



Classification	Item No.
Open	

Meeting:	Audit Committee
Meeting date:	25 July 2022
Title of report:	Information Governance Update
Report by:	Lynne Ridsdale – Deputy Chief Executive
Decision Type:	For information
Ward(s) to which report relates	All

Executive Summary:

Information Governance (IG) is the strategy or framework for handling personal information in a confidential and secure manner to appropriate ethical and quality standards, ensuring compliance with the relevant statutory and regulatory requirements. At its March 2022 meeting, Audit Committee received an update on activity in Quarter 4 2021/22 to date.

The focus of this update was the Council’s progress against the 79 recommendations from the Information Commissioner’s Office (ICO) visit in 2021. This report highlighted that the majority of actions will be delivered by the end of Quarter 4, 2021/22.

Shortly after the last Audit Committee, the Information Commissioner’s Office confirmed the date of their desk-top revisit to Bury Council, which took place 11-14 April 2022. Overall, they were positive about the progress made, with 57 recommendations completed and 22 in progress and have not stated any further plans to return to Bury.

This now enables the Council to focus Information Governance activity on a ‘business as usual’ approach, including embedding Information Governance in all Council services, ensuring training compliance levels are maintained, and learning from and reducing the number of data breaches.

Key considerations

1.0 Introduction

- 1.1 This report is to update Audit Committee on the Council's Information Governance activity up to the end of Quarter 1 2022/23.
- 1.2 Following the last update to Audit Committee in March 2022, the Information Commissioner's Office (ICO) contacted the Council to request an update on progress against its 79 recommendations made as a result of its last visit in 2021.
- 1.3 The report also highlights how Information Governance is being embedded in the delivery of Council services.

2.0 Background

- 2.1 In March 2022, the Council was contacted by the Information Commissioner's Office to request a progress update against each of the 79 recommendations.
- 2.2 The desk-based follow-up took place 11-14 April 2022, with the following progress identified against each of three key areas:

Focused Area	Number of Recommendations Completed	Number of Recommendations In Progress	Number of Recommendations Not Started
Governance & Accountability	26	12	0
Information Security	23	8	0
Freedom of Information	8	2	0
Total Actions	57	22	0

- 2.3 There were some differences in the Information Commissioner's Office and the Council's interpretation as to whether recommendations have been fully responded to. The main issues to be further reviewed by the Council are:
- Further checks required to evidence all Information Governance Policies have been reviewed.
 - Work required to develop more specialist training for key officers.

- Further work required to complete the Record of Processing Activities (RoPA).
- Need to clarify on the RoPA template as to the justification for processing personal data.
- Further work required to prevent use of USB Pen Drives.
- Staff in Business Support Service to have specific Freedom of Information (FOI) and Environmental Information Regulations (EIR) training.

Work is ongoing to ensure these actions are addressed; together with a number of medium and low priority recommendations. While positive progress has been made, it is essential that work continues in order to ensure that the Council's position with regards to good Information Governance is maintained and further improved.

2.4 The Information Commissioner's Office specifically identified a number of main improvements:

- Appointment of an Information Governance Manager, to also act as the Council's Data Protection Officer.
- A larger network of Information Governance Champions has been reinstated from November 2021, meeting monthly, with updates of actions provided to the Information Governance Steering Group. The Champions are recognised as a help to the Council's future compliance with data protection and freedom of information.
- An updated Risk Management Strategy has been implemented and Information Governance Risk Register developed.
- An Appropriate Policy Document has been created and approved by the Information Governance Steering Group.
- Information Governance Key Performance Indicators have been developed and are reported on a monthly basis to the Information Governance Steering Group and quarterly to Audit Committee.
- Contracts and bidding documents for services provided by external providers have been updated to ensure Information Governance is an integral part of these. Contract monitoring has also been strengthened.
- A Legitimate Interest Assessment has been completed to set out how personal data will be processed for HR purposes.
- DPIA checklist and template have been reviewed and updated.
- IG Incident Procedure has been updated to include guidance on notifying data subjects.
- FOI and EIR guidance updated and available on the intranet
- FOI training needs reviewed and refreshed and part of the annual mandatory training.

