



REPORT TO:	Audit and Governance Committee
DATE:	01 February 2023
SUBJECT:	Annual Update Information Governance
PURPOSE:	To provide an Annual Update
KEY DECISION:	No
PORTFOLIO HOLDER:	Councillor Leyland
REPORT OF:	Alison Sparks, Legal Adviser and Deputy Data Protection Officer Alison Sparks Alison.Sparks@e-lindsey.gov.uk 01507 613409
REPORT AUTHOR:	Date: 24 October 2022
WARD(S) AFFECTED:	All
EXEMPT REPORT?	No

SUMMARY

This report provides members of the Audit and Governance Committee with an overview of activity in relation to information governance, including data protection for the Authority and highlights any changes or risks for the forthcoming year.

RECOMMENDATIONS

Members are asked to note the report's content.

REASONS FOR RECOMMENDATIONS

It is a requirement under the UK GDPR that an annual report is provided by the Data Protection Officer.

OTHER OPTIONS CONSIDERED

N/A

1. BACKGROUND

1.1 This report provides members of the Audit and Governance Committee with an overview of activity within the Corporate Compliance service area in regard to information governance and highlights any changes or risks for the forthcoming year. In 2013 the Council underwent a voluntary audit of its information governance arrangements by the Information Commissioner's Office (ICO). Following the audit a report was produced detailing a number of improvements and this report was considered by the Audit and Governance Committee at its meeting of 25 September 2013.

1.2 One outcome of the review was that the Audit and Governance Committee would provide oversight of the Council's information governance arrangements.

1.3 The General Data Protection Regulation (GDPR) became law in the UK on the 25th May 2018 along with the Data Protection Act 2018 thereby bringing data protection legislation up to date for the modern digital world. The Council continues its work to ensure compliance. The Data Protection Officer is required by the UK GDPR to report to the highest level of management and it does so with Adrian Sibley, Deputy Chief Executive as this Council's responsible officer.

2. REPORT

2.1 For the period 1 April 2022 to 13th October 2022 there has been a slight increase, overall, in requests for information from customers.

The following data relates to 1 April 2022 – 13th October 2022:

2.2 Non-disclosure exemptions e.g. Police requests

The Council has received 71 requests for disclosure of personal data under the Data Protection Act, compared to 83 requests during the same timeframe in 2021.

2.3 Data Subject Access Requests

The Council has received 12 valid requests for personal data under the Data Protection Act compared to 12 requests during the same timeframe in 2020.

2.4 FOIA / EIR

The Council received 384 requests for information under the Freedom of Information Act and Environmental Information Regulations. At this point last year the number of requests stood at 358.

Efficiencies have been created by working flexibly as part of the South & East Lincolnshire Councils Partnership. This can be demonstrated via Information management processes where East Lindsey and Boston Borough Council can access casefiles and case registers for both teams. This approach enables us to save time by avoiding duplicated responses and can allow case management during times of staff absence.

2.5 Local Government Ombudsman (LGO)

The Council was notified of 4 new complaints to the LGO, 1 of which has yet to be determined. This is compared to 5 cases in the same period in 2021.

2.6 Information Commissioner's Office (ICO)

The Council has not been notified of any matters reported to the ICO. No data breaches have been reported to the ICO. Internally 23 matters have been reported to the Data Protection Officer and closed after internal investigation. This is slightly lower than the same point last year which was 29 matters.

2.7 Transparency

Information is published in line with the Transparency Code including Procurement Card transactions over £500 and any other spend over £250.

There is a need going forward to make more information available to the public and the Council's Transparency programme is under review. As the Council continues to invest in technology to improve the way it does business, this will provide further reporting capabilities to improve transparency.

2.8 Records Management

A significant part of ensuring good practice in terms of information governance is making sure that our information is processed in a structured and accountable way. We do this by working with all departments within the Council to ensure that their Records Management arrangements are robust and compliant with the Data Protection Act and UK GDPR.

Information Asset Registers and Retention Schedules are in place in all service areas and all Service Managers review and identify all information that is held and to continue to delete personal data that is no longer necessary. Records Management processes will be key in ensuring the organisation remains compliant with the legislation and the DPO advises on this as necessary when engaging with the services.

