

6 September 2023		ITEM 6
Standards and Audit Committee		
Annual Information Governance Report - April 2022 – March 2023		
Wards and communities affected: All.	Key Decision: Not Applicable	
Report of: Lee Henley – Strategic Lead Information Management		
Accountable Assistant Director: Not Applicable		
Accountable Director: Jackie Hinchliffe – Director of HR, OD & Transformation		
This report is Public		

Executive Summary

- For the reporting period, the council processed 96% of Freedom of Information (FOI) requests within the 20-working day legal timeframe. The Information Commissioners Office (ICO) expect public authorities to answer at least 90% within timeframe so this is a positive. Thurrock’s performance is based on 920 FOI requests that were processed.
- During the reporting period, the council received 108 Subject Access Requests under the Data Protection Legislation. 91% of these requests were processed within the legal timeframe.
- The council continue to drive forward its compliance work programme in-line with the Data Protection Act.
- Records Management work activity is captured within Appendix 3. Key work areas include ensuring records are held in-line with the Data Protection Act.

1. Recommendation(s)

1.1 Standards and Audit Committee to note the Information Governance activity and performance.

2. Introduction and Background

2.1 This report provides an update on the following Information Governance areas:

- Freedom of Information
- Data Protection
- Records Management

2.2 This report is set out on the council structure that was in place for the first 6 months of 2022/23 and not on interim structures that have been subsequently put in place.

2.2 Freedom of Information:

2.2.1 During the reporting period, 920 FOI requests were recorded on the council's FOI system. The table below details year-on-year volume and performance data since 2020. Strong performance has been maintained at all times and Appendix 1 provides additional FOI information for the reporting period.

Year	Number of Requests	% Responded to in time
2020/21	808	99%
2021/22	903	98%
2022/23	920	96%

2.2.2 Below is a high-level summary of complaints from the Information Commissioners Office, where they have reached a final decision on FOI related cases within the reporting period.

Complaint	Outcome
There were 3 finance/investment related FOI complaints that the council used exemptions to withhold the requested data. These went via a 1 st Tier Tribunal as the requestor challenged the Information Commissioners Office decision.	The council were required to disclose information for 2 of the 3 FOI requests, however there was no action for the council for the third request.
That the council refused to release copies of council tax and safety procedures.	This was partially upheld by the Information Commissioners Office with some additional data released by the council.
The council refused to release a copy of a policy that detailed how the council manage consent.	Not upheld by the Information Commissioners Office as the information is not held by the council.

2.2.3 There were 29 FOI internal reviews that were received and completed within the reporting period. An internal review takes place when the requestor raises a concern with the council's original response. Of the 29:

- 11 were upheld
- 17 were not upheld
- 1 was withdrawn

2.3 Data Protection:

2.3.1 **Subject Access Requests (SAR)** - The Data Protection Act states that personal information must be processed in accordance with the rights of data subjects. This can result in anybody making a request to the council about any information we hold on them and these are referred to as SAR's. Requests can range from very specific records such as council tax, benefits claim history, social care records or to all information held by the council.

2.3.2 During the reporting period, the council received 108 SAR requests. Of the 108 requests, 91% were processed within the legal timeframe. The 10 requests that did not meet the deadline, were large/complex requests and staged information disclosures were provided to individuals in all cases.

2.3.3 There were 12 SAR internal reviews that were received and completed within the reporting period. A SAR internal review takes place when the requestor raises a concern with the council’s original response. Of the 12:

- 3 were upheld
- 7 were not Upheld
- 2 were cancelled

2.3.4 The table below shows volumes of SAR requests and performance since 2020. Appendix 2 provides a breakdown of SAR per Directorate.

Year	Number of Requests	% Responded to in time
2020/21	84	98%
2021/22	148	91%
2022/23	108	91%

2.3.5 During this reporting period, the council did not receive any complaints from the Information Commissioners Office in relation to SAR’s.

2.3.6 **General Data Protection Matters** - Below is a high-level summary of complaints from the Information Commissioners Office, where they have reached a final decision on general data protection concerns.

Complaint	Outcome
There were 3 complaints due to names/addresses were made public as part of the Just Stop Oil Injunction	Complaints upheld by the Information Commissioner Office. Letters of apologies were provided to individuals by the council.
Ex-member of staff complained that the council had lost a maternity document that was provided to the council	Not upheld by the Information Commissioners Office, as the information was not held by the council as it had been returned to the individual

2.3.7 **Data Sharing** - During the reporting period, the council processed 143 data sharing requests. Of the 143:

- 82 were received from the Police
- 61 were received from other third parties (e.g., another council)

For sharing requests, the Data Protection Team ensure the request is a valid request in-line with the Data Protection Act. This will include checking that the purpose of sharing is lawful.

