

## CAMBRIDGE CITY COUNCIL

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REPORT OF: Head of Corporate Strategy

TO: Civic Affairs Committee

14/9/2016

WARDS: All

### **FREEDOM OF INFORMATION, DATA PROTECTION AND TRANSPARENCY: ANNUAL REPORT 2015/16**

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#### **1 INTRODUCTION**

- 1.1 This report provides Civic Affairs Committee with an annual report on performance and activity during 2015/16 on transparency issues, including: data protection; requests for information under Freedom of Information (FOI) and Environmental Information Regulations (EIR); and open data.

#### **2. RECOMMENDATIONS**

- 2.1 Note the Council's performance on transparency issues during 2015/16.

#### **3. DATA PROTECTION**

##### Background

- 3.1 The Council collects and holds a wide range of personal information about our tenants, residents and the users of our services. This information helps us to provide services and assist our customers.
- 3.2 The Data Protection Act (DPA) 1998 provides a framework to ensure that personal information is handled appropriately, fairly and securely. The Council must process personal data in accordance with the Data Protection Principles, including:
- Information must be processed fairly and lawfully. This means that the individual providing personal information to Council services must clearly understand why their data is needed, who it will be

shared with, giving them a clear indication of how their personal data will be used.

- Collecting personal information only for the purposes specified, and ensuring that the information collected is relevant and not excessive in relation to those purposes
- Using personal information held by the Council only for the purposes specified by the authority to the Information Commissioner Office (ICO)
- Ensuring that personal information collected is accurate, kept up to date, and is not kept for longer than is necessary
- Ensuring that personal data is kept securely. The Council is required to take appropriate technical and other measures to prevent unauthorised or unlawful access to personal information, or accidental loss, destruction or damage of personal information.
- Ensuring that personal information about individuals is not shared with other people or organisations, except in the circumstances described by the act. . These exceptions to the Act include when information could assist in the prevention and detection of a crime, the apprehension or prosecution of offenders and matters of taxation.
- Providing individuals with access to information held by the Council about them, through responding to Subject Access Requests.

3.3 If the Council breaches the principles of the DPA, this can have a significant impact on the individual(s) affected. In particular, the loss or unauthorised sharing of personal information can have serious impacts, ranging from harassment to identity theft.

3.4 The Information Commissioners Office (ICO) receives reports of breaches of the Data Protection Act and makes decisions in each case. In the last 12 months the ICO has upheld decisions against 246 local authorities for breaches of the DPA. The ICO has the power to impose fines of up to £500,000 for breaches of data protection obligations, and in recent years a number of local authorities have been fined very large amounts for serious breaches of the DPA.

### Performance

3.5 The Council's Internal Audit service have carried out a number of audits which have considered whether the Council is complying with the DPA. All of these audits returned a significant assurance rating, which suggests that the Council's overall approach is compliant with the DPA. These audits have included audits of:

- Data security, March 2013
- Data protection compliance, focussing on document storage and retention and data sharing, April 2013
- Data sharing protocols and processes for reporting and responding to DPA breaches, January 2016

3.6 Although the Council's overall approach to data protection is compliant with the DPA, a number of data protection incidents have still occurred. Since August 2015, 15 data protection incidents have been reported by Council staff or residents. The incidents have related to the following issues:

- Letters containing personal information being sent to the wrong recipient. There have been 7 instances of this nature, occurring mainly due to more than one letter being included in an envelope, or documents left on a printer being included with another resident's letter;
- Sending information to the wrong person via email, as a result of the 'autofill' function selecting the incorrect email address;
- Sending information via email which should not have been disclosed;
- Issues with ineffective or incorrect redaction of documents, including documents published on the Council's website and documents sent out in response to an FOI request;
- Publication of correspondence containing personal information on the Council's website in error; and
- Sharing personal data regarding members of staff with other colleagues in error

3.7 In all 15 instances, immediate steps were taken by officers to mitigate the incident, such as recovering letters from the recipients or removing documents from the Council's website. Management actions have also been taken to reduce the risk of similar incidents taking place in future. 2 of the 15 incidents were considered significant enough to merit the Council reporting them to the ICO. However, in both of these cases the ICO decided that no further action was required beyond that which the Council had already taken. This gives further reassurance that the Council responds appropriately such incidents occur.

