

Classification	Item No.
Open	

<b>Meeting:</b>	Audit Committee
<b>Meeting date:</b>	25 <sup>th</sup> July 2024
<b>Title of report:</b>	Information Governance Update
<b>Report by:</b>	Julie Gallagher, Head of Governance and Data Protection Officer
<b>Decision Type:</b>	For Information
<b>Ward(s) to which report relates</b>	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. This report highlights improvements in training compliance, performance at responding to requests for information and dealing with data breaches.

### **Recommendation(s)**

That Audit Committee note the performance from January 2024 to June 2024.

### **Key considerations**

#### **Background**

This report is to update Audit Committee on the Council's Information Governance activity up to the end of June 2024, these reports now focus on the Council's 'business as usual' performance in the delivery of Information Governance.

Following the transfer of Six Town Housing into the Council, this report now includes information in relation to Housing Services levels of compliance.

### **Update following changes to the Business and Executive Support Service, including Information Governance Responsibilities**

As referenced in the last update report, following the restructure of the Business Support Unit, a Policy and Compliance Team has been established, under the direction of the Data Protection Officer. The department will streamline oversight, of all Complaints, Subject Access Requests, Environmental Information Regulations and Freedom of

Information Requests. In addition, the newly appointed Policy and Compliance Manager will lead this team; and will have operational responsibility for Information Governance matters, supported by the wider team.

The team “went live” on the 18<sup>th</sup> March 2024, and have already undertaken a review of the Councils retention schedule; established a repository for data sharing agreements; joint controller agreements and privacy statements and commenced a review of the Councils Record of Processing Activity (ROPA). In addition, the team have developed a caseviewer system for recording, activity against all our FOIs and EIRs, training has commenced across all departments and a go live date is scheduled for the summer.

Pressure points still exist with regards to the redaction of a number of complex Childrens Service SARS, in many cases there may be thousands of documents that require oversight and redaction, this can be a very onerous process. In response to this, the DPO, working with Childrens Services has developed a new process in assessing the need to have additional checks on completion of the first sift of the redaction process and this has helped to address the backlog.

### **Subject Access Requests (SAR) and SAR reviews**

From January 2024 to June 2024 we received 162 SARs (across the Council), 24 from Housing Services.

With regards to the delays previously reported to the Committee, with regards to the backlog in Children’s SARs there are currently 19 open SARs. Between January to July 2024 Children’s Services have received 52 SARs for Children’s services. Due to the volume and complex nature of these SARs there has been some delays in responses being issue. This is due to worsen over the next month due to not enough capacity to complete SARs on the team and we have had to prioritise more of our time to attend live Strategy Meetings. It is envisaged that the Policy and Compliance team, once fully operational will provide additional support.

During the reporting period the Data Protection Officer has overseen 16 SAR complaints reviews.

### **Freedom of Information (FOI) Requests/ Environmental Information Reviews and DPO Reviews**

From January 2024 to June 2024, the Council received 630 FOIs (across the Council), 18 from Housing Services. In addition 6 EIRs.

During the reporting period the Data Protection Officer has overseen 6 FOIs reviews.

## Data Breaches

From January 2024 to June 2024, we received a total of 85 breaches.

	January	February	March	April	May	June
BGI	0	0	0	0	0	0
Corp. Core	8	5	3	8	4	5
CYP	2	4	4	5	3	6
Health & Adult Care	3	3	1	2	3	0
Operations	0	2	0	0	1	0
Housing Services	3	2	2	2	2	2
<b>Total</b>	<b>16</b>	<b>16</b>	<b>10</b>	<b>17</b>	<b>13</b>	<b>13</b>

These numbers are consistent with the trend we have observed since the last 12 months.

Members are assured that the vast majority of these breaches are relatively minor mistakes, with limited risk of harm to individuals. Almost all breaches are due to human error. The most common themes and recurring issues are the same as in previous months, being:

- Incorrect contact information being used (either from auto-populated addresses or similarly named recipients);
- Incorrect information on service software;
- Attachments not being double checked before being sent.