2.3.8 **Individual Rights** - Under the Data Protection Act individuals have a number of information rights. SAR’s (or right of access) is one right, but others include:

- Right to rectification
- Right to erasure
- Right to restriction
- Right to data portability
- Right to object
- Right to prevent automated decision making

During the reporting period, the council processed 5 Individual Rights Requests (in addition to SAR's). All 5 related to a request for erasure and:

- Records were erased in 3 cases, as the council relied on consent as its legal basis when collecting the personal data
- The request for erasure was refused in 2 cases, as the council have a legal obligation to retain the personal data

2.3.9 Data Protection Compliance - Appendix 2 provides additional information on general data protection compliance for the reporting period

2.3.10 Incidents reported by the council - For the reporting period there were no data protection incidents that were reported to the Information Commissioners Office by the council.

2.4 Records Management:

2.4.1 The council aim to reduce the number of physical records located at on-site and off-site storage locations. Progress on this project is reported via Digital and Demand Board.

2.4.2 A records management work programme is in place to drive forward best practice and compliance in relation to the management of electronic records. Appendix 3 provides additional details regarding Records Management work activity.

3. Issues, Options and Analysis of Options

3.1 There are no options associated with this paper

4. Reasons for Recommendation

4.1 This report is for noting purposes. There are no recommendations requiring approval.

5. Consultation (including Overview and Scrutiny, if applicable)

5.1 This report was sent to the council's Information Governance Group and Senior Leadership Team.

6. Impact on corporate policies, priorities, performance and community impact

6.1.1 The council's ability to comply with information governance legislation demonstrates its commitment to openness and accountability. This will allow residents and customers to have a confidence in what we do and will help build trusting relationships.

6.1.2 Access to information can also be closely linked to Customer Services and ICT Strategies.

7. Implications

7.1 Financial

Implications verified by: **Jonathan Wilson**
Assistant Director Finance

There are no specific financial implications from the report and the service response is delivered from within existing resources. It is noted there are significant financial penalties for non-compliance with the Data Protection Act.

7.2 Legal

Implications verified by: **Gina Clarke**
Governance Lawyer & Deputy Monitoring Officer

Given that this is an update report provided for noting purposes there are no legal implications directly arising from it. The following points are of particular note from a legal compliance perspective:

- Failure to respond to FOI requests within the statutory time limits could lead to complaints to the Information Commissioner Officer (ICO). In addition, it could result in regulatory intervention, as the ICO are now starting to target poor performing councils for the length of time taken to respond to FOI requests, which could lead to reputational damage.
- There are various avenues available to the ICO to address an organisation's shortcomings in relation to the collection, use and storage of personal information. These avenues can include criminal prosecution, non-criminal enforcement and audit. The ICO also has the power to serve a monetary penalty notice on a data controller.

7.3 Diversity and Equality

Implications verified by: **Natalie Smith**
Strategic Lead Community Development and Equalities

There are no direct equality and diversity implications arising from this report. The successful implementation of FOI and Data Protection ensures that diversity issues are fully considered, allowing our customers, stakeholders, partners, and the public to access and receive information.

7.4 **Other implications (where significant)** – i.e Staff, Health Inequalities, Sustainability, Crime and Disorder or Impact on Looked After Children

