

Information Governance - Annual Report 1 January– 31 December 2016

Background

The Council recognises information as an important asset in the provision and effective management of services and resources. It is of paramount importance therefore that information is processed within a framework designed to support and enable appropriate Information Governance

The Information Governance framework sets out the way the Council handles information, in particular, the personal and sensitive data relating to our customers and employees. The framework determines how we collect and store data, and specifies how the data is used and when it can be shared.

Information Governance provides guidance to the Council and individuals to promote personal information is processed legally, securely, efficiently and effectively.

The Audit and Accounts Committee receives quarterly updates on information governance issues.

The Council has improved resilience in the provision of information governance support in the past 2 years to address the risks around information and the potential of enforcement action/financial penalties from the Information Commissioner's Office for non-compliance with legislation. The need to enhance the Information Governance framework within the Council had been highlighted through a struggle to maintain compliance with the requirements of both the Data Protection Act and the Freedom of Information Act.

Freedom of Information requests: January 2016 – December 2016

The Information Governance team handles all non 'business as usual' requests for information. The team contact officers directly to provide the required information in relation to each FOI request.

Request statistics:

Between 1 January and 31 December 2016, the Information Governance team received and logged 1,522 Freedom of Information (FOI) / Environmental Information Regulation (EIR) requests. There was a 15% (198) increase, compared to 2015.

	2016	2015
FOI	1,393	1121
EIR	129	203
Total	1522	1324

The breakdown of the total requests received by each directorate is shown below in Table 1. Figures for 2015 have been included for comparison – please note 2016

directorates are now only Communities and Place, Organisation & Governance, People Services and Council Wide – more than one directorate.

Table1: Number of FoI/EIR requests by Directorate

Directorate	Requests 2016	Requests 2015
Adults, Health and Housing	n/a	112
Chief Executive's Office	n/a	16
Children and Young People	n/a	124
Council-wide	76	25
Neighbourhoods	n/a	247
Public Health	n/a	14
Resources	n/a	281
Communities and Place	544	176
Organisation & Governance	530	159
People Services	372	170
TOTAL	1522	1324

The Information Governance team responded to a further 85 requests that are not included in these figures. These are known as “Archive Other” where the request is dealt with as business as usual request i.e. one off pieces of information that is readily available e.g. directorate structures, advice and guidance etc.

Table 2 shows the category of the 1,522 requests received in 2016, compared to 2015.

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

Category	Requests received	Requests received	Increase /decrease
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	2016	2015	on 2015
Commercial	347	343	+4
Media	434	256	+178
Other Authority	26	12	+14
Personal	575	659	-84
Political	54	27	+27
Research	9	0	+9
Third Sector/Voluntary	45	27	+18
Whatdotheyknow website	32	0	+32
	1522	1324	+198

Table 3 shows that Council officers spent 1533 hours processing the 2016 completed requests. Based on a cost of £25.00 per hour (the designated cost under the Act) this equates to a total cost for dealing with FOIs of £38,335 (compared to £44,091 in 2015).

Table 3: FOI Completed Requests - Overall Time Taken & Admin Cost

	2016	2015
Total Requests completed	1391	1121
Total time taken	1533 hours, 25 min	1763 hours, 40 min
Total Admin Cost	£38,335.42	£44,091.67

Table 4 shows the percentage/number of completed FOI requests processed within the 20 working days statutory deadline, compared to 2015.

Table 4: % of FOI Requests Processed within 20 Working Days

	2016	2015
FOI %/n within 20 working days	94%	97.4%

	(*1301)	(*1092)
FOI %/n outside 20 working days	6% (90)	1% (12)
Department late response ...		
Organisation & Governance	6	5
People Services	5	1
Communities and Place	9	
Department late sign off ...		
Organisation & Governance	12	
People Services	7	
Communities and Place	7	
Council Wide	1	
FOI Team late response	13	
Public Interest Test – Response deadline extended.	30	6
	90	12

(*requests completed during the year will not be the same as requests received. This is because some requests logged during December, absolute 20 working day response deadline, will be due in the next year).

In 2016, Exemptions/Exceptions were applied to 93 FoI/EIR requests. Table 5 below shows the breakdown over type of Exemptions/Exceptions

Table 5: number of FoI/EIR Requests by Exemption/Exception applied

Exemption/Exception Applied	No of requests
Section 12 – Exceeds appropriate limit	23
Section 14 – vexatious or repeated request	1
Section 21 - Information accessible by other means	29
Section 22 – Information intended for future publication	1
Section 24 - National security information other than that covered by the absolute exemption	2
Section 30 - Investigations and proceedings conducted by public authorities	1
Section 31 – Law Enforcement	3
Section 40 – Personal information	30
Section 43 – Commercial Interests	3

S12 – Exceeds Appropriate Limit - Request exceeds ‘appropriate limit’ under Freedom of Information Act where in order to obtain the information it would exceed the 18 hour limit. This maybe where information is not held centrally and in order to obtain the information would mean trawling through paper records.