3.8 Over the past year, the Council has taken steps to clarify the process for reporting data protection incidents internally. It is likely that these measures have led to an increase in the number of reported incidents. While the majority of incidents and breaches are the result of human error, the increased reporting of breaches has enabled the

Council to identify the most common risks and take preventative measures where necessary.

3.9 Since January 2013, a senior officer Information Security Group (ISG) has been established and has been meeting regularly to review issues and drive improvements in the Council's approach to information security matters. Members of ISG have also carried out an annual assessment of the Council's compliance with the DPA using the self-assessment checklist for local authorities provided by the ICO. In response to these assessments, ISG has identified and implemented a number of actions in order to address outstanding data protection risks and reduce the likelihood of serious breaches of the DPA. A significant amount of work has been taken forward over the past three years, including the following key actions:

#### Improving corporate governance

- The Head of Corporate Strategy has been identified as the Council's Senior Information Risk Officer (SIRO) and reports to Strategic Leadership Team/Strategic Management Team on data protection matters. He is supported in this role by the Information Security Group, which is attended by relevant officers from Corporate Strategy, Legal Services, ICT Client (now 3C ICT services) and Internal Audit. The group meets five times a year to consider data protection and wider information governance issues and risks.
- Human Resources developed a generic job description for a manager, which makes it clear that managers are responsible for data protection and a range of other corporate issues.
- As outlined at 3.7, a clear process for reporting data protection breaches has been established. Awareness of the process amongst staff has been raised through articles in Management Matters and staff guidance on data protection.

#### Updating policies, guidance and resources for staff

- The Council's data protection policy and the data protection guidance for staff have both been reviewed and updated.
- The Council's records management policy, information governance policy and retention schedule have been reviewed and updated.
- A new, single data protection page on CityNet (the Council's staff intranet) has been created which provides links to relevant corporate policies and guidance on data protection and data

security issues. This has ensured that guidance is immediately available for staff, based on simple intranet searches.

### Increasing staff training and awareness of data protection issues

- All staff with access to Council IT accounts have been asked by their managers to complete training on data protection, most commonly through an e-learning module. The initial focus was on those officers who handle sensitive personal data, and has now been extended to all council staff with access to an IT account. As of August 2016, over 80% of all staff with active email accounts have completed data protection training, with reminders being sent to the remaining officers. It is now also a requirement that all new staff with access to the Council's IT network complete this module within a month of joining the Council, and that temporary and agency staff are required to have demonstrable knowledge of data protection issues when recruited. Heads of Service have been asked to ensure this is added to standard induction and recruitment procedures.
- More detailed data protection awareness workshops have been made available for staff through the Corporate Learning and Development programme and actively promoted to staff. As of 10 June 2016, a total of 22 senior managers had attended a series of data protection briefings for senior managers, and a further 88 staff had attended data protection awareness workshops.
- A session on information security is included at corporate induction, which should be attended by all staff joining the Council. A total of 87 new members of staff attended corporate induction in 2015/16.
- Attending relevant management teams (those that deal with significant amounts of personal data) to promote awareness of the revised data protection policy and some of the measures that have been put in place to promote data protection.
- Publishing a series of articles on data protection issues in Insight (the newsletter for all staff) and Management Matters (the newsletter for all managers), including specific items on effective redaction, the risks associated with autofill address function in emails, and the need to use the "bcc" field when sending emails to more than one external email address.

### Ensuring that appropriate data security measures are in place

- All Council laptops have been encrypted and all Council desktop computers have been audited annually to ensure that they meet Public Services Network (PSN) standards for data security.

