

<b>Classification</b>	<b>Item No.</b>
Open	

<b>Meeting:</b>	Audit Committee
<b>Meeting date:</b>	11 <sup>th</sup> February 2025
<b>Title of report:</b>	Information Governance Update
<b>Report by:</b>	Julie Gallagher, Head of Governance and Council's 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 1 January 2024 to 31<sup>st</sup> December 2024.
- That the Audit Committee notes, the updated actions taken in repose to the Information Commissioners recommendations.
- That the Audit Committee endorses the reviewed and updated Information Governance policies and procedures.

## Key considerations

### Background

This report is to update Audit Committee on the Council's Information Governance activity to the end of December 2024. 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 Commissioners' Office (ICO) 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 required ICO standards. This has included the creation of the Policy and Compliance Team to manage the day-to-day work as well as some additional capacity provided by a project Officer.

Work completed has included:

- Reviewed and updated the Information Governance Framework and all associated policies, procedure and guidance (Policies are included for review/approval)
- 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 Record Of Processing Activity Log
- Review of the information on the council's website
- Creation of a new Data breach form
- 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
- Inclusion of Information Governance on the Council's risk register to provide further oversight.
- Development of revised Management Development training and managers handbook.
- Attendance at Senior Leaders Group to advise of the work undertaken.

- **ICO recommendations**

In June 2021 the ICO conducted a data protection audit at the Council resulting in 79 recommendations to be implemented. Seven of these recommendations were urgent and 24 were high priority.

The Policy Compliance Team was established in April 2024 to manage all information governance matters across the council. Since April 2024, the team have reviewed all processes in relation to IG including SARS, data breaches, FOI's, EIR's, complaints and case work to improve the service provided to residents, officers and members. The team have been attending specific detailed training on different elements of information governance to ensure their knowledge remains current.

The Policy Compliance Team report directly to the Data Protection Officer who reports to the Law of Law and Governance who acts as SIRO. Regular updates on all IG matters are provided to the SIRO. The SIRO and DPO report IG matters to the Corporate Governance Group at each meeting to ensure there is oversight of IG across the council.

Additionally, the Information Governance Framework has been reviewed and was approved by the Audit Committee in November 2024. The 15 policies and procedures that sit underneath this framework have also been reviewed in line with best practice and legislation. These are attached to this report for endorsement. Detailed guidance and step by step instructions have also been created to supplement the policies and procedures within the IG Framework.

The new framework, policies and procedures and guidance will be launched with staff following endorsement at Audit Committee on 11 February 2025. Updated intranet pages and staff communications are planned to be launched the middle of February following this endorsement.

The team are also launching a managers guide to IG which details their responsibilities and where they can get additional support as well as offering team training sessions on IG to further support all departments across the council.

Specific training is being done with managers implementing new projects to ensure Data Protection Impact Assessment and Data Sharing Agreements are in place. Managers are also being engaged and supported to ensure the Records of Processing Activities is updated and accurate.

A centralised policy and privacy notice schedule is being implemented including a process to ensure these are reviewed on a regular basis.

The recommendations from the ICO report in 2021 and an update against each is attached to this report at Appendix 1.

- **Review of Information Governance Policies and Procedures**

Following consideration and agreement of the Information Governance Framework at the last meeting of the Audit committee, the team have undertaken a systematic review of all the Information Governance Policies and Procedures 17 in total.

Policies reviewed have included: FOI & EIR Policy, FOI – publication scheme policy, SAR Policy and the Records management policy.

- **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 1 apprentice. In addition to further strengthen the team, a proposal, which is currently out for consultation, to appoint a grade 9 Information Governance Officer to provide further support across the Housing Directorate.

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 1<sup>st</sup> November the team will also assume responsibility for MPs casework enquiries.

- **Subject Access Requests (SAR)**

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Total for Year
SARs	24	25	22	25	25	19	23	25	29	35	29	22	303
SAR Reviews	0	0	0	0	0	0	0	0	0	0	1	1	2

Following the Policy Compliance assuming responsibility for the management of the Subject Access Requests (SARs) the team have recently received training and guidance on implementing a more robust process for recording SARs and maintaining an accurate audit trail. As a result, the number of SAR reviews is expected to increase going forward, providing a more accurate reflection of activity in this area.

A guidance document has been produced entitled “SARS dos and donts” this document is sent with all SAR allocations to give staff a greater understanding of the regulations and process around Subject Access Requests.

To build greater resilience in Revenues and Benefits department it has been agreed that the IG & Compliance Manager will provide training to other staff enabling the SARs to be shared across the team rather than being the responsibility of one person.

- **Freedom of Information Requests (FOI) / Environmental Information Requests (EIR)**

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
FOI Requests	140	98	105	112	114	75	94	95	101	98	91	89	1202
FOI Reviews	1	0	0	1	4	0	0	0	2	0	0	2	10
EIR Requests	0	0	2	2	1	1	4	1	2	3	1	2	19
EIR Reviews	0	0	0	0	0	0	0	0	0	0	0	0	0

The Policy Compliance Team has recently attended further training on Freedom of Information (FOI) and Environmental Information Regulations (EIR). As a result, they now have a greater understanding of the types of information processed under EIR, recognising that it applies to a broader range of areas than initially thought. Given this improved awareness, I anticipate that the number of cases recorded under EIR will increase moving forward.