S14 –Vexatious or repeated Requests -This exemption was applied as there were a number of repeated and similar requests on the same subject from one individual.

S21 –Information accessible by other means - the information requested was information already covered by our Publication Scheme or available from another public authority.

S22 –Information intended for future publication -this was requests for various pieces of information that we intend to publish at a later date

S24 –National Security – requests where made with regards to prevent funding DCC receive from the Home Office that falls under National Security.

S30 -Investigations and proceedings conducted by Public Affairs - Requests for information that may result in the local authority taking further action. The information released may be subject to ongoing investigations which may result in legal proceedings and it is considered that premature release of the information may jeopardise or undermine the Council's case.

S31 –Law Enforcement -this exemption was used along-side Section 24 National Security with regards to information on funding provided to us by the Home Office.

S40 –Personal information -some of these requests for information were Subject Access Requests under the Data Protection Act and others were where we had to redact personal details from information requested for example personal injury claims. There have also been occasions where we may not be directly redacting personal details but redacting information that in conjunction with other information may lead to individuals being identified. For example funding allocated to certain properties was exempt under section 40 because its release could result in individuals being identified.

S43 –Commercial Interests - this exemption was applied primarily when details of contracts were requested and those contracts were subjected to Commercial Confidentiality clauses on full pricing schedules.

The Legal Officer (Information Governance) conducts a public interest test to assess whether such exemptions apply on a case by case basis, this involves researching ICO decisions, case law and legislation.

FoI Appeals:

The independent appeals officer is the Head of Governance & Assurance. In 2016,4appeals were received from the Information Commissioners Office – ICO (8340, 8116, 7793, 7957).

8340 – Appeal response sent to ICO 2/12/16 - pending their final outcome.

8116 – Decision Upheld.

7793 – Decision not upheld – information disclosed.

7957 – Decision not upheld – information disclosed.

Common requested topics/issues in 2016:

Table 6 below provides a summary of the most common FOI/EIR requests during the year:

Table 6: Common FOI/EIR Requests in 2016

1	HR/Staff	156
2	Children	149
3	Highways, parking, traffic and transport	133
4	Miscellaneous – one off and other requests that don't fit into overall categories	129
5	Business Rates	113
6	Adults	100
7	Schools and Education	95
8	Housing/tenancy and buildings/land	93
9	Planning and development	59
10	IT	54
11	Finance	46
12	Funerals	44
13	Leisure and culture	42
14	Tax and Benefits	39
15	Waste and Recycling	37
16	Procurement	37
17	Licensing	37
18	Food businesses	30
19	Elections/Councillors	29
20	Health	28
21	Animals and pests	19
22	Information Governance	18
23	Insurance and Compensation	14
24	Homelessness and rough sleeping	13
25	Legal	8
TOTAL		1522

Data Protection Act Compliance

Subject Access requests – 1 January 2016 to 31 December 2016

The Council received 89 Subject Access Requests in 2016 (compared to 62 in 2015). This figure includes requests from employees for access to their personal records. In the year, 42 of the 2016 requests have been completed (44 in 2015), and a further 7 SARs from 2015 that were “on hold” or “in progress” were completed. With regard to the other 47 SARs received in 2016, 14 are on hold (awaiting proof of identity) and 33 were still in progress at the year end. 14 of the 33 have been completed by mid-February 2017. From August 2016 ‘the employee access to records policy’ was deleted and all such requests are now dealt with by the information governance team as a SAR. This is likely to attribute to a further increase in 2017.

2016 Month	Received	On Hold	Completed by 31 Dec 2016	Met within Calendar 40 days	Received 2015	Change
January	7	2	4	2	6	+1
February	8	4	3	1	6	+2
March	5	0	5	1	5	0
April	10	0	7	2	6	+4
May	6	1	4	2	1	+5
June	2	0	2	0	7	-5
July	11	2	5	1	4	+7
August	8	2	4	1	4	+4
September	7	0	2	2	8	-1
October	6	0	3	3	5	+1
November	12	3	2	2	7	+5
December	7	0	1	1	3	+4
Total	89	14	42	18	62	+27

Approximately 80% of the requests are for social care records; these tend to be broad requests for all records held which can prove time consuming; with some requests taking up to 118 hours to process.

Applicants can appeal to contest the accuracy of the information held in conjunction with schedule 1, Data Protection Act 1998. This prompts an investigation conducted by Head of Governance and Assurance and the Legal Officer (Information Governance). In 2016, there were 4 instances where a data subject has made a complaint to the Information Commissioner’s Office regarding how the Council has handled their SAR or in relation to the accuracy and completeness of the data they were sent under the SAR. The majority of issues raised have been in relation to the management/retention of documents by the relevant department. Complaints were also made in relation to the time taken by the Council to respond to SARs.

Data handling Issues - 1 January 2016 to 31 December 2016

The number of information governance incidents is still far too high. This presents an increased risk to the Council. However, the 2 key concerns arising from this are:

- the repeat nature of many incidents that suggests we are not learning and improving; and
- the specific nature of some incidents with the data put at risk

The Council needs to address such concerns in light of the potential of enforcement action and possible fines from the Information Commissioner’s Office.

