

Information Governance team ELDC - June/July update.

Data Protection and Digital Information (No. 2) Bill - Update.

(In response to item raised 1st February 2023)

This bill is currently at the parliamentary report stage, with the 3rd reading date yet to be announced. In summary there are a large number of changes expected, although these have not yet been agreed.

In general the DPDI Bill relaxes a number of the constraints set out in the GDPR/DPA2018 pairing, but introduces an additional series of unrelated elements of legislation.

The Bill introduces the ability to allow Authorities to consider a 'vexatious' characteristic in respect to DSARs in a much more structured manner.

This key change is that not only the Data Protection Act is amended, but also the introduction the principle of a standardised Digital Verification Service, and also the extend the sharing of data under section 35 of the Digital Economy Act 2017. There is an increase in work dealing with 'smart data schemes'.

The major impact is there will be scope to share public Authority data where there is a benefit for individuals or households, permitted in DEA 2017 will be extended to businesses.

Early understanding of the Digital Verification service's change would help prevent determine what risks, costs or opportunity may be available to the Council in the next 2 years.

There appears to be a move to facilitate more automated decision making in principle – but we expect that ICO guidance once the Bill becomes law will elaborate on this in preparation for integration of more opportunities for AI supported processing.

As more information becomes available, I am happy to further brief the committee.

Response for item identified on action sheet (item 49)

"Further to the update provided, information to be provided on how secure the data was across the three organisations and also how accessible the information was, pages 11 to 12 of the Agenda refer."

From an assurance perspective the DPO is confident that PSPS provide a level of information security that complies with the standards expected under the GDPR. The annual penetration testing, remediation and improvements are a substantial control in establishing the protection around electronically held data. PSPS works together with the DPO where changes are implemented, through DPIA's and if any breaches occur.

This Council has improved the security of the non-electronic data by the work undertaken in relocating the Councils Archives to Unit D in Horncastle.

There is specific threads through the proposed S&ELP Digital Strategy to address the ever-changing cyber threat landscape, and the deliver effective information availability for the benefit of the wider public in a unified approach across all three Councils.

As DPO I have a good degree of assurance that the Council and its technology partner PSPS deliver a robust position in terms of data security based on the principles of Confidentiality, Integrity and Availability.

You can't place a quantum on "how secure is the data?", we can apply standards for example PSN, or Code of Connection, or tests such as annual penetration testing. Security is a product of the risk / benefits balance which is where I think this Council does well. In terms of Data Breach incidents – it is clear that given the high volumes of public data and the high number of transactions we generate serving the public, the low numbers of data incidents is a good indicator.

Data Protection in figures (breaches)

ICO reportable breaches.

ELDC (and SHDC) suffered a breach through a sub-processor which was reported to the ICO. PSPSL and the DPO worked together with the chain of processors to establish the root cause. The ICO closed the matter on the 12/5/2023 with **no further action required**. The number of ELDC citizens affected was approx. 150 persons. The impact was minor, the data consisted of name and address.

ELDC suffered an ICO reportable breach through a sub-processor, where a supplier was affected by a cyber-incident. The area was in relation to car parking enforcement, and the processor was commissioned by LCC. LCC and the Council was made aware of the breach by the arm's length supplier. We are awaiting the ICO response to this breach. In our case the impact of the data is minor, and the numbers of individuals is low. The loss (hostage) of this data had no effect on business delivery.

Low impact breaches of data.

There has been at total of **11 reported breaches** in the previous quarter for ELDC controlled information. This is a very small figure when compared to the large volume of personal data held and the number of transactions that the Council and its processing partners handle.

Freedom of Information

Transparency

Of the **139 FOIA/EIR** requests resolved in the previous quarter, **105** were released in full, in addition another 23 where the data was already published online. 8 were partially released with personal data redacted. Only one request was withheld fully, relating to the BID levy.

In this respect we have a **97%** level of transparency rate for requests.

Response Rates

There was also 97% compliance rate for FOIA/EIR returned during the period 1st April to June 26th 2023. This is where FOIA requests are returned within 20 working days. To expand 2 requests were beyond the deadline by no more than 2 days.

Profiles of Requestors.

The profile of requestors in analysis reinforces the ICO position that the FOIA act is a fundamental part of the democratic process (ICO25 Agenda). Whilst a large proportion of our requests are from shadow or private email addresses we have reviewed the sources where possible for the purposes of insight. The appendix contains a high level overview of this.

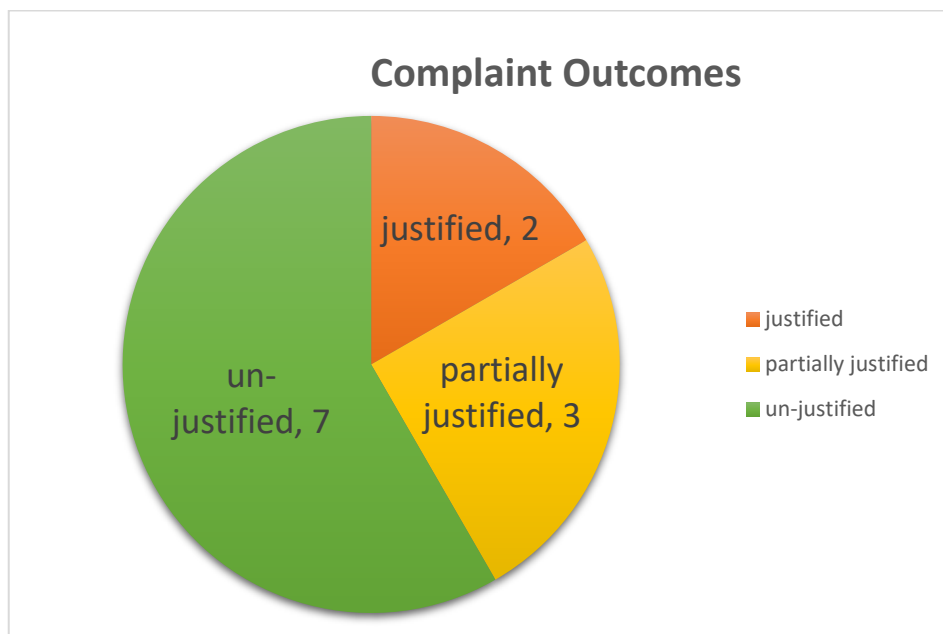
Local Government Social Care Ombudsman (Formerly LGO)

There are 2 outstanding LGSCO reviews underway, one from February. We are awaiting the LGSCO decisions.

There was another LGSCO logged in May, however the LGSCO decided to progress this to investigation.

Formal Complaints in respect to the Council Complaints Process

Of the 12 stage 1 and 3 at stage 2 complaints that have been closed in the previous quarter.



There are 2 complaints outstanding that investigating officers are working on within deadlines.