- Locking down USB ports on staff computers so that data can only be downloaded to secure registered devices, including encrypted USB sticks and Council mobile phones.
- Multi-functional devices (MFDs) have been rolled out across Council sites which in most cases require staff to enter a personal identification number (PIN) before printing. This reduces the risk of personal information being left on printers. Managers have been asked to ensure that staff use only these PIN-enabled printers, unless operational requirements dictate otherwise and adequate safeguards are in place.
- Ensuring that emails to external organisations can be sent securely by staff, through providing GCSx email addresses for emails to other public sector partners and email encryption for email to other third parties.
- The Council also considered removing a function which allows Councillors to auto-forward emails from their City Council inbox (which is secure) to personal email addresses. However, taking account of operational effectiveness and considering the level of risk to be relatively low, this function has not been removed.

## **4.0 FREEDOM OF INFORMATION**

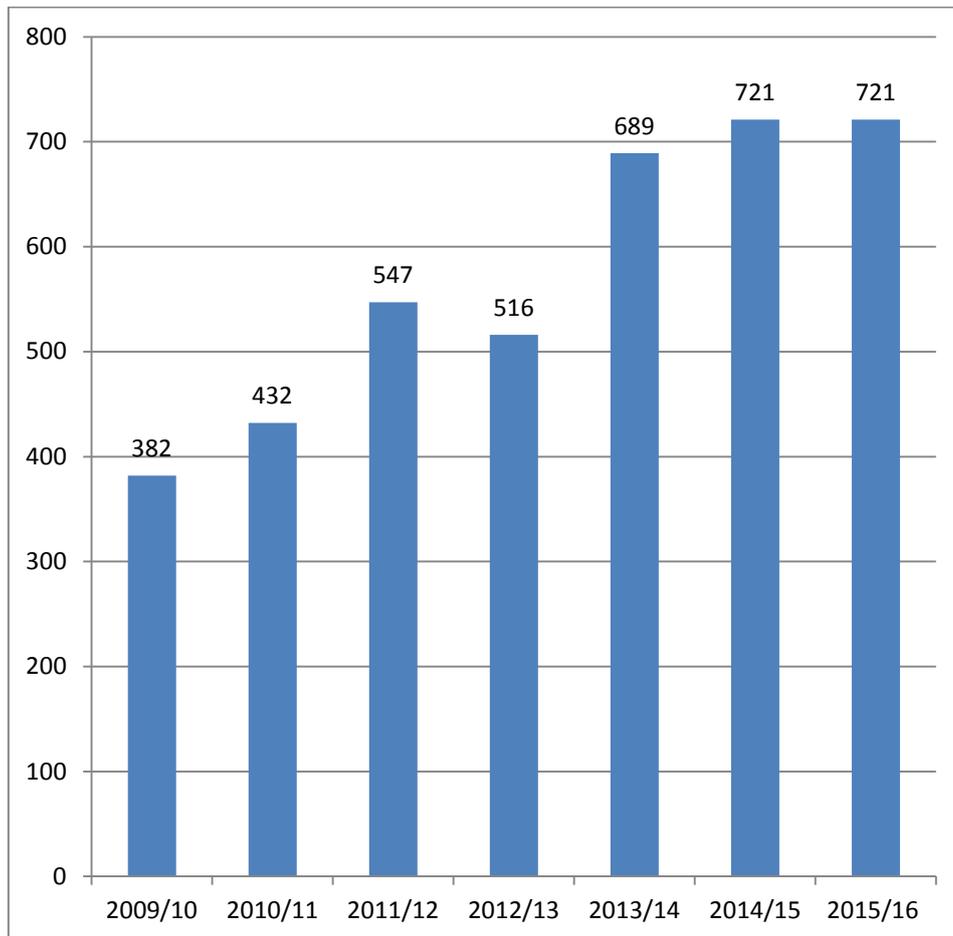
### Background

- 4.1 The Freedom of Information Act 2000 (FOI) and the Environmental Information Regulations 2004 (EIR) give rights of access to information held by public authorities. Both require the authority to proactively disclose certain information, and to release other information in response to requests, subject to certain exemptions.
- 4.2 EIR gives access to information about the environment, and requests for information held by a number of Council services, including planning services, environmental services and the shared waste service, fall under this legislation.
- 4.3 It was agreed at full Council on 16 July 2009 that the Council should publish all responses to FOI requests in a disclosure log on the Council website. The disclosure log is maintained centrally by staff in Corporate Strategy. To assist in keeping the disclosure log up to date, Heads of Service are asked to ensure that once officers have responded to requests, they send their responses to the FOI email address so that they can be published.

