

FREEDOM OF INFORMATION, DATA PROTECTION AND TRANSPARENCY: ANNUAL REPORT 2017/18

To:

Civic Affairs Committee 07/10/2019

Report by:

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Wards affected:

All

1 INTRODUCTION

- 1.1 This report provides Civic Affairs Committee with an annual report on performance and activity during 2018/19 on transparency issues, including: data protection; requests for information under Freedom of Information (FOI) and Environmental Information Regulations (EIR); and open data. In addition the report covers snapshots of projects the council is addressing in line with the Data Protection Act (DPA) and General Data Protection Regulations (GDPR) 2018 Regulations.
- 1.2 The report is provided by the Data Protection Officer for the Council, who leads The Information Governance (IG) service. The IG Service sits within the 3C ICT shared service with Huntingdonshire District Council and South Cambridgeshire District Council, and hosted by Huntingdonshire District Council. The IG service produces and implements the Information Governance framework regarding Access to information, Information Management and Data Protection and information security, in accordance with legislation.

2. RECOMMENDATIONS

2.1 The Executive Councillor is asked to note the report.

3. LEGISLATIVE CONTEXT

3.1 INFORMATION GOVERNANCE FRAMEWORK

3.1.1 Information Governance describes the holistic approach to managing information by implementing processes, roles and metrics to transform information into business assets. The purpose of the (IG) framework is to establish how the council will approach Information Governance. Information is a vital asset and needs to be managed securely by the council. Appropriate policies, guidance, accountability and structures must be in place to manage the council's information legally, securely and effectively in order to minimise risk to the public and staff and to protect its finances and assets. The IG Strategy and Framework describes the Council's approach to meeting its statutory duties in relation to information governance, data protection and confidentiality.

3.2 DATA PROTECTION

3.2.1 The Data Protection Act 2018 is the UK's implementation of the General Data Protection Regulations (GDPR). Data protection is primarily concerned with personal data about individuals rather than general information. The council has a diverse range of people services which relates to a significant volume of data. As service delivery evolves in the way the council is delivering its services this will have great impact on information governance arrangements. The council's challenge under the Data Protection Act 2018 is incorporating a streamlined process in relation to individual rights. These include the right to:

- Be informed about how your data is being used
- Access to personal data
- Have incorrect data updated
- Have data erased
- Stop or restrict the processing of your data
- Data portability (allowing you to get and use your data for different services)
- Object to how your data is processed in certain circumstances

4.0 2018/19 CHANGES TO COMPLIANCE REQUIREMENTS

4.1 DATA PROTECTION IMPACT ASSESSMENTS

4.1.1 Under the General Data Protection Regulations (GDPR), it is mandatory for all new projects to complete a Data Protection Impact Assessment (DPIA). The Council have introduced a new DPIA checklist into the Corporate Programme Office (CPO) processes as part of the initial phase of a new project ensure risks are identified and taken into account before the problems become embedded in the design and causes higher costs due to making changes at a later stage. An IG team member is responsible for checking the DPIA as part of the Quality Assurance Group process. Given that many of the Council's current projects are still "in-flight" and new ones are only just beginning to come through, monitoring of the DPIA assessment process will need to be undertaken at an appropriate time.

4.2 CYBER SECURITY/INFORMATION SECURITY

4.2.1 In line with national heightened awareness and requirements, the Council has continued to invest and develop further protection in Cyber and Information Security across a number of services over the past year. To achieve this council intends to attain Cyber Essentials Plus introduced by the UK government. Cyber Essentials is a Government-backed, industry-supported scheme to help organisations protect themselves against common online threats. In simple terms, the scheme helps organisations ensure that they have robust processes in place to:

- Secure Internet connections
- Secure devices and software
- Control access to data and services
- Protect from viruses and other malware
- Maintain devices and software up to date

Cyber Essentials Plus adds an assessment by an independent organisation to the self-assessment checklist process used by the basic scheme.

It is expected that the Council will attain Cyber Essentials Plus certification during 2020.

4.3 POLICIES

4.3.1 A policy data base has been established to track the status of policies and flag up when they are due for review. The data base Protocol Policy specialises in ICT policies.

4.3.2 The Senior Information Risk Owner (SIRO) and the Information Security Group have reviewed a number of policies at the Information Security Group meeting (ISG). The ISG meets quarterly. The policies below have now been amended, approved and shared with all staff groups:

- Acceptable User policy
- Information Security policy

4.3.3 A number of further policies will need to be reviewed over the future year to align with the General Data Protection Regulations (GDPR).

