

CAMBRIDGE CITY COUNCIL

REPORT OF: Head of Corporate Strategy

TO: Civic Affairs Committee

13/9/2017

WARDS: All

FREEDOM OF INFORMATION, DATA PROTECTION AND TRANSPARENCY: ANNUAL REPORT 2016/17

1 INTRODUCTION

- 1.1 This report provides Civic Affairs Committee with an annual report on performance and activity during 2016/17 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 2016/17

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 is in breach of the data protection principles, it 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. In such circumstances, public bodies such as the City Council can be liable for significant fines.

3.4 The Information Commissioners Office (ICO) receives reports of breaches of the Data Protection Act and makes decisions in each case. During 2016/17 the ICO recorded 76 data security incidents from local authorities. The ICO has the power to impose fines of up to £500,000 for breaches of data protection obligations, as well as issuing enforcement notices and requiring organisations to sign undertakings to improve their practices.

3.5 The Information governance function transferred from the City Council's Corporate Strategy Service to the 3c ICT service in November 2016, and is now delivered in a shared service with Huntingdonshire District Council and South Cambridgeshire District Council. Combining the 3 councils is intended to result in greater resilience and enhance the ability of each council to use information as an asset and improve compliance. The Service is split into 3

areas, Access to information, Information Management and Data Protection and information security.

Cambridge City Council Performance 2016/17

- 3.6 The council records incidences of data breaches or incidents. In 2016/17 16 incidents were reported by staff or the public. The incidents related to the following issues. Not all incidents were related to the release of personal information; three of these incidents were related to the disclosure of commercially sensitive information.

Type of incident	Count
Cyber security Misconfiguration e.g. inadvertent publishing of data on website; default passwords	4
Data posted to incorrect recipient <ul style="list-style-type: none">• There have been 3 instances where letters containing personal information have been sent to the wrong recipient, mainly due to more than one letter being included in an envelope, or as a result of an error in logging an address change.	3
Email <ul style="list-style-type: none">• Data sent by email to incorrect recipient as a result of the 'autofill' function selecting the incorrect email address;• Information sent via email which should not have been disclosed.• Emails sent to printers in other offices.	4*
Failure to redact data <ul style="list-style-type: none">• 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.	3**
Disposal <ul style="list-style-type: none">• Insecure disposal of paperwork.	1
Verbal disclosure <ul style="list-style-type: none">• Sharing personal data regarding members of staff with other colleagues in error	1

* - One incident did not include personal information

** - 2 incidents did not include personal information

- 3.7 In all 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, including improving business processes, further training and ensuring staff have access to the correct software.

No incidents were reported to the ICO in 2016/17: The Information Commissioner's guidance on notification of data breaches states that "serious breaches" should be brought to the Information Commissioners Office (ICO) The Council consider the following factors as laid out in the (ICO) guidance when considering what should be reported.

Potential detriment to the data subject is the overriding consideration. This includes emotional distress, and includes information about the private aspects of a person's life becoming known to others. The extent of detriment depends on the volume of the data and its sensitivity. There is a presumption to report where there is "significant actual or potential detriment" because of the volume, or sensitivity, or a combination. (It will be appropriate to report lower volumes where the risk is particularly high). Where there is "little risk" that individuals would suffer significant detriment there is no need to report. None of the incidents mentioned above for Cambridge City Council in 2016/17 met these criteria.

- 3.8 In 2015/16 the Council clarified the process for reporting data protection incidents internally. Whilst the number of incidents have remained at the same level to last year, the reporting of incidents, as well as requests for advice or clarification is important to enable the Council to better understand and improve working practices. Increased awareness of data protection amongst staff has resulted in more enquiries especially around information sharing and safe disposal of information. This is a positive outcome for the council, as staff are more aware of data protection and vigilant to areas of risk.
- 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 also carry 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 recent years in order to address*

outstanding data protection risks and reduce the likelihood of serious breaches of the DPA.