Also, the IG & Compliance Manager is looking to build a bank of frequently asked FOIs that is held and updated regularly so that requesters can simply be directed to this information which will enable greater transparency and reduce the time staff in departments are spending dealing with Freedom of Information requests.

- **IG Walkarounds**

On the 5<sup>th</sup> February the Data Protection Officer will undertake spot checks in the Town Hall to gauge current levels of IG compliance on the organisation. This will be the first of a series of walkarounds the DPO will take across Council buildings. A verbal update will be provided at the meeting on the 11<sup>th</sup>.

## Data Breaches

	January	February	March	April	May	June	July	August	Sept	October	November	December
BGI	0	0	0	0	0	0	0	0	0	1	0	0
Corp. Core	8	5	3	8	4	5	3	8	4	4	5	6
CYP	2	4	4	5	3	6	6	2	2	2	5	7
Health & Adult Care	3	3	1	2	3	0	1	0	2	1	0	6
Operations	0	2	0	0	1	0	3	1	0	1	0	0
Housing Services	3	2	2	2	2	2	0	0	0	0	0	1
<b>Total</b>	<b>16</b>	<b>16</b>	<b>10</b>	<b>17</b>	<b>13</b>	<b>13</b>	<b>13</b>	<b>11</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>20</b>

In accordance with the ICO guidance we review breaches on a thematic basis to inform learning.

The majority of data breaches continue to be caused by emails being sent to incorrect addresses or failing to use the BCC function. Near misses are also recorded.

Data breaches in both, Childrens and Adults in December were due to the following -

Data breaches in Children's were Information sent to incorrect email address

1 breach was the loss of an ID badge.

In Adults -

ff inappropriately accessing record on system, the rest were information sent to incorrect email address.

Additionally, there has been a noticeable number of data breaches from the Revenues & Benefits team in recent months. To address this, the Information Governance team will be providing targeted training to help staff develop a greater understanding of GDPR and the importance of handling personal data correctly.

It is also worth noting that the number of data breaches in December increased significantly compared to previous months, from review we believe this is due to increased reporting of breaches where staff have been cc'd in to internal email messages in error. Training to staff has focused on this topic. We encourage staff to report data

breaches it is essential that staff do this so we obtain an accurate picture of the number of breaches to enable us review and assess the learning from these incidents.

- **Complaints upheld by the ICO**

In December, we received one complaint from the ICO regarding an FOI request that was not responded to within the statutory timescale. Unfortunately, the ICO upheld the complaint.

In response, the Policy Compliance Team has reviewed the process and implemented a more robust system for tracking and managing ICO complaints to prevent this from happening again in the future. In addition the team is working with the department to assist in providing more information on the Council’s website thus re-directing Members of the public to the website and reducing the demands on the service areas.

In addition, the Council’s Data Protection Officer self-referred the Council to the ICO following a data breach in Adult Social Care. The ICO is currently reviewing this referral.

- **Training**

In addition to the reporting below on current staff GDPR training, the policy and compliance team have received training in respect of FOI, SARs and EIRs. There is also a module on the management development training programme, that all managers are asked to attend, on Information Governance.

On Monday 3<sup>rd</sup> February 2025 a Senior Managers Forum took place at Radcliffe Football Club and members of the team delivered an updated IG training session to those present.

All staff are required to undertake mandatory GDPR 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)
8 officer non-compliant (7.2%)	29 officers non-compliant (5.5%)	68 officers non-compliant (13.2%)	32 officers non-compliant (7.4%)	131 officers non-compliant (15.1%)	24 officers non-compliant (10.4%)

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.

With regards to Members training. The SIRO held an additional in person training session before Christmas in addition to raising at an earlier Member Development discussion with all Groups.

Current levels of training compliance are at 57%.The non-compliance levels have been highlighted with Group Leaders and also at the Councils internal Member Development Group.

- **Working With the Greater Manchester Information Governance Team**

With a greater number of programmes being undertaken across GM it is imperative that the Council work with colleagues across GM.

The Information and Data Governance team (shared service GMCA/ TfGM) provides support in the delivery of a range of GM wide projects and the Information Governance assurances that need to be put into place across Greater Manchester. Recent examples have included projects such as the Supporting Families, Regional Care Collaborative and SEND / Transport projects.

These activities are governed through the Information Governance Enabling Network (IGEN) GM of which each LA IG lead/ Data Protection Officer (DPO) is a member. This also includes GMP's DPO. Further assurances from a Governance perspective have been developed by the group to move forward on joint policy development and ways of working. In doing so this aims to support consistency in approach across GM relating to IG which then supports a more confident workforce as well as fostering greater trust with the public when their personal data is processed.

In addition to IGEN, the GM Information Governance Advisory Panel has also been established to support partnership working with health partners (primary and secondary care). This for example has supported GM wide projects such as the GM Care Record. All of these activities are reported in the bi-monthly Chief Legal Officers (CLO) report which provides context on breaches / incidents across the EU and UK; ICO decision notices across GM and project delivery in particular through the GM Information Strategy and GM Information Board. Further information about the strategy can be found here. [Information Strategy - Greater Manchester](#)

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**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>
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N/A

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**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 Implementation of the Information Governance Framework.  Implementation of a comprehensive Information Governance work programme.

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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.

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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:**

Julie Gallagher  
Head of Governance and Data Protection Officer  
[julie.gallagher@bury.gov.uk](mailto:julie.gallagher@bury.gov.uk)

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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
ICO	Information Commissioners Office