The breakdown of these incidents by quarter does show some of this may be due to increased diligence in reporting incidents following e-learning and regular publicity. It also shows a high number (22) where staff leave paper at print hubs or in open plan areas.

Table 7: Number of Data Handling Incidents by Directorate per Quarter

Source/Qtr	Jan - March	Apr - June	July - Sept	Oct - Dec	Total
People	16	20	16	11	63
Communities & Place	4	4	2	1	11
O and G	16	4	2	7	29
Unknown	5	4	1	0	10
Total	41	32	21	19	113

It should be noted that the majority of data handling issues are being contained internally.

Breaches of the DPA (Non SAR) Referred to the ICO:

The Council has received notification from the ICO about one complaint to them in respect of how the Council has handled their personal data. The ICO found in favour of the Council having concluded from their investigation and the Council’s responses to them that the Council was compliant with the Data Protection Act in this case and no action was taken.

The Council has also proactively referred 2 data breaches to the ICO. Where appropriate, the Head of Governance & Assurance has referred the matters for internal investigation.

Information Governance Policies/procedures – reviewed in 2016

A comprehensive review and updating of all information governance policies commenced when the IG team became fully resourced. This is essential work as it is a key requirement for

compliance with the NHS IG Toolkit. Considerable progress has been made with consolidation and improvement of the policies, however these still need formal ratification and then cascading and adopting throughout the Council. The work to the end of the year has been:

Name Of Policy/Procedure	
Malware Prevention Policy	E-learning training created
Data Protection Policy	E-learning revised
Email Disclaimer	
Email and Internet Security and Monitoring Policy	
Fax Security	
FOI Complaints Procedure	
Freedom of Information Policy 2000	E-learning revised
Incident Communication Process	
Information Security Policy	E-learning revised
Information Sharing Procedure for Requests from Third Parties	
Information Sharing Procedure for MP Requests Regarding Constituent's Personal Data	
Internet File Sharing & Collaboration Sites	
IS and ICT Procurement Process	
Remote or Mobile Computing Policy	E-learning revised
Network User Policy	
Privacy Notice - Children in Care and Looked after Children	
Procedure Dealing with Subject Access Requests	
Software Licensing Policy	

There are a number of policies/procedures that were drafted by the end of the year, but are still going through the Council's approval processes:

- Surveillance Policy
- Laptop, Desktop and Tablet Device Security Policy
- Email and Internet User Policy

NHS Information Governance Toolkit

In March 2016, the Council had achieved 55% compliance with the IG Toolkit. To achieve the required satisfactory pass score of 66% we have worked with Public Health and reviewed every section and sourced the evidence required to achieve this. We held training sessions for

Information Asset Owners and Administrators and Information Asset Registers have been completed by 86% of teams in the Council. The registers have provided evidence for a number of sections that we could not fulfil previously. This is work in progress and we will continue to review the evidence to ensure it is current and relevant and to improve our compliance.

Payment Card Industry - Data Security Standard (PCI-DSS)

PCI-DSS is a worldwide standard that was set up to help organisations process card payments securely and reduce card fraud. It does this through tight controls surrounding the storage, transmission and processing of cardholder data.

The Council has 34 Merchant IDs that it is required to make complaint on an annual basis. These are used by various departments to process payment from the public for services given.

The process of making these Merchant IDs compliant is underway and currently 11 have been completed. For Merchant IDs where a more complex questionnaire has to be completed that includes questions on software and network configurations, the Information Governance Team will work with IT and the relevant business areas to work towards achieving compliance.

Other notable progress on IG Issues:

- School Sold Service

The number of schools who bought into the Data Protection package increased from 44 in 2015-16 to 63 in 2016-17. All of these schools are using Egress and are supported with this by the Governance team. A bi-annual newsletter has been reintroduced and the policy templates for schools have been reviewed and updated. General information is regularly updated on the Schools Information Portal. Overall support to the schools has increased and we will assist schools who have not subscribed to the package if they pay for one-off support or a policy if required. All schools are on the Information Commissioner's Data Protection Register and the registrations are checked monthly; where there are issues with the registration we offer assistance.

- Egress

There are 1891 Egress accounts in use; 964 are read only accounts and 927 are fully licenced accounts. A guide to assist with password resets is now available to assist staff as this was a common failure. The team work with Egress to provide support staff where we cannot assist directly. An audit of full accounts was done in November to ensure that we were licenced accurately; unused accounts were removed. A new system for requesting licences was introduced in February where orders are placed on Oracle and invoiced – we processed 60 orders in 2016. Schools are invoiced as they are unable to place an order to our team.

- Support call database

The team have resolved 600 support calls on the IT call database – these include releasing emails with zip file attachments; web filtering; Egress (create accounts/passwords etc.); email traces.

Head of Governance & Assurance
February 2017