

Classification	Item No.
Open	

Meeting:	Audit Committee
Meeting date:	29 th October 2024
Title of report:	Information Governance Update
Report by:	Julie Gallagher, Democratic Services Manager and Data Protection Officer
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. 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 1 January 2024 to 30th September 2024

Key considerations

Background

This report is to update Audit Committee on the Council's Information Governance activity up to the end of September 2024. As mentioned in the report to the July 2022 committee meeting, these reports now focus on the Council's 'business as usual' performance in the delivery of Information Governance.

- **Use of additional staffing capacity to support the review of the Information Governance Framework and re-review the Information Commissioner Recommendations.**

The ICO conducted a data protection audit of Bury Council in June 2021 and provided a series of recommendations. Work has been ongoing throughout the last three years to strengthen the Council's approach to information governance and meet the standards expected by the ICO. This has included the creation of the Policy and Compliance Team to manage the day to day work.

The recommendations from the ICO have been reviewed and further work has been completed including:

- Reviewed and updated the Information Governance Framework and all associated policies, procedure and guidance (Appendix 1)
- Creation of a centralised policy log
- Creation of a centralised privacy notice log
- Schedules and procedures designed to review policies and privacy notices on a regular basis
- Updating the council's ROPA
- Review of the information on the council's website
- Created a communication plan to ensure all key stakeholders including staff, senior officers and members are regularly updated on information governance and their responsibilities on a regular basis

A full update on the ICO recommendations and actions taken by the council will be presented to the Audit Committee at its meeting in February 2025.

- **Policy and Compliance Team**

The Policy and Compliance Team is now fully staffed and operational. The Team comprises of a Policy and Compliance Manager, 5 policy and compliance officers and 2 apprentices.

As well as dealing with complaints across all Directorates, the staff also responsible for overseeing the processing of logging and responding to all FOI, EIR and SARs, including those from staff recently transferred from Six Town Housing. From the 1st November the team will also assume responsibility for MPs casework enquiries.

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

From January 2024 to September 2024 the team received 213 SARs (across the Council), 21 from Housing Services.

Over the last few months, there has been an increase in the number of overdue Subject Access Requests from Children's Services. The team have been diverted to undertake more pressing work, supporting Children's strategy meetings. In an attempt to address the numbers outstanding (30 at one stage) the team, have worked additional hours and the number of outstanding SARs has reduced significantly, currently standing at 9. However, the DPO remains concerned that the competing priorities may affect the Council's performance in this area, this will be kept under review and action taken if necessary.

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

From January 2024 to September 2024, the Council received 923 FOIs (across the Council), 28 from Housing Services. In addition, 9 EIRs.

During the reporting period the Data Protection Officer has overseen 8 FOIs reviews.

- **Data Breaches**

	January	February	March	April	May	June	July	August	September
BGI	0	0	0	0	0	0	0	0	0
Corp. Core	8	5	3	8	4	5	3	8	4
CYP	2	4	4	5	3	6	6	2	2
Health & Adult Care	3	3	1	2	3	0	1	0	2
Operations	0	2	0	0	1	0	3	1	0
Housing Services	3	2	2	2	2	2	0	0	0
Total	16	16	10	17	13	13	13	11	8

A large number of the data breaches are related to emails, where either the wrong email address has been used or the BCC function hasn't been used.

One breach was in relation to Unit 4 (Council's internal finance system) where personal data could be seen by all users across the Council, this highlighted a similar issue in relation to ITrent (Council's internal HR system). The DPO sought advice from the ICO in relation to these breaches, and received re-assurance, as it was only internal staff that could access this information, whom will have received GDPR training and understand the importance of confidentiality, the risk was minimal.

4 data breaches occurred where information was left on the printer in room 28 in the Town Hall, staff reported issues with the printer this has been reported to the Council's ICT department.

- **Complaints upheld by the ICO**

The Information Commissioners Office has contacted the Council with regards to two complaints. Both complaints were due to delays in complainants receiving their Subject Access Requests from Children's Services. The Data Protection Officer has spoken to Officers within Children's Services and highlighted concerns raised by the ICO.

The Data Protection Officer has a good working relationship with the regulator and has contacted them on several occasions for guidance and advice in relation to complex SARs and advice on sharing CCTV information.

- **Training**

Current training non-compliance figures are set out below:

BGI (111 staff in department)	Corporate Core (Including Finance) (525 staff in department)	Children's Services (512 staff in department)	Health & Adult Care (431 staff in department)	Operations (866 staff in department)	Housing (230 staff in Department)
4 officer non-compliant (3%)	37 officers non-compliant (7%)	94 officers non-compliant (16%)	39 officers non-compliant (%10)	172 officers non-compliant (12%)	17 officers non-compliant (7.9%)

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

The current level of Elected member compliance with training is 29 Councillors have completed the mandatory training (57%). The DPO and the SIRO have however arranged an in-person training scheduled for 28 October.

Equality Impact and considerations:

Equality Analysis	<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:

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

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.

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
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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