- 3.10 The Information Security Group membership has been expanded in 2016/17 to include the Head of Service or senior managers representing City Council services that handle a high volume of personal data, including Revenues and Benefits, Housing, Customer Services, Community Services and Human Resources.
- 3.11 A data incident screening tool was developed, by the City Council, based on the Health and Social Care Incident Checklist toolkit. The tool provides criteria for assessing the severity of an incident and whether data protection incidents should be referred to the ICO. The tool is designed to reduce key person dependency, and improve consistency of assessing incidents.
- 3.12 The shared service has procured a policy system to address the requirement of IT security policy compliance across all three organisations under the 3c banner.
- 3.13 Staff training and awareness of data protection continues to be key to data protection compliance in the City Council. All new staff are required to complete a *Data Protection Awareness in the UK* e-learning module, ideally on their first day of employment within the organisation. This may not be feasible in all situations (i.e. where a colleague is still waiting for their email account to be created) and therefore in these circumstances we allow 10 days for this to be completed. Temporary staff are also required to complete the Data Protection e-learning module as part of their first day induction.
- 3.14 A session on information security is included at corporate induction, which should be attended by all staff joining the Council. A total of 72 new members of staff attended corporate induction in 2016/17.
- 3.15 In addition to new staff, all existing staff with access to Council IT accounts are required to complete the *Data Protection Awareness in the UK* e-learning module. During 2016/17 352 staff completed the data protection training, building on the numbers who had completed it in previous years.
- 3.16 Data protection awareness workshops were made available for all staff through the Corporate Learning and Development programme. In total 147 staff completed this phase of data protection training.

- 3.17 The Information Governance team have procured a new information security training module which is more engaging for the user and covers awareness in cyber security in addition to how to protect information in general. This will be rolled out in Q4 2017.

Looking Forward

- 3.18 In May 2018, the Data Protection Act (DPA) will be replaced by the General Data Protection Regulation (GDPR). The regulation marks a significant update to data protection legislation, enhancing the rights of data subjects and placing greater responsibility for accountability on data controllers such as the Council. An action plan is in place, and preparing the Council for the new regulations is now the focus of the Information Governance service at 3C ICT over the remainder of 2017/18.

4.0 ACCESS TO INFORMATION

- 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.

Performance

- 4.3 In 2016/17 the council received a total of 766 requests under FOI and EIR, a slight increase in the number of requests received in the previous two years. As Figure 1 below shows, there has been a significant increase in the number of requests over the past 5 years, from 516 in 2012/13 to 766 in 2016/17. This represents an increase of 48% over this period.