2.5 The outcome of the revisit was the Information Commissioner's Office recognised that the Council had made good progress towards completing the 79 agreed actions identified in the original report, with meaningful progress is being made against actions remaining 'ongoing'.

- 2.6 The Information Commissioner's Office have no further intentions of reviewing the Council's progress against its recommendations. However, this does not mean that the Council can reduce its work on Information Governance. This needs to remain a priority area for the Council and be an integral part of normal working practices.
- 2.7 To complement the Information Commission's revisit, Internal Audit has also reviewed progress against the issues it identified prior to the ICO audit in 2021. The initial recommendations from Internal Audit were very similar to those made by the ICO, therefore, their follow-up audit has similarly found the majority of actions are either complete or in progress.
- 2.8 A copy of the Information Commissioner's Office report is attached for information.

3.0 Next Steps / Business As Usual

3.1 Communications

- 3.1.1 Information Governance updates will continue to be issued as part of the weekly Corporate Communications.
- 3.1.2 June 2022 was 'IG Comms Month' with specific messages included in the weekly Communications, and an update provided as part of the Thursday Staff Briefing.

3.2 Training

- 3.2.1 As part of the ICO's recommendations, the Council has enhanced its annual mandatory UK GDPR training module.
- 3.2.2 At the time of the ICO visit, 98% of Council staff who had daily access to Information Technology Systems had completed the training, exceeding both the ICO's 90-95% target, and the 95% target of the Data Security & Protection Toolkit (DSPT). When frontline staff, e.g. refuse collectors, pupil escorts and gardeners, are included in this figure, almost a 94% completion level was achieved. The DSPT required the Council to provide the best performance achieved in the six months prior to the submission of this return.
- 3.2.3 As the majority of Council staff completed their training between May and August 2021, they are due to renew this training at the present time. Performance is currently at 78% although this should be seen as a typical average for this time of year as officers repeat their training. Contact is being made with all staff who have not completed their training.

3.3 Update of the Record of Processing Activities (RoPA)

- 3.3.1 Extensive work has already been carried out to update the RoPA since the time of the ICO's visit in 2021.
- 3.3.2 Over the next quarter, work will be carried out with senior managers to

undertake an annual revisit and update of RoPA entries and to collect related Information Governance documentation, such as Data Protection Impact Assessments, Data Sharing Agreements, Privacy Notices, etc, which will be stored in a central Council repository.

3.4 Subject Access Requests and Freedom of Information Requests

3.4.1 The establishment of the Business Support service in April 2022, has allowed the coordination of the recording, processing and issuing of responses to Subject Access Requests and Freedom of Information Requests, with new processes and workflows developed.

3.4.2 This will help the Council to address the backlog of responses and ensure prompt and accurate issuing of information to requestors.

3.4.3 At the end of May 2022, 60 FOIs were beyond their response deadline, a slight increase on 53 the previous month, however, a significant reduction in number since the start of the financial year.

3.4.4 Also to the end of May 2022, performance against the percentage of FOIs responded to on time decreased to 56% from 87%. However, this is to be expected as backlogs and out of target requests are cleared.

3.5 Data Breaches

3.5.1 As mentioned in previous reports, data breach monitoring continues to remain a high priority for the Council. Advisory letters are sent by the DPO to officers responsible for a breach and Executive Directors and the DPO meet with them to identify learning and support needs.

3.5.2 The majority of breaches continue to relate to data being sent to incorrect recipients.

3.5.3 All breaches reported since the last report to Audit Committee are shown in the table below.

3.5.4 For the period March 2022 to June 2022, the following breaches have been recorded by department:

	BGI	CC	CC- Finance	CYP	OCO	Ops	TOTAL	COMMENTS
March	0	5	0	2	4	1	12	<p>Eleven involved information sent to wrong recipients. One involved information being shared inappropriately.</p> <p>Two reported to ICO both now closed</p>
April	0	3	0	2	2	0	6	All involved information shared with wrong recipients.
May	1	7	0	4	6	1	19	<p>All involved information sent to wrong recipient. Three involved information left unattended. Two involved information being appropriately shared.</p> <p>One reported to the ICO. ICO decision pending until further information received from the Council.</p>
June	0	2	0	3	1	0	6	Four breaches sent to wrong recipient. One breach involved data being sent to own personal email. One involved information left unattended.