### Performance

4.4 In 2015/16 the council received a total of 721 requests under FOI and EIR, which is the same number of requests that were received during 2014/15. However, as Figure 1 below shows, there has been a significant increase in the number of requests over the past 7 years, from 382 in 2009/10 to 721 in 2015/16<sup>1</sup>. This represents an increase of 89% over this period.

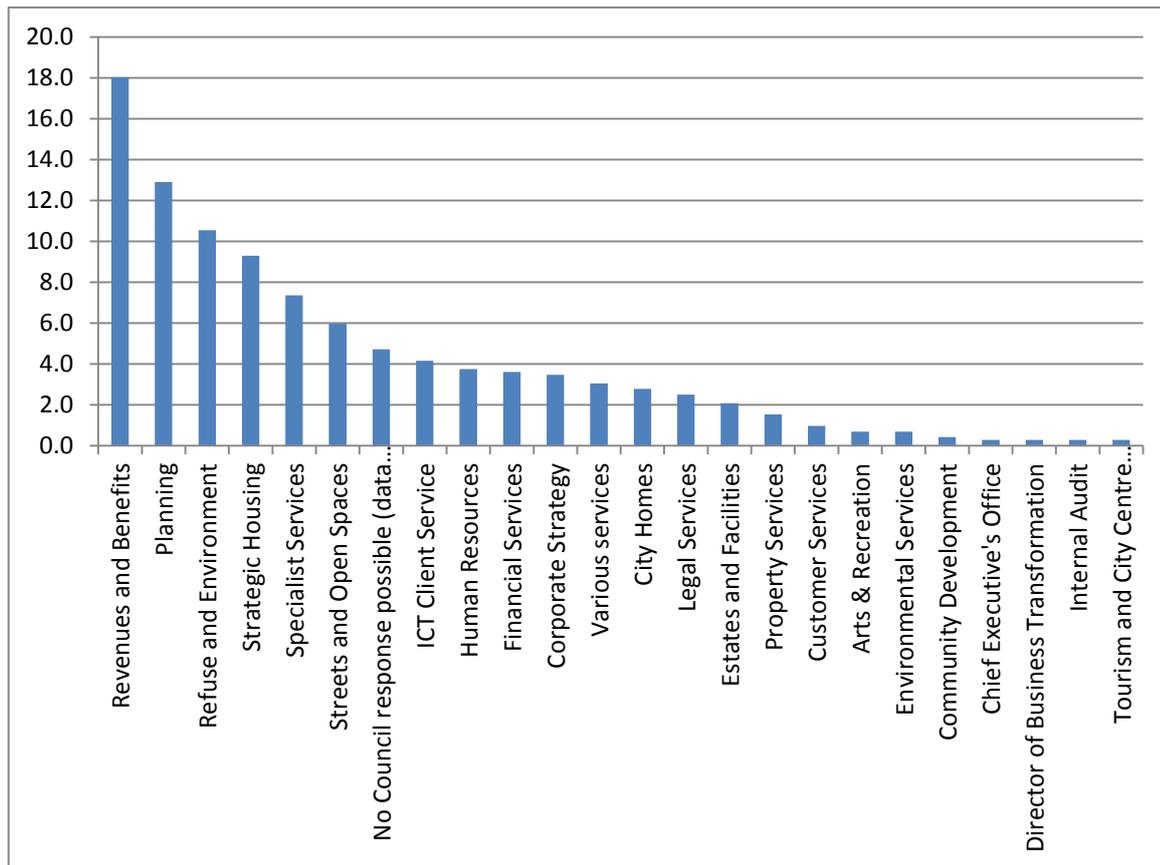
**Figure 1 – Number of FOI requests received by Cambridge City Council**