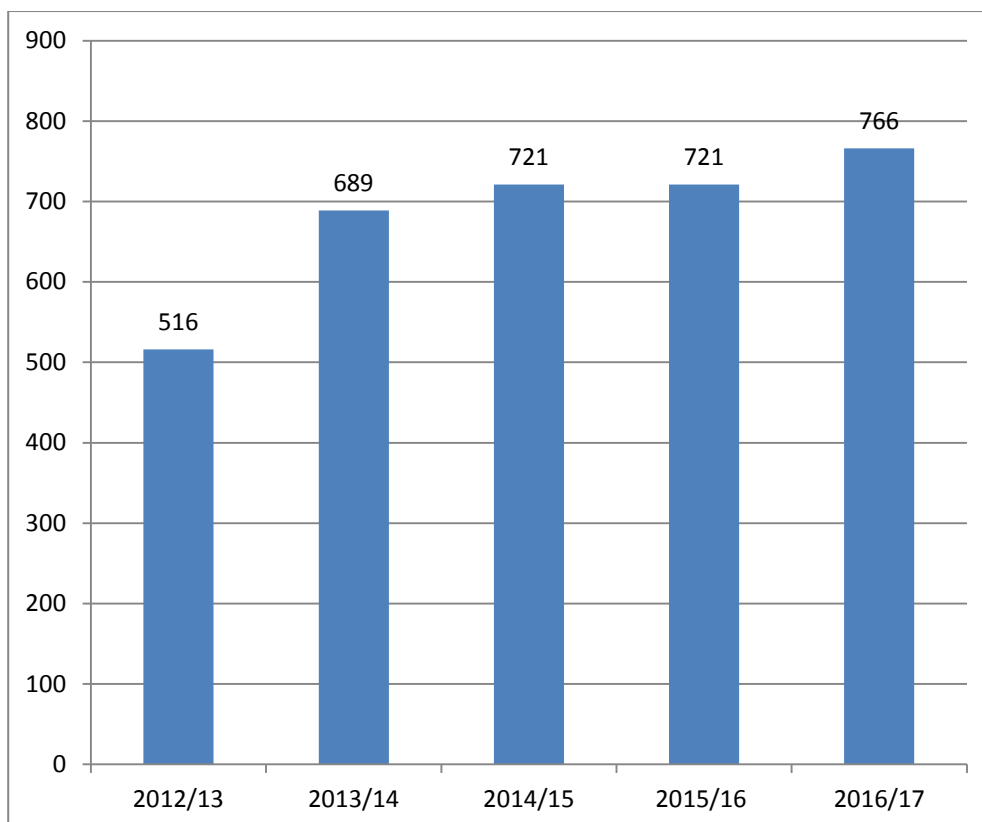


Fig 1 Number of FOI requests received by Cambridge City Council

- 4.4 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).
- 4.5 The Council responded to 87% of FOI requests in 2016/17 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. It is also below the threshold set by the Information Commissioner's Office (ICO), which monitors the compliance of local authorities with FOI legislation. One of the ICO's criteria for monitoring authorities' FOI timeliness is performance falling below 90% of requests responded to within 20 working days. This target was raised from 85% to 90% in March 2017¹.
- 4.6 As Figure 2 below shows, the Council's performance on FOI requests within 20 working days has been above the ICO threshold in 3 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. Performance in 2016/17

¹ <https://ico.org.uk/media/action-weve-taken/monitoring/2791/how-the-ico-selects-authorities-for-monitoring.pdf>
Version 4 published 3 March 2017

exceeded the ICO's previous target of 85% but falls below the revised target of 90%.

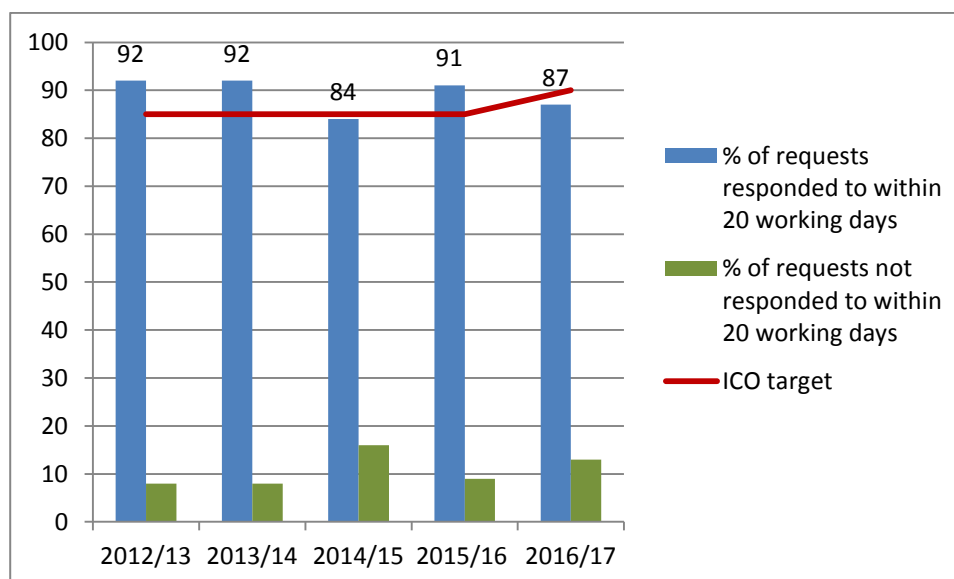


Fig 2 Percentage of FOI responses responded to with 20 working days

4.7 The average number of days taken for the Council to respond to FOI requests is 13 days.

4.8 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

4.9 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.

4.10 The number of requests received by different Council services varies significantly. As shown by Figure 3 below, requests to three customer facing services account for two-thirds of FOI requests to the council in 2015/16. The top three services were: Planning (29%), Environmental Services (21%) and Revenues and Benefits (16%).