5.0 FREEDOM OF INFORMATION

5.1 Nationally published statistics show that the number and complexity of Freedom of Information requests submitted to Local Authorities remains high and overall the amount of time consumed in administering the requests continues to increase. The Council continues to mirror the national picture with the volume of requests increasing.

5.2 The Council's own performance reflects the national statistics. As Appendix B demonstrates that there has been year on year increase in the number of FOI requests since 2013/2014. For the year 2018/19 (April – March) the council received a total of 913 requests under FOI and EIR, representing a 3.8% increase on the number of requests received in 2017/18.

5.3 Overall, the Council has performed above the ICO target of 90% response rate within the target date. In 2018/19 they achieved 91%.

5.4 There are services which receive a high percentage of FOIs. Appendix D shows the numbers and the percentages per service. there are four departments (environmental, planning, IT and revenues & benefits) with significant requests. The increase in numbers cannot therefore be specifically linked to one theme, but a number of duplicate requests have arisen as a result of campaigns received from main stream media.

- 5.5 In order to manage performance FOIs are monitored bi-weekly on a corporate basis to ensure managers and senior managers oversight of the compliance with targets.
- 5.6 The Council will also be developing and implementing a process to publish a selection of questions and answers under Freedom of Information to potentially negate duplicate requests. In doing so, requesters can be referred to the website rather than responding to a request already published, therefore saving staff time and resources.
- 5.7 Further training will be provided and is referenced in section 7 below

6.0 INDIVIDUAL DATA REQUESTS

- 6.1 The changes to the Data Protection Act and the introduction of the GDPR regulations in 2018 gave enhanced rights to individuals in regard to their personal data (see para 3.2.1). In regard to this, the Council has seen an increase in numbers of individual data requests. Appendix D includes the performance data related to this area. There were 33 requests made during the year, of which 23 were responded to within target date.
- 6.2 This area is being monitored and training will be provided as set out in section 7 below

7.0 TRAINING

- 7.1 To ensure organisational compliance with the law and relevant guidance relating to Information Governance (IG), staff must receive appropriate training.
- 7.2 Training has been on-going and in 2018, when GDPR legislation was implemented, staff underwent compulsory training via e-learning module, or for operational staff, via videos shown during team meetings.
- 7.3 Currently, all new starters who manage confidential information are expected to undertake bi-annual training on handling confidential information. The IG team propose that bi-annual IG training should be made mandatory for all staff. Staff IG training needs will be routinely

assessed, monitored and adequately provided for. The council will develop an (IG) training programme to establish a clear plan for (IG) tailored to specific staff groups or job roles. The plan will address how and when each staff group will be trained.

7.4 Councillors, who handle confidential information will also need to undergo bi-annual training.

7.5 The training covers data security, breaches and incidents, and General Data Protection Regulations (GDPR). Completion of the training will be sufficient evidence of basic information governance training to handle confidential information.

CONSULTATIONS

Senior managers have been consulted in the production of this report.

CONCLUSIONS

The Council takes transparency issues seriously and is broadly compliant with the legislation. A number of measures have been put in place to increase the Council's performance in these areas, and to reduce the risk of breaches in compliance with the legislation.

Officers will continue to review practice, learning from 3C ICT partners and others to strive to continually improve performance, serve residents better and reduce the council's exposure to risk.

IMPLICATIONS

(a) Financial Implications

No decisions with financial implications are proposed in this report.

(b) Staffing Implications

Staff will continue to be supported to understand and meet their obligations regarding transparency issues, including through the roll-out of the new Fol tracking software.

(c) Equality and Poverty Implications

This report does not propose decisions with equalities impacts, so and EqIA has not been produced.

(d) Environmental Implications

No decisions with environmental implications are proposed in this report.

(e) Procurement

n/a

(f) Consultation and communication

As set in the body of the report, the need for vigilance and training on data protection and related matters has been communicated to managers and staff regularly.

