

Audit, Governance and Standards Committee

30 July 2018

ANNUAL REPORT FOR INFORMATION GOVERNANCE

Report of Corporate Director (Resources)

All Wards
Key Decision = N

1.0 Purpose of Report

1.1 To provide an update on Information Governance including the preparation for the introduction of the General Data Protection Regulations (GDPR) 2018, the number and details of Freedom of Information (FOI), Subject Access Request (SAR) and Data Breach (DB) issues received between April 2017 and March 2018.

2.0 Background

2.1 The Council, as Members are aware, has a legal responsibility to comply with legislation on Information governance the Data Protection Act and Freedom of Information enquiries. This requirement has been in place for a number of years and has, over that time, built up in terms of requests and therefore workload.

2.2 The Council decided several years ago to centrally manage handling and responses for SARs (as covered in the Data Protection Act 1998) and requests for information under the Freedom of Information Act. All correspondence is therefore managed through Business Support.

2.3 All this work comes under the umbrella of Information Governance on which updates are regularly reported to this Committee.

2.4 As part of managing information governance, trainings and briefings are provided. However, there is also a procedure of reporting 'breaches' (i.e. when information has been shared with someone not entitled to receive it). This procedure was agreed by the Audit, Governance and Standards Committee.

2.5 This report is designed to provide information on the correspondence the Council has been dealing with.

3.0 Analysis of requests received

3.1 FOI requests received in last 3 years

Financial Years	Numbers
2017/18	718
2016/17	652
2015/16	561

3.2 Methods of receipt of FOI requests

On the assumption of an average of 1 hour per Manager to deal with each request, this equates to a cost of approximately £21,500 (or 1.1 FTE Business Support Officer). In all years considered in this report, 99% of requests have been via email, and none were received by social media.

Financial Years	Numbers	Email
2017/18	718	99%
2016/17	652	99%
2015/16	561	99%

3.3 Break down of types of FOI requestors

The table below sets out an analysis of the requests for information.

Requestor	17/18		16/17		15/16	
	No's	%	No's	%	No's	%
Private Individuals/No Business Name given	326	45	262	40	280	50
Business	273	38	300	46	207	37
Media	112	16	89	13	61	11
MP/Parliament	7	1	1	1	13	2
Total	718	100	652	100	561	100

Department	17/18		16/17		15/16	
	No's	%	No's	%	No's	%
Benefits	9	1	14	2	8	1
FOI Officer/Business Support	257	35	219	34	175	31
Business and Community	1	1	2	1	11	2
Community Development	14	2	18	3	13	2
Democratic Services	9	1	19	3	11	2
Development Management	22	3	34	5	14	2
Environmental Health	48	7	40	6	35	6
Housing Options Team	26	4	12	2	20	4
Landlord Services	16	2	14	2	17	3
Human Resources	26	4	30	5	19	3
ICT	28	4	22	3	31	6
Licensing	18	3	12	2	11	2
Open Spaces	19	3	20	3	20	4
Revenues	114	15	109	16	94	17
Waste and Street Scene	31	4	33	5	18	3
Finance	21	3	13	2	16	3
Various Departments	59	8	41	6	48	9
Total	718	100	652	100	561	100

3.4 Break down of Subject Access Requests departments

Department – 17/18	Numbers	%
Landlord Services	1	33
Revenues	2	66
Requested forms but not returned	0	-
Total	3	100%

This represents an increase of one over the previous year.

3.5 Break down of Data Breaches 2017/18

Department	Numbers	
Benefits/Business Support	2	Human Error, double packing benefit notifications
Total	2	

Whilst these represent those reported it is believed that further work is required to encourage reporting of data breaches.

3.6 Training Completed

Type of Training	Completed
Information Governance Awareness Training	New starters
Information Governance (GDPR Updates) – 19 December 2017	IG Reps & Managers
Information Governance (GDPR Updates) follow up – 18 July 2018	IG Reps & Managers / New Starters

The Council has also had two information security checks undertaken by Internal Audit. These found that whilst procedures were well known and understood, there was still some sensitive data accessible. One showed assurance and the other limited assurance.

3.7 Privacy Impact Assessments (PIAs)

In 2014, the Information Commissioner introduced the concept of PIAs. A privacy impact assessment is a review of the impact of any significant change that could impact on information governance.