4.5 The number of requests received by different Council services varies significantly. As shown by Figure 2 below, requests to six customer-facing services account for almost two-thirds (64.1%) of FOI requests to the council in 2015/16. The top six services were: Revenues and Benefits (18.0%), Planning (12.9%), Refuse and Environment (10.5%), Strategic Housing (9.3%), Specialist Services (7.4%) and Streets and Open Spaces (6.0%)

<sup>1</sup> In 2012/13 we stopped routinely recording requests that were asking for information held by other authorities, which partly explains the fall in the number of requests between 2011/12 and 2012/13

**Figure 2 – Percentage of requests received by City Council services**

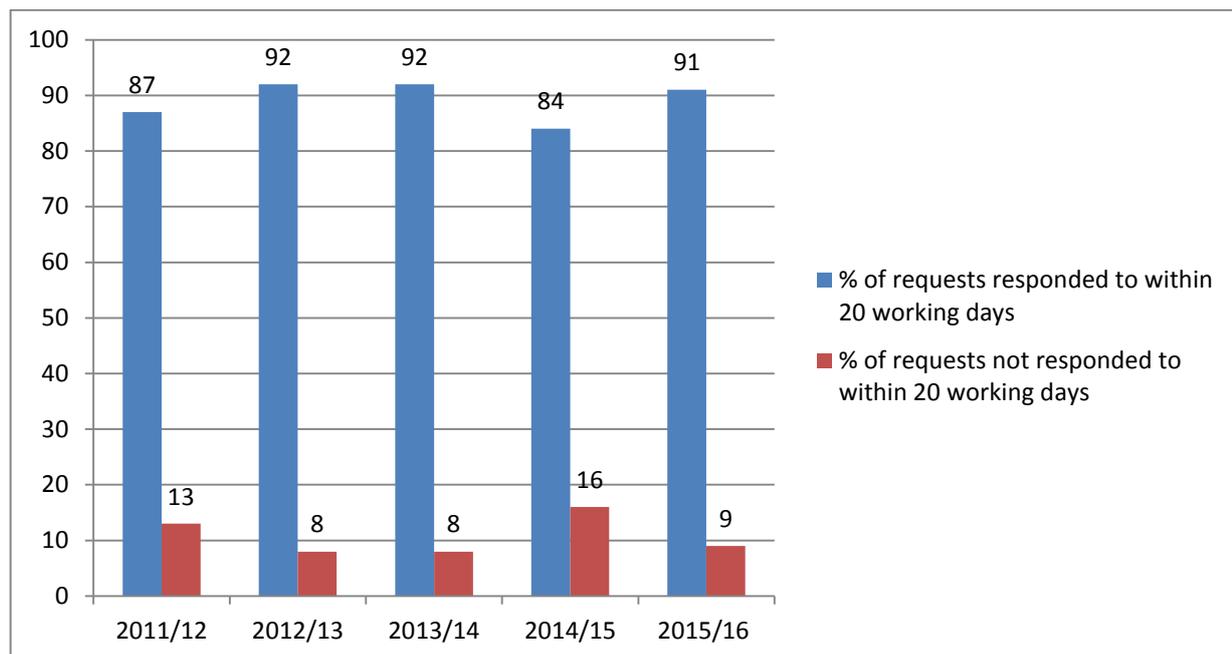


4.6 The authority has a duty to respond to FOI and EIR requests as soon as possible, and no later than 20 working days following receipt. This can be extended to 40 working days when considering the public interest on an exemption (FOI) or if the information requested is 'complex and voluminous' (EIR).

4.7 The Council responded to 91% of FOI requests in 2015/16 within 20 working days. This performance was below the Council's corporate performance target, which is to respond to 100% of FOI requests within 20 working days. However, it represents a significant achievement in the context of the increasing numbers of requests received by the Council. It is also above the threshold set by the Information Commissioner's Office (ICO), which monitors the compliance of local authorities with FOI legislation. The ICO sets a threshold for intervening in authorities of less than 85% of requests responded to within 20 working days

4.8 As Figure 3 below shows, the Council's performance on FOI requests within 20 working days has been above the ICO threshold in 4 out of the last 5 years. Performance in 2014/15 (84%) dropped below the ICO threshold largely due to poor performance in Quarter 4, when 77% of requests were responded to on time.