3.6 Elected Member Support

- 3.6.1 Training has been offered and provided to Elected Members about their Information Governance responsibilities and the duties of the Council, through one of the regular training sessions. This was attended by 21 councillors.
- 3.6.2 All members have been given access to online training, with 21.6% completing as at the end of June 2022.
- 3.6.3 The Members' Handbook been updated with regards to Information Governance matters.
- 3.6.4 The privacy notice information for each elected member's Internet page has also been updated.

3.7 Submission of Data Security & Protection Toolkit (DSPT)

- 3.7.1 The Council submitted its 2022/23 DSPT return on 30 June 2022.
- 3.7.2 The Council successfully maintained its 'Standards Met' rating.

4.0 Recommendations and Next Steps

- 4.1 The Audit Committee is required to note the 2022/23 Quarter 1 Update provided.
- 4.2 As a result of the positive revisit by the ICO in April and the Council's retention of 'Standards Met' for its Data Security & Protection Toolkit (DSPT).

Other alternative options considered

None.

Community impact/ Contribution to the Bury 2030 Strategy

Good Information Governance practices enables the Council to deliver its statutory requirements and therefore contributes across all the themes of the Bury 2030 Strategy.

Equality Impact and considerations:

24. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

25. The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services.

Assessment of Risk:

The following risks apply to the decision:

Risk / opportunity	Mitigation
Without a robust framework in place to support good Information Governance practice, there is a risk that the Council may not comply with the duties set out in the UK General Data Protection Regulations (GDPR) or Data Protection Act leading to possible data breaches, loss of public confidence, reputational damage and prosecution / fines by the Information Commissioner	Approval and Implement of the Information Governance Framework Implementation of a comprehensive Information Governance work programme

Consultation: N/a

Legal Implications:

The report references the Council’s statutory duties and obligations under the UK GDPR, Data protection Act 2018, FOIA and associated legislation and guidance. The Council has duties under this legislation in terms of accountability and compliance and must ensure it has appropriate policies and procedures in place. A failure to ensure compliance could result in enforcement action by the ICO.

Legal advice and support will be required in terms of the action plan outlined in the report as well as ongoing DPO oversight and support.

Financial Implications:

With the exception of the procurement of appropriate training there are no direct financial implications arising from this report. However, there are implications in relation to a potential ICO fine if the Council had a data breach and the ICO found that we as an organisation were negligent.

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Background papers:

Report to Audit Committee - Information Governance – ICO Update & Q2 delivery Update – 30 September 2021

Report to Audit Committee – Information Governance – Update Q3, 2021/22 to date – 25 November 2021

Report to Audit Committee – Information Governance – Update Q4, 2021/22 to date – 15 March 2022

Please include a glossary of terms, abbreviations and acronyms used in this report.

Term	Meaning
BGI	Business Growth and Investment

CC	Corporate Core
CC-Finance	Corporate Core Finance
CYP	Children and Young People
DFM	Data Flow Mapping
DPIA	Data Protection Impact Assessment
DPO	Data Protection Officer
DSPT	Data Security and Protection Toolkit
EIR	Environmental Information Regulations
FOIA	Freedom of Information Act 2000
GDPR	General Data Protection Regulations 2018
IAM	Information Asset Manager
IAO	Information Asset Owner
IAR	Information Asset Registers
ICT	Information Communication and Technology
IG	Information Governance
IGSG	Information Governance Steering Group
OCO	One Commissioning Organisation
Ops	Operations
NHS	National Health Service
ROPA	Record of Processing activity
SAR	Subject Access Request
SIRO	Senior Information Risk Officer