The Council's Data Protection Policy and Breach Reporting Guidance documents have been updated in line with the new legislation and a Record of Processing Activities is in place as required, which is updated as necessary.

As part of the Council's move from Tedder Hall to the Horncastle Hub, the data protection team have been fully engaged in ensuring the safe reduction of accumulated paper records.

3. CONCLUSION

3.1 The Council continues to review its Data Protection arrangements and work towards compliance. As the new legislation becomes entrenched and case law and further guidance from the ICO emerges, the Council will adapt and improve its practices accordingly. Matters will need a further review when the Data Protection and Digital Information Bill becomes law.

3.2 The ICO self-assessment tool is used as a guide to ensure that any areas of weakness are addressed as a priority.

3.3 With the further merging of services under the Partnership reviews will be undertaken to ensure there is no loss of control of citizen data and that rights are protected. Loss of control of data – not knowing what systems it is held on, who it has been shared with etc. presents a risk to the Council and makes working towards compliance more difficult. Therefore, there is a balance to be struck between meeting strict compliance controls whilst allowing services to be operational with the data that they hold and use each day to enable the effective provision of services. At present, with separate systems used it is more difficult to map where data is flowing/being held between the shared workforce and there is a risk that loss of control will lead to a lack of compliance. The DPO assists in pointing out risks and ensuring that data is managed correctly within the legislation as far as possible whilst services operate on different systems and the DPO and Deputy are working together in this area. There are no current areas of concern and data is in the process of being managed appropriately.

3.4 The Council is working towards replacing any outdated systems that store unnecessary data and this is a known risk. Paper stores have been assessed and work is ongoing to clear archives before the Council moves to its new offices.

3.5 Agile working (most staff working from home) continues and staff are reminded to complete their annual data protection refresher training via the training portal and work in accordance with the Agile Working policy which was refreshed in August 2020.

EXPECTED BENEFITS TO THE PARTNERSHIP

SOUTH AND EAST LINCOLNSHIRE COUNCIL'S PARTNERSHIP

None

CORPORATE PRIORITIES

None

STAFFING

None

CONSTITUTIONAL AND LEGAL IMPLICATIONS

None

DATA PROTECTION

The Information Governance framework sets out the way in which our organisation handles information, in particular the personal and special category data relating to our customers and employees.

The framework determines how we collect and store data and specifies how the data is used and when it can be shared.

The Corporate Compliance Service provides guidance to the Council and individuals to ensure personal information is processed lawfully, securely, efficiently and effectively.

The Information Governance framework includes:

- Data Protection Act 2018
- UK General Data Protection Regulation
- Freedom of Information Act 2000 and Environmental Information Regulations 2004
- Records Management
- Information Security
- IT Security and data protection training
- Local Government Transparency Code 2015
- Privacy and E-Communications Regulations 2003

FINANCIAL

None

RISK MANAGEMENT

Risk has been considered as part of this report and any specific risks are included in the table below:

Category Risk – State if high medium or low	Action / Controls
N/a	N/a

STAKEHOLDER / CONSULTATION / TIMESCALES

No consultation undertaken.

REPUTATION

None

CONTRACTS

None

CRIME AND DISORDER

None

EQUALITY AND DIVERSITY/ HUMAN RIGHTS/ SAFEGUARDING

None

HEALTH AND WELL BEING

None

CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS

Whilst there is an impact on the environment for the disposal of legacy paper documents going forward digital only files, with only the minimum being retained in hard copy, will help to minimise impact.

ACRONYMS

ICO: Information Commissioner's Office

APPENDICES

Appendix A - Outline of FOIA/EIR trends and analysis.

BACKGROUND PAPERS

No background papers as defined in Section 100D of the Local Government Act 1972 were used in the production of this report.'

CHRONOLOGICAL HISTORY OF THIS REPORT

Name of body	Date
Audit & Governance Committee	24 November 2021

REPORT APPROVAL

Report author:	Alison Sparks Alison.Sparks@e-lindsey.gov.uk 01507 613409
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Approved for publication:	Name of Councillor (if required)