**Figure 3 – Percentage of FOI responses responded to with 20 working days**



4.9 The average number of days taken by each service to respond to FOI requests ranges from 6.7 days to 19.2 days. No Council service averages more than 20 working days for FOI requests.

4.10 However, the proportion of requests which were responded to within 20 working days varied from 54.3% to 100% across Council services.

4.11 In some cases services may simply have missed deadlines due to oversight, but there may be a number of other reasons for services taking longer than 20 working days to respond to particular requests. These include:

- complex requests involving a high volume of information to be considered
- information having to be gathered and collated from a number of sources
- taking time to consider relevant exemptions for disclosure of parts or all of the information requested

4.12 It should also be noted that, although the time limit for responding to most requests is 20 working days, there are some circumstances where it is legitimate to respond to a request under FOI and EIR within 40 working days. Under both FOI and EIR legislation, if a request is being clarified with the applicant then these requests

should be placed 'on hold' and the time waiting for clarification should not count toward the overall processing time. The Council's current system for monitoring response times to requests does not allow us to capture this information, but the implementation of a new FOI case management software system will allow any days where a request was placed 'on hold' to be removed from the total days taken to respond to the request.

4.13 The Council has taken a number of steps in recent years to improve its performance in responding to FOI and EIR requests. Firstly, the Council is proactively publishing information and data that is frequently requested under FOI and EIR as part of wider work on open data and transparency (see paras 5.1 to 5.5 below).

4.14 Secondly, a range of training and resources have been provided for staff to raise awareness and understanding of the requirements of legislation. This includes:

- Detailed guidance for staff on FOI and EIR was published on CityNet (the Council's staff intranet) by the Corporate Strategy service in September 2013. The guidance is intended to increase the understanding of staff of the key issues and provide them with the resources to be more self-sufficient when responding to requests. The guidance provides advice on how to handle requests and which exemptions can be applied. It also includes standard response templates to improve consistency and to help reduce the time required for staff to draft responses.
- Corporate Strategy staff delivered a series of bite-size training sessions in FOI and EIR in February and March 2014. The courses were well attended, with 90 members of staff receiving training over 8 sessions.
- A further workshop on EIR was provided in 2016 for 17 staff in the Environment Department, in response to a request from the Director of Environment.
- An FOI module has been made available for staff on the council's e learning portal.
- Advice on handling FOI requests is included as part of a wider session on information governance and security at corporate induction, which is attended by all staff joining the Council. A total of 87 new members of staff attended corporate induction in 2015/16.

4.15 Finally, the Council is currently jointly procuring an FOI case management system with the 3C shared ICT service. The system will replace the Council's current approach for processing requests, which is based on an Access database and requires significant

officer time to log, allocate and track requests. The system is due to be implemented during autumn 2016. It is expected that the new system will improve the allocation, tracking and monitoring of requests through a range of functions, including:

- Sending automated acknowledgements when individuals submit a request for information
- Assigning requests to departmental coordinators and responding officers
- Automatically sending reminders to responding officers and central FOI staff at key stages in the request handling process.
- Providing officers with access to a range of templates to assist in drafting clear FOI responses
- Automatically publishing completed responses to the disclosure log on the Council's website
- Providing greater central administrative oversight of the progress of active requests
- Generating a range of performance data for managers, including reports on timeliness of requests, exemptions applied and other filters

## **5.0 Open data and transparency**

5.1 The Council is increasing the amount of information and data that it publishes proactively as part of its work on open data and transparency. There are a number of drivers for this work

- Ensuring that the work of the Council is transparent and increasing access to information about the Council's activities so that members of the public can hold the Council to account – this is one of the City Council's core values
- Meeting the requirements of the Local Government Transparency Code
- Meeting the publication scheme requirements of the Freedom of Information Act.

5.2 The Local Government Transparency Code 2014 was published by the Department of Communities and Local Government in May, with local authorities having until March 2015 to meet the requirements. This code requires local authorities to publish specific datasets under a number of categories of information, and update this information on a quarterly or annual basis (see Appendix A for details of all mandatory datasets).