The DPO reviews every data breach and provides advice in terms of mitigation (e.g. further training, implementing an auto-delay on emails being sent, informing those affected etc.) to close off risk of harm to the individuals involved, and to learn lessons from the mistake and prevent it happening again. We log all data breaches; these are shared with the Executive team and the Corporate Governance Group, and a letter is sent to the person undertaking the breach.

For more serious breaches (generally those that involve children or vulnerable people's data), the DPO contacts the ICO for advice and assistance. We have had one such cases during the reporting period.

## Police disclosures:

From March 2024 to June 2024 the backlog of police disclosure requests on close matters has been cleared prioritising urgent matters first. All outstanding requests on closed matter were first collated into a comprehensive tracker to enable the work to be prioritised and monitored.

The process and templates for undertaking this area of work have been standardised to ensure consistency and appropriate disclosure. This has been completed in accordance the Disclosure of Information between Family and Criminal Agencies and Jurisdictions: 2024 Protocol

## Complaints upheld by the ICO

There have been two requests for assurance from the ICO in relation to data breach incidents in Children's Services.

The Data Protection Officer has reviewed these incidents and provided oversight and further guidance. Re-assurance has been provided to the Regulator and the cases have been subsequently closed.

## Training

Current training non-compliance figures are set out below:

<b>BGI</b>  (111 staff in department)	<b>Corporate Core (Including Finance)</b>  (525 staff in department)	<b>Children's Services</b>  (512 staff in department)	<b>Health &amp; Adult Care</b>  (431 staff in department)	<b>Operations</b>  (866 staff in department)	<b>Housing</b>  (230 staff in Department)
3 officer non-compliant (3%)	25 officers non-compliant (7%)	83 officers non-compliant (16%)	44 officers non-compliant (%10)	107 officers non-compliant (12%)	18 officers non-compliant (7.9%)

A spreadsheet of non-compliant officers is regularly considered by IG Officers, the Exec Team, and the Corporate Governance Group. The officers' names are highlighted to their line report to ensure training is completed in the following two weeks where possible, and reasons why are fed back when not.

The DPO has worked closely with the Operations Department to improve the take up of GDPR training with front line staff. Paper based training is now offered in addition to the online training. It should be noted that Operations teams are responsible for very few data breaches, reflecting the high number of frontline staff who do not habitually interact with personal data.

Targeted work has been undertaken with the Children’s Services Department to address the increase in the numbers of staff that are currently non-complaint.

The current figure for Members having completed the GDPR online ‘Core’ training is 54.9% (28 Cllrs). Oversight of take up has been raised at the Member Development Group and discussed with Groups Whips.

In addition, a GDPR module has been included on the Management Development Training programme. All managers are required to attend the training session. The training, delivered by the Council Solicitor reminds staff of the importance of reporting data breaches and ensuring staff have undertaken GDPR training.

**Equality Impact and considerations:**

<b>Equality Analysis</b>	<i>Please provide a written explanation of the outcome(s) of either conducting an initial or full EA.</i>
N/A	

**Assessment of Risk:**

The following risks apply to the decision:

<b>Risk / opportunity</b>	<b>Mitigation</b>
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 Implementation of the Information Governance Framework.  Implementation of a comprehensive Information Governance work programme.

**Legal Implications:**

This report provides an update to audit committee regarding the embedding of our obligations across the organisation. 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.

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### **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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### **Report Author and Contact Details:**

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### **Background papers:**

Report to Audit Committee 12 October 2023 -

<https://councildecisions.bury.gov.uk/documents/s37322/IG%20Report%20to%20Audit%20Committee%20Oct%202023.pdf>

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

Term	Meaning
BGI	Business Growth and Improvement
CYP	Children and Young People
DPO	Data Protection Officer
FOIA	Freedom of Information Act 2000
GDPR	General Data Protection Regulations 2018
HAC	Health and Adult Care
IG	Information Governance

Ops	Operations
ROPA	Record of Processing activity
SAR	Subject Access Request