

## **Governance Update**

### **SUMMARY**

- 1.1 This report provides an update on information 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**

#### **Information Governance – Freedom of Information**

- 4.1 This update on information governance covers the period 1 January 2016 to 31 May 2016.
- 4.2 The number of Freedom of Information (FOI) and Environmental Information Regulations (EIR) requests the Council has received over the last 10 years has increased each year. Table 1 below shows the number of FOI/EIR requests received each year since FOI came into being, and the number of requests received in 2016, as at 31 May. The number of requests received in the first 5 months of 2016 is 664. This is an average of 133 requests per month. This compares to an average of 110 per month in 2015.

Table 1: Number of FOI/EIR Requests Received by Calendar Year

Year	Number of FOI/EIR Requests Received
Jan - Dec 05	183
Jan - Dec 06	239
Jan - Dec 07	250
Jan - Dec 08	358
Jan - Dec 09	581
Jan - Dec 10	685
Jan – Dec 11	913
Jan – Dec 12	923
Jan – Dec 13	1,209
Jan – Dec 14	1,360
Jan – Dec 15	1,327
Jan – May 16	664

- 4.3 A total of 664FOI/EIR requests have been received in the period 1 January 2016 to 31 May 2016(555 for this period in 2015). In the same period, 542FOI/EIR requests were completed (505 for this period in 2015). The total recorded officer time taken to complete these requests was approximately 599hours. Based on the level of charges determined by regulation 4 of the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004, the calculated charge for staff costs is £14,975

*Note: The regulation specifies that the standard hourly rate that all authorities must use to calculate the staff costs of answering requests is £25.*

The average response time per request in the period was 8.61days. This compares to an average of 8.85days for the same period in2015.

#### 4.4 Source of FOI/EIR Requests

The Council does not just receive FOI/EIR requests from members of the public. A large proportion comes from commercial organisations, local and national media and political pressure groups. An analysis of requests for information sorted by category of requester for the first 5 months of 2016 is shown in Table 2. Table 3 breaks these same figures down by the Council Directorate responsible for supplying the information.

Table 2: Number of FOI/EIR Requests by category of requester

FOI Request from	Jan 2016	Feb 2016	March 2016	April 2016	May 2016
Commercial	26	30	35	39	34
Media	31	38	54	42	41
Personal	54	66	52	39	44
Other Local Authority	2	1	4	1	2
Third sector/Voluntary	1	7	2	0	2
Political	3	5	3	2	4
<b>Total</b>	<b>117</b>	<b>147</b>	<b>150</b>	<b>123</b>	<b>127</b>

Table 3: Number of FOI/EIR Requests by Lead Directorate

Directorate	Jan 2016	Feb 2016	March 2016	April 2016	May 2016
Organisation & Governance	48	46	44	46	47
People Services	26	52	48	32	40
Communities & Place	42	45	56	38	39
Council Wide	1	4	2	7	1
<b>Total</b>	<b>117</b>	<b>147</b>	<b>150</b>	<b>123</b>	<b>127</b>

#### 4.5 FOI/EIR Appeals

There have been 5 appeals against the Council's decision to apply exemptions to individual FOI requests received/dealt within the 5 month period covered by this report.

## **Information Governance Framework**

- 4.6 One key improvement that has been made to the Council's Information Governance Framework has been the designation of all Heads of Service as Information Asset Owners (IAO). The objective is for the IAOs to produce an Information Asset Register (IAR) for their service. An IAR is a simple way to help an organisation understand and manage its information assets and the risks to them. It is important to know and fully understand what information we hold in order to protect it and be able to exploit its potential.
- 4.7 The role of then IAO brings significant benefits. It provides a common, consistent and unambiguous understanding of what information we hold, how important it is, how sensitive it is, how accurate it is, how reliant we are on it, and who's responsible for it. It helps ensure that as a Council we can use the information we need to operate transparently and accountably, for example to meet open data standards, to unlock previously unavailable data and to improve public service.