- 5.3 Corporate Strategy has worked with services that hold the data to ensure all mandatory datasets are available now available, with the exception of procurement data on all contracts held by the Council with a value of £5000. It is not currently possible for the Council to publish this information, as individual services are responsible for procurement and contract activity, and the central procurement team only holds information on contracts with a much higher value than £5000. It is anticipated that the planned development of a new central procurement/contracts register will enable the Council to meet this transparency requirement.
- 5.4 The Council also publishes a range of datasets (see Appendix B for a full list) in response to the requirement in the FOI Act to have a publication scheme, including information on:
- What the Council does
  - What the Council spends and how it is spent
  - Priorities and performance
  - Inspection reports
  - Decision-making
  - Policies and procedures
  - Lists and registers
  - Services performed by the Council
- 5.5 In addition to the data that the Council is required to publish by the Transparency Code and the FOI Act, we have also identified data and information which is most frequently requested under FOI and EIR and published it voluntarily on the Council's website. The aim of this work is to reduce the amount of time taken to respond to FOI and EIR requests and the staff time taken up by responding to requests.
- 5.6 The two most frequently requested datasets in 2013/14 were:
- information held by the Council's Revenues and Benefits service relating to National Non-Domestic Rates, more commonly known as business rates. In 2013/14 the Council received 89 requests for this data, which represented 12.6% of all requests received that year.
  - Information held by the Bereavement Services regarding intestate deaths. In 2013/14 the Council received 55 requests for this, which represented 8% of all requests received in that year.
- 5.7 The Council now regularly publishes data relating to business rates and intestate deaths in a standardised format on the Open Data pages of the Council website. While the Council continues to receive

requests for this information, proactive publication has reduced the time taken to respond to these requests significantly, because requesters can be quickly directed to the information on the website, rather than staff having to generate the data in response to each request. Of the 97 requests received in relation to business rates in 2015/16, 62% were responded to by directing the requester to information published on the open data web pages.

- 5.8 It would not be practical for the Council to publish all the information requested under FOI on a proactive basis. The Council receives a wide range of requests for information, many of which are not repeated. When repeat requests do occur, it is not always possible to identify standardised datasets that could be easily released. However, where possible the Council continues to identify datasets that can be proactively published to meet public demand for information.
- 5.9 One of the most frequently requested datasets during 2015/16 was for CON 29 enquiries of the local authority, which provides details of a number of issues that are relevant to property transactions, including Planning and Building Regulation decisions, Road and Traffic schemes, and contaminated land. CON 29 searches accounted for approximately 10% of requests in 2015/16.
- 5.10 The Council does not currently charge for responding to such requests, which means that property purchasers can request this information from the Council free of charge as an alternative to paying for an official search from the local authority. During the course of 2016/17, the Council will be exploring the potential for a pricing schedule, which would allow it to charge requesters an admin fee for the information. It is anticipated that introducing charges for this information, as many other Councils do, could reduce the number of FOI requests and ensure that the Council is able to recoup some of the administrative costs of responding to the requests received.
- 5.11 The Council received £5,620 in New Burdens funding from the Department of Communities and Local Government to meet costs associated with implementing the Transparency Code. The funding will be used to commission Cambridgeshire County Council's Research Group to deliver:
- Training for Council staff on open data, data visualisation and infographics. The training will include a focus on ensuring that data is accurate and reliable, preparing data for publication, and

techniques for presenting data in an engaging and informative manner.

- Providing technical support to selected Council services to develop a number of open data case studies to demonstrate the benefits of publishing data.
- Providing hosted space for Council data on the Cambridgeshire Insight web portal. This will increase transparency by: allowing users to access City Council data alongside data from neighbouring authorities; making the data available more widely through the national data.gov.uk portal; and providing additional metadata about the datasets, which will improve the Open Data classification rating of our information.

5.12 Publication of open data in this way will also allow the Council, its partners, residents, researchers, app developers and others to derive new insights into the city, how our customers and residents are behaving and changing, their needs and preferences, in ways which may inform service delivery options going forward, and enable Cambridge to become more of a “smart city”.