(g) Community Safety

n/a

BACKGROUND PAPERS: The following are the background papers that were used in the preparation of this report:

n/a

APPENDICES

Appendix A Service Analysis to include service response time

Appendix B Number of requests received by Cambridge City Council/
percentage of FOI responses responded to within 20
working days

Appendix C Number of requests received / percentage of requests
received by Cambridge City Council

Appendix D Personal data and complaints handling

The author and contact officer for queries on the report is Information Governance Manager/DPO

Report file:

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APPENDIX A

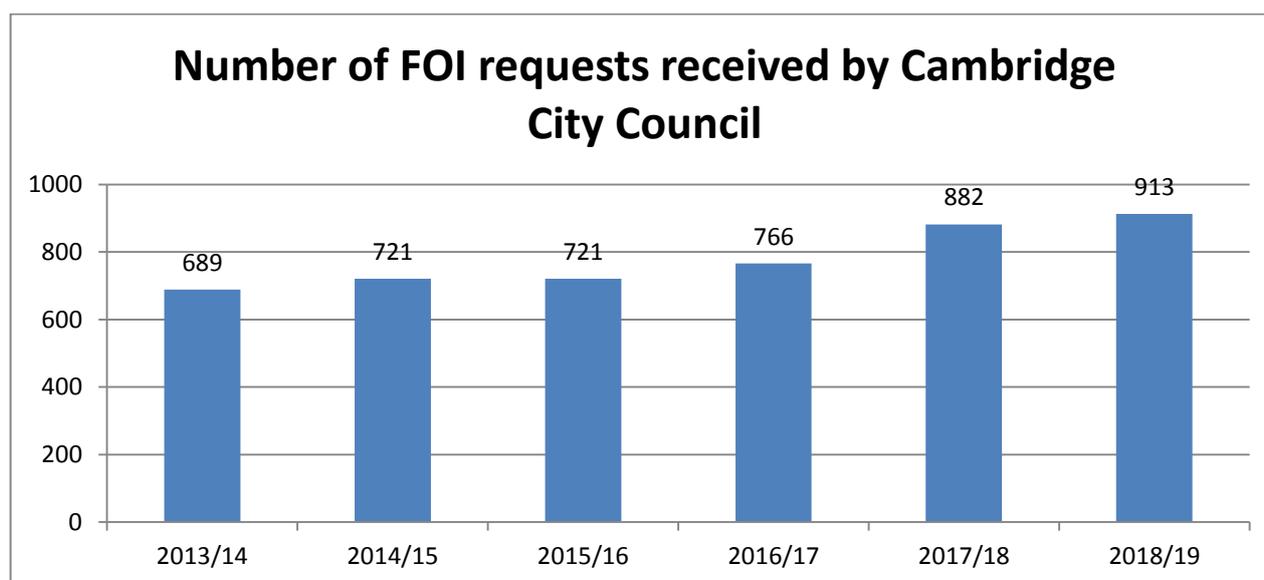
City Council Performance on FOI Response 2018/19

Service	FOIs Received	Response in 20 working days	% responded to in 20 working days	Average response time (working days)
3CSS Building Control	2	1	50%	21.5
3CSS ICT	148	130	88%	17.1
2CSS Waste	9	6	67%	19.9
3CSS Legal	8	5	63%	21.4
CCC CEX	2	2	100%	8.5
CCC Commercial Services	65	65	100%	10.7
CCC Community Services	28	28	100%	8.8
CCC Corporate Strategy	43	40	93%	14.6
CCC Environmental Services	193	178	92%	14.6
CCC Estates & Facilities	22	15	68%	22.9
CCC Finance	37	34	92%	14.6
CCC Housing Development Agency	4	4	100%	13.3
CCC Housing Services	60	57	95%	14.4
CCC HR	24	24	100%	17.9
CCC Planning	140	129	92%	14.4
CCC Property Services	14	11	79%	22.6
CCC Revenues & Benefits	93	89	96%	12.7
CCC Transformation Office	1	1	100%	11.0
Various	20	11	55%	30.0
	913	830	91%	

