

SUBJECT:	INFORMATION GOVERNANCE UPDATE
DIRECTORATE:	CHIEF EXECUTIVE AND TOWN CLERK
REPORT AUTHOR:	DATA PROTECTION OFFICER (DPO)

1. Purpose of report

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

2. Background of reporting

- 2.1. Reports are submitted on a bi-annual basis the last report being provided to committee in September 2020.
- 2.2. Resources continue to be utilised in the governance arrangements surrounding the increased sharing of data required in the response to the pandemic. This is in addition to ensuring the council's 'business as usual' data protection compliance. This has included necessary changes to the council's customer Privacy notice, Pre-existing conditions staff survey, Befriending service, Clinically Extremely Vulnerable list, Business support grants, Community testing, Staff lateral testing and Covid-19 self-isolation payments.
- 2.3 'Business as usual' compliance for the council includes:
- monitoring and delivering data protection training;
 - reviewing processes, guidance and policies;
 - reviewing existing and drafting new contracts, privacy notices and data sharing agreements;
 - advising on Data Protection Impact Assessment's (required when processing data which may result in a high risk to individuals privacy rights);
 - processing and responding to data protection requests such as Subject Access Requests;
 - urgent reactive and remedial work including data breach management, which is subject to strict legal time limits (72 hours for reports to the Information Commissioner's Office- the UK data protection regulator);
 - responding to increased data protection queries from staff due to awareness and sharing during the pandemic.

3. Information Governance (IG) risk register

- 3.1 The following risks are highlighted for comment: Policies, Training, Contracts, Brexit and UK GDPR.

4 **Training**

- 4.1 Data protection training is a legal requirement under data protection laws. The Information Commissioner's Office recommends training is renewed at least every 2 years and preferably annually for an organisation such as the council. The council have agreed to renew training annually.
- 4.2 All new starters receive data protection training on induction. Staff without access to IT systems and who do not normally handle personal data sign a low risk form. This form sets at the basic data protection principles which must be followed when processing any personal data and explains what a data breach is and how to report it within the council. Training for all staff is due for renewal for 2021 and will be deployed again via e learning and low risk forms.

5. **Policies**

- 5.1 The Information management policies were due for general review in June 2020. These policies have now been reviewed as there was a short delay due to the response to the pandemic.
- 5.2 The review has concluded in minor changes to these policies, mainly relating to accessibility requirements and recent changes relating to Brexit and UK GDPR. The IG Working group has approved the policies and agreed that they will not require formal approval by Policy Scrutiny or Executive Committee.
- 5.3 The council has also drafted a separate policy for Special category, Criminal Offence data and Sensitive law enforcement processing. This policy is a legal requirement under data protection legislation although it has only been separated out from the existing Data Protection Policy for ease of reference and clarity.
- 5.4 All staff and members will receive an electronic alert shortly through net-consent to inform them of the policy review and requesting that they read and accept the 'Data Protection and Subject Access Request staff summary sheet' regarding the council's Data Protection Policy.

6 **Contracts, Brexit and UK GDPR**

- 6.1 From 1 January 2021, the EU GDPR was adopted into UK law by section 3 of the EU Withdrawal Act 2018 (EUWA 2018) and the Data Protection, Privacy and Electronic Communications (Amendments etc.) (EU Exit) Regulations 2019 (Implementing Regulations). Organisations based in the UK must comply with this version of the GDPR (UK GDPR) when processing personal data.
- 6.2 At the same time, a bridging mechanism was agreed that allows the continued free flow of personal data from Europe to the UK from the end of the transition period until adequacy decisions come into effect, for up to 6 months.
- 6.3 Unless the EU Commission makes an adequacy decision during this period (due to expire June 2021) the UK will become a third country in terms of EU GDPR and transfers into the UK to the council from EEA suppliers would need to be subject to safeguards such as standard contract clauses.

- 6.4 The council have already carried out preparations to identify applicable processing which is limited. However early indications are that adequacy is likely to be obtained for the UK as the European Commission has already published its draft UK adequacy decisions which are subject to a non-binding opinion from the European Data Protection Board (EDPB) and formal approval by the EU member states.

7. Implementation of Office 365

- 7.1 In June 2020, all council email accounts were migrated and upgraded to Microsoft Office 365. Full use of the Office 365 suite including Microsoft Teams and SharePoint is being rolled out to staff with appropriate training currently.
- 7.2 Office 365 will make improvements to information management in terms of tools relating to retention, security, data leakage and access control as well as compliance with information requests such as Freedom of Information and Subject Access Requests.
- 7.3 The IG team have been assisting in the completion of a Data Protection Impact Assessment in relation to the implementation of Office 365. The completion of this assessment is mandatory for this type of processing of personal data and the assessment assists in identifying any privacy risks and records the council's mitigation of these risks.

8 Increase in remote working

- 8.1 As a result of the pandemic more staff have been working remotely although this had been the aim of the council prior to the pandemic as part of our 'One Council' approach. This has presented new data protection challenges. Staff have been issued with communications and guidance relating to protecting council data whilst working remotely and the council's usual policies and procedures have remained applicable.
- 8.2 The council continue not to have seen a significant increase in personal data breaches during the pandemic despite the substantial increase in remote working under short notice/ emergency circumstances. This is a credit to the hard work of all staff and delivery of this technology by the IT team.

9. Annual Governance Statement (AGS)

- 9.1 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.

10. Strategic Priorities

10.1 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.

11. Organisational Impacts

11.1 Finance (including whole life costs where applicable)

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

11.2 Legal Implications including Procurement Rules

There are no legal implications arising out of this report.

11.3 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.

12. Recommendation

12.1 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? No

List of Background Papers: None

Lead Officer: Data Protection Officer, Sally Brooks