

Governance Update

SUMMARY

- 1.1 This report provides Members of the Committee with an update on governance issues within the Council.

RECOMMENDATION

- 2.1 To note the report.

REASONS FOR RECOMMENDATION

- 3.1 The Audit and Accounts Committee is responsible for providing assurance to the Council on the effectiveness of the governance arrangements, risk management framework and internal control environment.

SUPPORTING INFORMATION

4.1 This update reports covers the following governance areas:

- Freedom of Information Act 2000 / Environmental Information Regulations 2004
- Data Protection Act 1998
- Anti-Fraud Work
 - National Fraud Initiative
 - Anti- Money Laundering
 - Anti- Bribery
- Whistleblowing
- Regulation of Investigatory Powers Act 2000

Information Governance:

Freedom of Information (Fol) /Environmental Information Regulations (EIR):

- 4.2 In 2016, to the 31 August, the Council had received 1,016 FOI and EIR requests. Compared to 2015 there has been a 14% increase in the requests for 2016 for the 8 month period under review. The figures by month of requests received and responded to between January 2016 and August 2016 are shown in Table 1 below. The table also provides a comparison to the level of requests received for the same period in 2015.

Table 1 : Fol and EIR Requests Received in 2016:

2016 Month	Total New Requests Received (Fol + EIR)	Fol Requests Received	Fol's met within 20 days	Received 2015	Change
January	117	107	94%	112	+5
February	147	140	96%	122	+25
March	150	147	93%	129	+21
April	124	121	94%	94	+ 30
May	127	123	97%	98	+ 29
June	110	106	95%	108	+ 2
July	118	112	93%	109	+9
August	123	113	97%	120	+ 3
Total	1,016	969	95%	892	+ 124

Note: Requests received for environmental information (air, land, water, waste, recycling, highways, streets/roads etc) are assessed under the Environmental Information Regulations 2004 – EIRs.

- 4.3 The target is to process all FOI requests within 20 working days. However we do experience instances where the department holding the information cannot supply it in sufficient time to enable the FOI team to meet the deadline. In the majority of cases where we have exceeded the time limit, it has been under the provision for an authority to claim a reasonable extension to this limit, up to an additional 20 working days, where it needs more time to consider the public interest test.

FOI/EIR Appeals

- 4.4 The Council has received a number of appeals against non-disclosure in connection with FOI/EIR requests. More importantly the number of complaints submitted to the Information Commissioner's Office (ICO) has risen. In the last 3 months (June – August 2016) there has been 5 complaints notified back to the Council by the ICO; 4 of which have resulted in the ICO undertaking official investigations.
- 4.5 In 2 of the 4 under investigation the ICO has concluded its investigation and issued Decision notices; in both cases the ICO found in the complainants favour and instructed the Council to now disclose the information. The Council can appeal such a decision notice and is doing so in one case (Sinfen Waste Plant). The other 2 cases under investigation have yet to be concluded.
- 4.6 In relation to the 5th referral to the ICO, we are awaiting details from the ICO as to whether they are going to formally investigate.

Data Protection Act:

- 4.7 As previously reported to Committee, the Council has seen a substantial increase in the number of Subject Access Requests it receives year on year. In the calendar year to 31 August 2016, the Council has received 57 Subject Access Requests (SARs). This is a 46% increase on the number of SARs received for the first 8 months of 2015. Table 2 below provides the number of SARs received by month. It also provides a comparison with the number of requests received for the same period in 2015.

Table 2: SARs Received in 2016:

2016 Month	Received	Completed	On Hold	Met within Calendar 40 days	Received 2015	Change
January	7	4	2	2	6	+1
February	8	2	3	1	6	+2
March	5	5	0	1	5	0
April	10	4	0	2	6	+4
May	5	4	1	2	1	+4
June	2	1	0	0	7	-5
July	11	1	3	1	4	+7
August	9	0	3	0	4	+5
Total	57	21	12	9	39	+18

- 4.8 The increase in SARs together with the size and complexity of the files that need to be reviewed and redacted has resulted in the Council not meeting the 40 calendar day time limit. This issue is being addressed through additional resources.

Insurance & Risk Management

- 4.9 Chief Officer Group (COG) reviewed the Strategic Risk Register in August 2016 and agreed to check through the impact and likelihood ratings for each risk and to review the controls measures detailed with their departmental management teams with a view to reporting back to COG in mid-September. The Strategic Risk Register will be brought to the December meeting of this Committee.
- 4.10 Quarterly Insurance statistics are now being compiled by the Insurance & Risk Manager to feed into improved risk management. These statistics will be brought to this Committee as part of a quarterly Risk Management update report.

Anti-Fraud Work

National Fraud Initiative (NFI)

- 4.11 The Council is currently preparing for the 2016/17 exercise. We need to upload each data set from Monday 10 October 2016. The 2016/17 exercise data matches will be available to the Council from Thursday 26 January 2017.

Anti-Money Laundering

- 4.12 There have been no instances reported to the Anti-Money Laundering Reporting Officer in the period 1 June 2016 to 31 August 2016.

Bribery Act 2010

- 4.13 There have been no reports of suspicions of bribery made under the Anti-Bribery Policy in the period 1 June 2016 to 31 August 2016.

Whistleblowing

- 4.14 There have been no disclosures made under the Council's Whistleblowing policy in the period 1 June 2016 to 31 August 2016.

Regulation of Investigatory Powers Act 2000

- 4.15 The Council has a statutory obligation to provide a quarterly update to Elected Members in respect of its use of covert surveillance. There have not been any authorisations for the use of covert surveillance made under RIPA in the period 1 June 2016 to 31 August 2016.
- 4.16 In April 2016 the Council's procedures were inspected by the Officer of Surveillance Commissioners. The inspector reported that *"The Council has become a minimal user of RIPA, having granted only one authorisation for directed surveillance, since the last inspection. Covert Human Intelligence Sources (CHIS) have not been authorised. The single authorisation was justified and did not involve the acquisition of confidential information or self authorisation."*

OTHER OPTIONS CONSIDERED

- 5.1 N/A

This report has been approved by the following officers:

Legal officer	N/A
Financial officer	N/A
Human Resources officer	N/A
Estates/Property officer	N/A
Service Director(s)	N/A
Other(s)	N/A

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Background papers:	None
List of appendices:	Appendix 1 – Implications

IMPLICATIONS

Financial and Value for Money

- 1.1 None directly arising.

Legal

- 2.1 None directly arising

Personnel

- 3.1 None directly arising

IT

- 4.1 None directly arising

Equalities Impact

- 5.1 None directly arising

Health and Safety

- 6.1 None directly arising

Environmental Sustainability

- 7.1 None directly arising

Property and Asset Management

- 8.1 None directly arising

Risk Management

- 9.1 Information risks are monitored on a regular basis by the Head of Governance and Assurance.

Corporate objectives and priorities for change

- 10.1 The functions of the Committee have been established to support delivery of corporate objectives by enhancing scrutiny of various aspects of the Council's controls and governance arrangements.