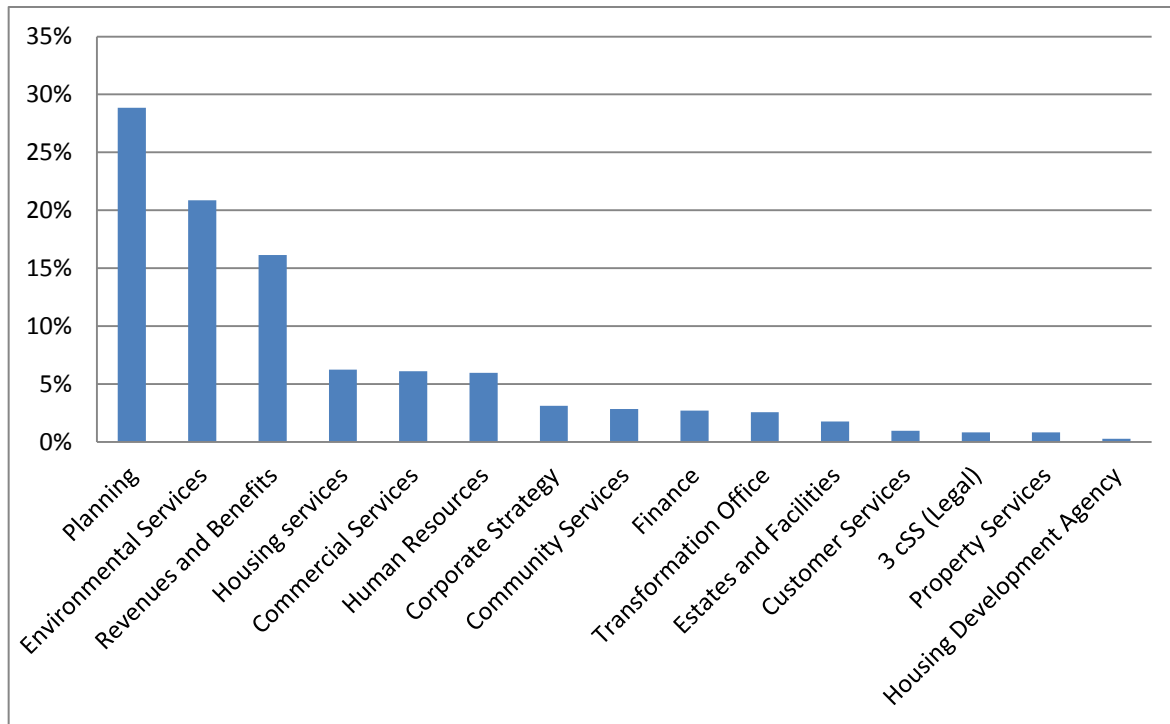


Fig 3 Percentage of requests received by City Council services

4.11 The Council has procured an FOI case management system for use across the 3C Councils. The system has an efficient facility to automate publishing of the request and the response to a disclosure log on the web site. The disclosure log publication can be carried out in bulk by the system provider so the intention was to publish the requests received during the period the system was being prepared in this manner. We later learnt that the provider would have to carry out additional development work in order to capture the response element; this led to an unintentional delay in the publication of the current disclosure log resulting in no publication for a number of months during the implementation period.

Publication to the disclosure log is currently a manual process. The publication of the missing requests has begun and we are bringing in resources to ensure this is completed as a matter of urgency. The system development work will be tested in September.

Looking Forward

4.12 The case management system went live in June 2017. It enables officers to manage their FOI caseload through automatic reminders of deadlines, the ability to centralise information disclosed, and by standardising responses to ensure better compliance. All requests are logged and acknowledged centrally, and performance data is readily accessible to users.

4.13 The case management system allows for central oversight of requests, reducing the administration time for requests and improving the timeliness of responses. Where requests for information involve multiple services these are managed centrally by the IG team therefore improving performance in handling complicated requests. Once this new system is fully bedded in, we anticipate this system facilitating improved performance against the 20 day target. Senior Managers have also emphasised the importance of meeting this target to Heads of Service.

5.0 OPEN DATA AND TRANSPARENCY

5.1 The Council continues to pro-actively publish information and data 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 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 All mandatory datasets are available now available, the 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 council regularly publishes data most frequently requested under Freedom of Information. These relate to the Council's Non-Domestic Rates (Business Rates) and information held by the Bereavement Services regarding assisted funerals. 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.
- The Revenues and Benefits service received 110 FOI requests in 2016/17, 42% of these were answered by referring the requester to information available under Open Data.
 - Similarly, 55% of the requests received by Bereavement services were for information available under Open Data.
- 5.7 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. Where possible the Council continues to identify datasets that can be proactively published to meet public demand for information, and refer requesters to this information as much as possible. This can include information published by third parties.
- 5.8 During 2016/17 the council provided training to 20 staff on open data, data visualisation and infographics. The training was provided by Cambridgeshire County Council's Research Group and was paid for with New Burdens funding from the Department of Communities and Local Government to meet costs associated with implementing the Transparency Code.
- 5.9 The training focused on ensuring the accuracy and reliability of data, preparation for publication and how to present data in an engaging and informative manner.
- 5.10 This funding also provides 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.

- 5.11 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”. The Council plans to continue to develop its approach to data publication and analysis in the year ahead.

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 Local Government Transparency Code Datasets
(Mandatory)

Appendix B Data already available through FOI Publication Scheme

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

Report file:

Date originated: 20 September 2017

Date of last revision: 20 September 2017

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
Fraud	The Councils Counter Fraud work	Annual

Information Title	Dataset	Frequency
Social Housing Asset Value	Value of social housing stock that is held in the housing revenue account.	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