will continue to be resource intensive however as results still need to be considered manually page by page for exempt information to be redacted before disclosure.

## **8. Increased Home Working**

- 8.1 As a result of the coronavirus pandemic more staff have been working from home. This has presented new data protection challenges. Staff were issued with communications containing data protection advice relating to home working and the council's usual policies and procedures have remained applicable. The council have not seen a significant increase in data breaches during this time.

## **9. Brexit**

- 9.1 Following the end of the transitional period the GDPR will be brought into UK law as the 'UK GDPR', but there may be further developments about particular issues such as UK-EU transfers. Unless the EU Commission makes an adequacy decision the UK will become a third country in terms of EU GDPR and transfers into the UK from EEA suppliers to the council will need to be subject to sufficient safeguards such as standard contract clauses. The council have already carried out some preparations identifying applicable processing which is limited. Depending on the outcome of Brexit talks this will need to be monitored and further planning may be required.

## **10. Annual Governance Statement (AGS)**

- 10.1 The AGS status for Information Governance was downgraded from Red to Amber due to progress made in the implementation of the GDPR. IG has since been removed from the AGS although remains to be 'watching item' to be monitored by High Performing Services group.

## **11. Strategic Priorities**

### **11.1 High performing services**

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.

## **12. Organisational Impacts**

### **12.1 Finance (including whole life costs where applicable)**

There are no financial implications arising from this report as the resources will come from existing budgets.

### **12.2 Legal Implications including Procurement Rules**

There are no legal implications arising out of this report.

### **12.3 Equality, Diversity and Human Rights**

The Public Sector Equality Duty means that the Council must consider all individuals when carrying out their day-to-day work, in shaping policy, delivering services and in relation to their own employees.

It requires that public bodies have due regard to the need to:

- Eliminate discrimination
- Advance equality of opportunity
- Foster good relations between different people when carrying out their activities

There is no impact arising from this report regarding these issues.

### **13. Recommendation**

13.1 To note the content of the report and provide any comment.

**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?** None or insert number

**List of Background Papers:** None

**Lead Officer:** Data Protection Officer