Projects with PIAs	Numbers
Ryecare Contract	1
ICT Storage	1
Mobile Working	1
Revenues & Benefits	1

3.8 'Proof of Life' Requests

During 2017/18, the Council also received five s29 'proof of life' requests that were all completed within times required

'Proof of Life' requests	Numbers	Completed
	5	100%

3.9 Data Sharing Agreements

The Council has the following data sharing agreements in place. This list is regularly being updated and reviewed:

- North Yorkshire wide data sharing agreement covering the whole area, and including North Yorkshire Fire & Rescue, North Yorkshire Police, North Yorkshire County Council, Richmondshire District Council, Clinical Commissioning Group
- Syrian Refugees
- DWP (UC)
- Veritau
- Emergency Planning
- Community Safety
- Lifestyle
- Ryecare
- YMCA
- Foundation
- Northern Elevators
- Swale Home Improvement Agency
- Yorkshire Housing (procured by NYCC)
- Ex-Forces Support
- Tom Willoughby
- Valuation Office Agency

These agreements are set out to allow partners and the District Council to exchange personal data and general information to allow them to co-ordinate an effective response to resolving issues. Effective and open information sharing allows organisations to fully understand issues and enables proactive approaches in service delivery.

4.0 **Response Times**

- 4.1 FOI requests are to be responded to within 20 working days. This is a difficult target to achieve, particularly since there has been a noticeable increase in the amount and complexity of requests, and some of which involve multiple departments. The requestor can ask for information held by different departments and the answer has to be collated. Performance has continued to increase despite rising numbers; this is a significant achievement.

Financial Years	Within 20 days
2017/18	89%
2016/17	90%
2015/16	94%

5.0 Exemptions

5.1 The Act outlines 23 criteria for exemptions which prevents the release of information. The presumption relating to FOI, is that information will be released unless there is a good reason why it should be withheld

5.2 Of the 718 requests received, one exemption was applied.

5.3 Of the exemptions applied, none of which were subject to a Public Interest Test

6.0 Information Not Held

6.1 Of the 718 requests received, 109 were responded to with alternative avenues to try for the information, as there is an obligation under the Act to help and assist the requestor find the information they have asked for.

7.0 Publication Scheme

7.1 The FOI Act requires every public authority to have a publication scheme approved by the Information Commissioners Officer (ICO), and to publish information covered by the scheme.

7.2 There are seven classes of information an organisation should publish. The seven classes of information are broad.

7.3 The current database of requests continues to be reviewed to identify what could be included automatically on the website.

8.0 Assurance Statement

8.1 No specific issues have been raised as a result of the Directors / Annual Year End Assurance Statement.

9.0 Plans for 2018/19

9.1 As a result of the introduction of the General Data Protection Action 2018 the actions for 2018/19 will be focussed on its further implementation as follows:

- (a) Ensure all website forms link to the main corporate privacy notice.
- (b) Ensure all paper forms that collect personal data refer to the corporate privacy notice on the website.
- (c) Document all retention periods for personal data held at the council. This will need SMT approval once completed.
- (d) Ensure all ICT systems can either anonymise or delete personal data.

- (e) Set up policies and test anonymisation or deletion of data in ICT systems. Test and then go live with this.
- (f) Ensure DPIA's are carried out on any new ICT implementations.

10.0 Changes Pending Affecting Richmondshire

10.1 This year will be one of consolidation in terms of GDPR 2018. The required actions are highlighted above.

11.0 Recommendations

11.1 Members are requested to note the information provided and proposed actions for 2018/19.

12.0 Corporate Implications

Scrutiny Consultation	The action plan/approach will be shared with Scrutiny for its input.
Community Engagement	None
Environment & Sustainability	None
Financial Implications and Efficiencies	None
Legal Implications	Compliance with Information governance is a legal requirement. The legal implications are included in the report.
Risk Implications	The Council is exposed to the risk of legal challenge/fines for breaches of Information Governance requirements. The contents of this report are intended to commence addressing this risk.
Human Resource Implications	There are implications for all sections of the Council, particularly those retaining personal data. Therefore the contents of this report will form an integral part of the HR workload.
Equalities Implications	As with all Council policies and procedures, equalities and diversity legislation and good practice is applicable. Information Governance ensures fair treatment of data held on behalf of all staff and customers, and is thereby an integral part of equalities and diversity.
Health & Safety Implications	Health and Safety procedures are designed to protect employees and customers; information governance therefore helps to support H&S requirements.

13.0 Further Information

13.1 Background Papers – None

13.2 File Reference – None

13.3 Appendices – None

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