## **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 EqlA 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**

- |                   |   |
|-------------------|---|
| <b>Appendix A</b> | Local Government Transparency Code Datasets (Mandatory) |
| <b>Appendix B</b> | Data already available through FOI Publication Scheme   |

The author and contact officer for queries on the report is Andrew Limb on extension 7004.

Report file:

Date originated: 02 September 2016

Date of last revision: 02 September 2016

## Appendix A: Local Government Transparency Code Datasets (Mandatory)

Information Title	Dataset	Frequency
Expenditure over £500	Details of each individual item of expenditure that exceeds £500	Quarterly
Government procurement card transactions	Details of every transaction on a Government Procurement card	Quarterly
Procurement information	Invitation to tender for contracts with a value over £5,000	Quarterly
	Details of any contract, commissioned activity, purchase order, framework agreement or other legally enforceable agreement with a value over £5,000	Quarterly
Local Authority Land	Publish details of all land and building assets	Annual
Grants to voluntary, community and social enterprise organisations	Grants to voluntary, community and social enterprise organisations, either through tagging transactions in the expenditure over £500 dataset or publishing as a separate list or register	Annual
Organisation chart	Organisation chart covering staff in top 3 levels of the organisation	Annual
Trade Union facility time	Number of union representatives, number or representatives devoting at least 50% of their time to union activities, trade unions represented in the local authority, estimate of spending on the unions as a percentage of total pay bill	Annual
Parking revenues	Revenue collected from on and off street parking, parking enforcement notices	Annual
Controlled parking spaces	Number of marked out controlled on and off street parking spaces	Annual
Senior salaries	Number of employees whose remuneration was at least £50,000, details of remuneration and job title of senior employees whose salary is at least £50,000, list of functions these staff are responsible for, budget held	Annual
Constitution	Constitution	Annual
Pay multiple	Pay multiple defined as ratio between highest paid salary and median salary of the workforce.	Annual

## **Appendix B – Data already available through FOI Publication Scheme**

### **What we do**

- Constitution
- Council and democratic structure
- Location and opening times of our offices
- Councillors information and contact details
- Election results
- Relationships and partnerships with other authorities

### **What we spend and how we spend it**

- Financial statements, budgets and variance reports
- Capital programme members allowance scheme
- Staff allowances, expenses pay and grading
- Election expenses
- Procurement
- District Auditors report
- Financial statements for projects and events
- Internal financial regulations
- Funding for our partnership arrangements

### **What our priorities are and how we are doing**

- Annual reports
- Strategies and business plans for services provided by the council
- Internal organisational performance reviews
- Strategies developed in partnership with other authorities
- Economic development action plan
- Forward Plan

### **Inspection reports**

- Statistical information provided by the Council
- Impact assessments service standards

### **How we make decisions**

- Timetable of committee and council meetings
- Agendas, minutes and reports
- Copies of agendas and decision notes
- Major policy proposals and decisions
- Copies of agendas and decision notices

- Public consultations and their outcomes
- Guidance and good practice notes for officers and councillors

## **Our policies and procedures**

- Policies and procedures for conducting council business
- Codes of governance, our constitution and the regulations that inform how we make policies.
- Policies and plans for delivering our services
- Recruitment and employment policies and procedures
- Customer service standards
- Housing and tenancy services, complaints procedure
- Personal data policies
- Data protection policies and our privacy statement
- Charging regimes and policies

## **Lists and registers**

- Public registers
- Details of the registers we hold as public records and how to access them.
- Asset registers
- Information on the assets we hold and how we manage them.
- Freedom of Information disclosure log
- Register of councillors' financial and other interests
- You will need to select the Councillor you are interested in

## **Services provided by the Council**

- A-Z of the services we provide
- Information for visitors to the area
- Services for local businesses
- Economic data, information and advice, planning guidance
- Leisure information
- What is on in and around Cambridge
- Newsletters
- Newsletters produced for city residents and tenants
- Advice and guidance
- Details of the advice and guidance we give to city residents
- Media releases