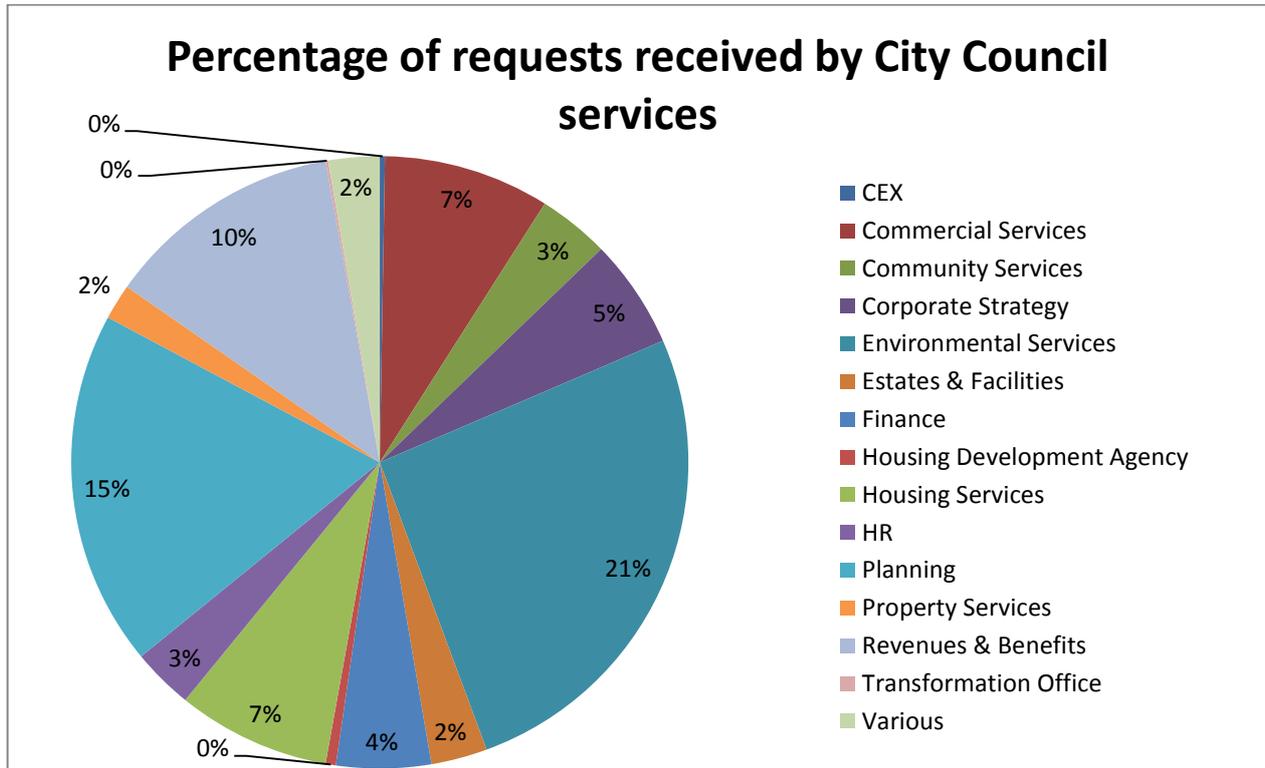
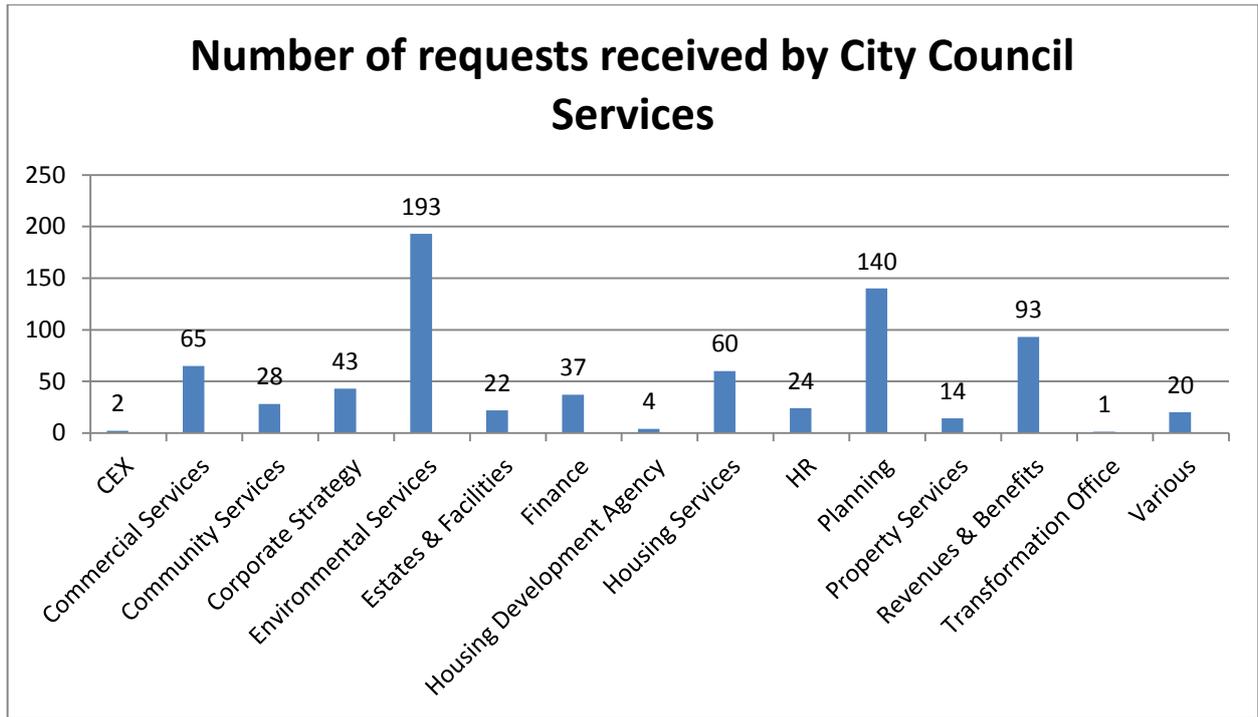
Appendix B

