

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. This includes monitoring of the council's compliance with data protection legislation including the General Data Protection Regulation (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 March 2021.
- 2.2. Information Governance resources continue to be required in the arrangements surrounding the response to the pandemic. This is in addition to the council's 'business as usual' data protection compliance. This has included ongoing updates to the customer privacy notice, business support grants, retention arrangements for new datasets created, promoting vaccine up take in 18-30 year olds and self-isolation payments for parents/carers.

3. Information governance risk register

- 3.1 Attached at Appendix A is the updated Information governance risk register. The following risks are highlighted for comment: Training and Brexit/UK GDPR.

4 Training

- 4.1 Data protection training is a legal requirement. The ICO recommends it is renewed every 2 years and preferably annually for an organisation such as the council. The council have agreed to renew training annually for all staff and to provide training for all staff on induction.
- 4.2 In March 2021 a 'Data Protection and Subject Access Requests (SARs) Summary sheet' was issued to all staff to accept on a mandatory basis using the council's policy management software. This summarised updates to the Data Protection Policy earlier this year and a reminder regarding our legal obligations relating to SARs which are subject to strict legal time limits and statutory penalties for non-compliance.
- 4.3 In addition to this e-learning for all staff is due for renewal for 2021. Low risk forms will be made available for staff to complete without network access and who do not normally process personal data.

- 4.4 The council have obtained new e-learning provided by an external provider. The providers come recommended by the National Cyber Security Centre and are being used by other district councils in the County. They provide both data protection training and cyber security training. The need for cyber security training is essential particularly given the increase in remote working and cyber activity.
- 4.5 The e-learning 'Cyber Ninja's' includes 12 videos, each video no more than 5 minutes in length and test questions after each video for staff. Topics include data protection, data handling, password security, appropriate use of social media, phishing emails and cyber security risks generally together with how to identify/report. There is also a higher level training package for Information Asset Owners/managers 'Data Confident' and a training package for Councillors.
- 4.6 A further advantage to the council of externally hosted Cloud based e-learning being monitoring of completion and follow up of non-completion will be reported by the provider to the council. This should therefore free up resources in information governance who have been monitoring completion internally.
- 4.7 The e-learning along with completion of the low risk forms for relevant staff will be rolled out shortly. Communications have been deployed regarding this on the staff intranet and the e-learning should be completed by all staff by the end of the December 2021.
- 4.8 A refresher of training for Information Asset Owners (IAO's) is also due by the end of the December 2021 and this will be provided by the information governance team and will include completion by IAO's of their IAO Checklist which will be reported to the Senior Information Risk Officer (SIRO).

5. Brexit and UK GDPR

- 5.1 Following the end of the Brexit transitional period and from 1 January 2021, the EU GDPR was adopted into UK law by UK GDPR. Organisations based in the UK must comply with this version of the GDPR when processing personal data.
- 5.2 There was some uncertainty regarding the free flow of personal data from Europe to the UK and whether the UK would receive an adequacy decision from the EU to allow this to continue after June 2021.
- 5.3 An adequacy decision was obtained on 28 June 2021 for the UK from the EU. This means the EU has determined that UK data protection laws are robust enough to ensure that data can continue to flow safely to UK from the EU without additional safeguards. Although the council assessed such processing to be limited additional safeguards would have been resource intensive for the council and relevant suppliers to consider.
- 5.4 The government have indicated that there may be further changes to UK data protection laws with a new Information Commissioner to be appointed shortly. This will need to be monitored by the information governance team.

6. Office 365

- 6.1 Full use of the Office 365 suite including Microsoft Teams and SharePoint continues to be rolled out to staff with appropriate training currently.
- 6.2 Office 365 has the potential to improve information management in terms of available tools in retention, security, data leakage and access control as well as compliance with information requests such as Freedom of Information and SARs.
- 6.3 The Information Governance working group have assisted in completion of a Data Protection Impact Assessment regarding the implementation of Office 365. This 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.

7. Annual Governance Statement (AGS)

- 7.1 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 closely monitored with reports being submitted to IG Board CLT, CMT and Audit Committee.

8. Strategic Priorities

- 8.1 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.

9. Organisational Impacts

- 9.1 Finance (including whole life costs where applicable)

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

- 9.2 Legal Implications including Procurement Rules

There are no legal implications arising out of this report.

- 9.3 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.

10. Recommendation

10.1 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? 1

List of Background Papers: None

Lead Officer: Data Protection Officer, Sally Brooks