## **Information Governance - Policies**

- 4.8 There are a number of information governance related policies currently going through the approval process.
- CCTV Policy v1.0
  - DCC Incident Communication process v3.0
  - Email and Internet Monitoring Policy v6.0
  - FOI Policy
  - Internet File Sharing and Collaboration Sites
  - Laptop, Desktop and Tablet Device Security v2.0
  - Remote or Mobile Computing Policy v2.0
  - Network User Policy v1.0

## **Information Governance – Data Protection (Subject Access Requests)**

- 4.9 The Information Governance Team has received 36 Subject Access Requests in the period from 1 January 2016 to 31 May 2016. This figure does not reflect any requests where the team has determined that the Council does not hold the personal records i.e. where the request refers to records that relate to Derbyshire County Council. It also does not include requests from employees for access to their personal records. 13 requests have been completed, With regard to the other 23 SARs, 8 are on hold (awaiting proof of identity) and 15 are still in progress.

- 4.10 There has been a substantial upward trend in the number of SARs each year. Table 4 below shows the figures for the past 3 financial years. Appendix 2 shows the number of SARs received between 1 April 2013 and 31 May 2106 on a monthly basis.

Table 4: Number of SARs for the past 3 years

Year	No of SARS
2013/14	41
2014/15	57
2015/16	69

- 4.11 Indications are that the number of SARs each year will continue to increase.

### **Compliance with the NHS Information Governance Toolkit**

- 4.12 Committee has been made aware of the issues around compliance with the toolkit at previous meetings. The issue was also reported in the 2013/14 Annual Governance Statement.
- 4.13 Work has been ongoing throughout the year. The Council achieved 55% compliance in 2015/16, compared to 39% in 2014/15. Although we are categorised as "Not Satisfactory" overall, we are now much closer to achieving level 2 compliance on all requirements which would give the Council a "Satisfactory" rating.
- 4.14 The toolkit is divided into 4 categories:

- Information Governance Management
- Confidentiality and Data Protection Assurance
- Information Security
- Care Records Assurance

Each category is then split into a number of requirements which we are measured against on the evidence that we provide. Table 5 below shows the breakdown of compliance by category

Table 5 : Levels achieved for each category of the toolkit

Category	No of Requirements	Level			
		3	2	1	0
Information Governance Management	5	2	2	0	1
Confidentiality and Data Protection Assurance	6	0	6	0	0
Information Security	13	0	9	3	1
Care Records Assurance	4	1	0	1	2
<b>Total</b>	<b>28</b>	<b>3</b>	<b>17</b>	<b>4</b>	<b>4</b>

## OTHER OPTIONS CONSIDERED

5.1 N/A

**This report has been approved by the following officers:**

<b>Legal officer</b>	N/A
<b>Financial officer</b>	N/A
<b>Human Resources officer</b>	N/A
<b>Estates/Property officer</b>	N/A
<b>Service Director(s)</b>	N/A
<b>Other(s)</b>	Chief Officer Group

<b>For more information contact:</b>	Richard Boneham, Head of Governance and Assurance, 01332 643280 richard.boneham@derby.gov.uk
<b>Background papers:</b>	None
<b>List of appendices:</b>	Appendix 1 – Implications Appendix 2 – Number of SARs received each month since 1 April 2013

<b>IMPLICATIONS</b>
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**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 Governance risks are monitored through the strategic risk register.

**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.

Appendi  
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Subject Access requests received between 1 April 2013 and 31 May 2106 on a monthly basis

Year	April	May	June	July	August	Sept	Oct	Nov	Dec	Jan	Feb	March	Total
2013/14	1	5	1	5	6	5	4	2	0	1	7	4	41
2014/15	2	3	4	7	4	2	4	5	9	6	6	5	57
2015/16	6	1	7	4	4	9	5	7	3	7	10	6	69
2016/17	8	5											