Request and responses at Council level 2018/19

Year	Number of requests	% of requests responded to in 20 working days	% of requests responded to outside of 20 day target	ICO Target
2013/14	689	92	8	85
2014/15	721	84	16	85
2015/16	721	91	9	85
2016/17	766	87	13	90
2017/18	882	90	10	90
2018/19	913	91	9	90

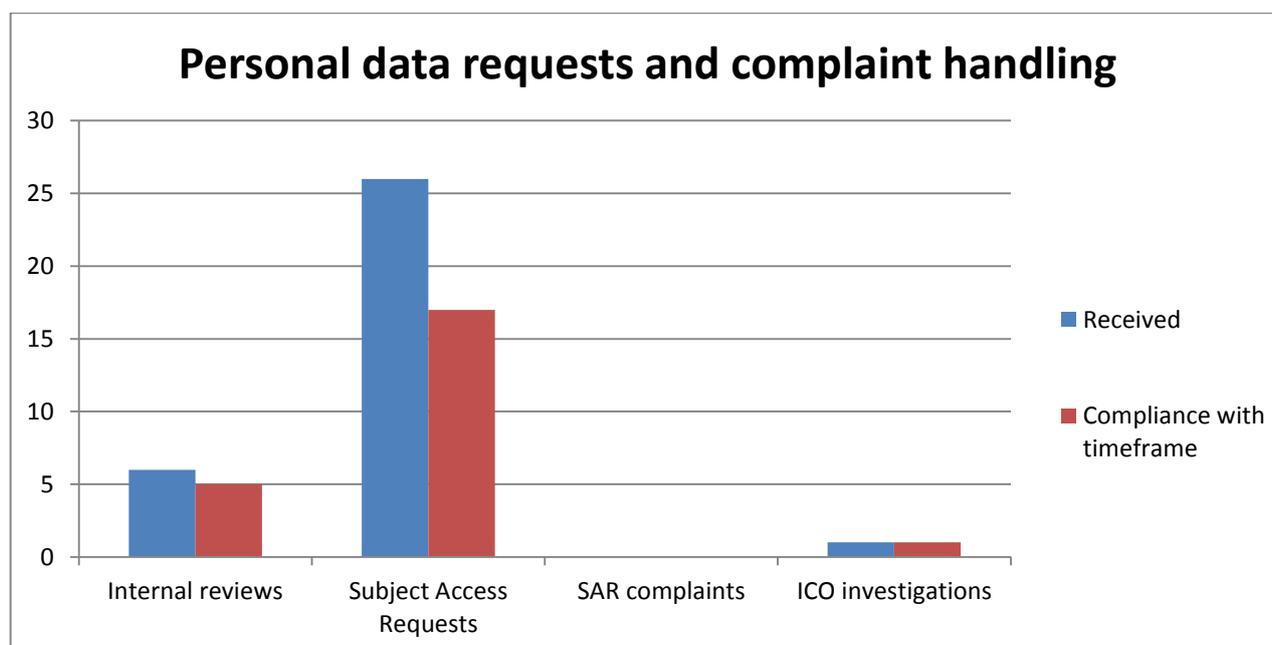


Appendix C



Appendix D

Other Requests		
	Received	Compliance with timeframe
Internal reviews	6	5
Subject Access Requests	26	17
SAR complaints	0	0
ICO investigations	1	1



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