None

8. **Background papers used in preparing the report**

None

9. **Appendices to the report**

Appendix 1 – Freedom of Information

Appendix 2 – Data Protection

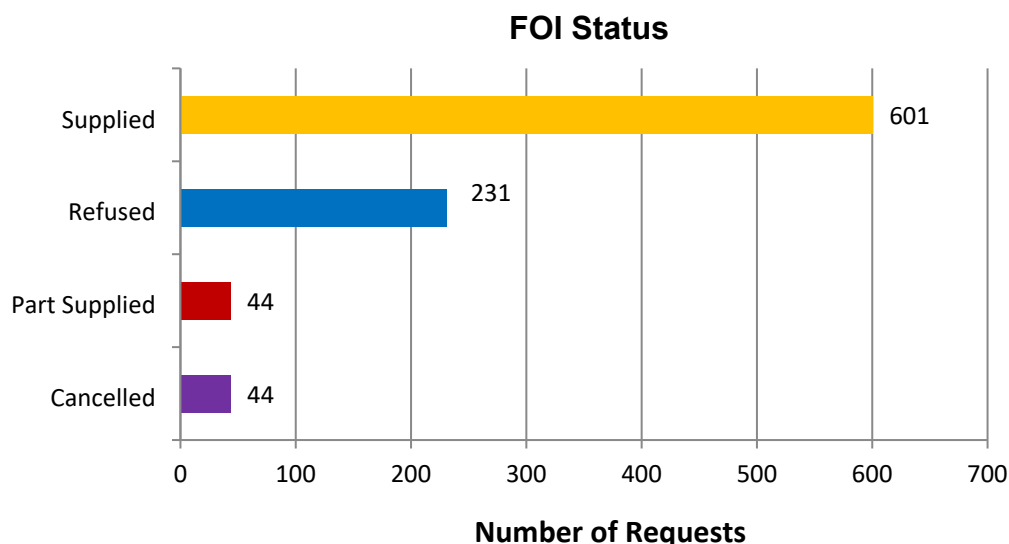
Appendix 3 – Records Management

Report Author:

Lee Henley - Strategic Lead Information Management

Appendix 1 - Freedom of Information

The chart below shows that of the 920 requests received in the reporting period, 601 (65%) were supplied with all information requested, 231 (25%) were refused, 44 (5%) were part supplied and 44 (5%) were cancelled.



The chart below shows requests received per Directorate. In addition to this, the FOI themes for the larger Directorates (in terms of FOI volumes) are shown below:

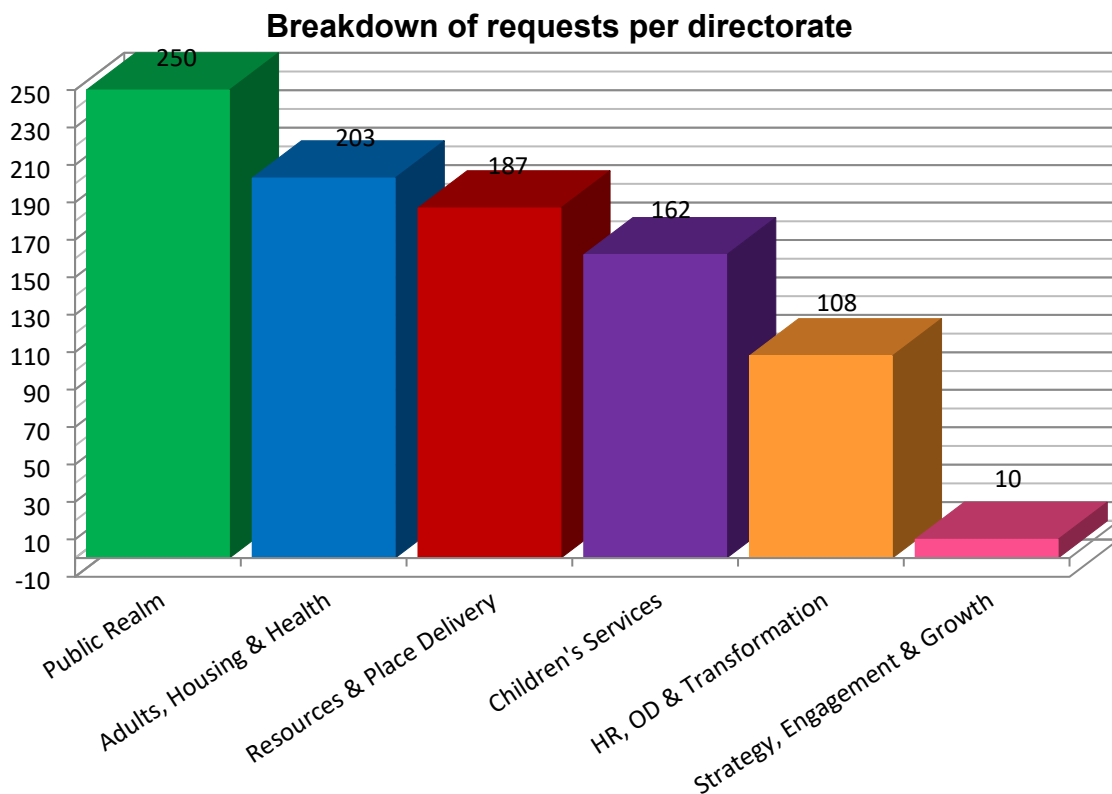
- **Adults, Housing Health:**
 - Care Home Providers & Packages
 - Homelessness / Temporary Accommodation
 - Homes for Ukraine Scheme

- **Resources and Place Delivery:**
 - Business Rates
 - Household Support Fund
 - Council Finances
 - Investments & Loans

- **Public Realm:**
 - Electric Vehicle Charging Points
 - Parking Enforcement

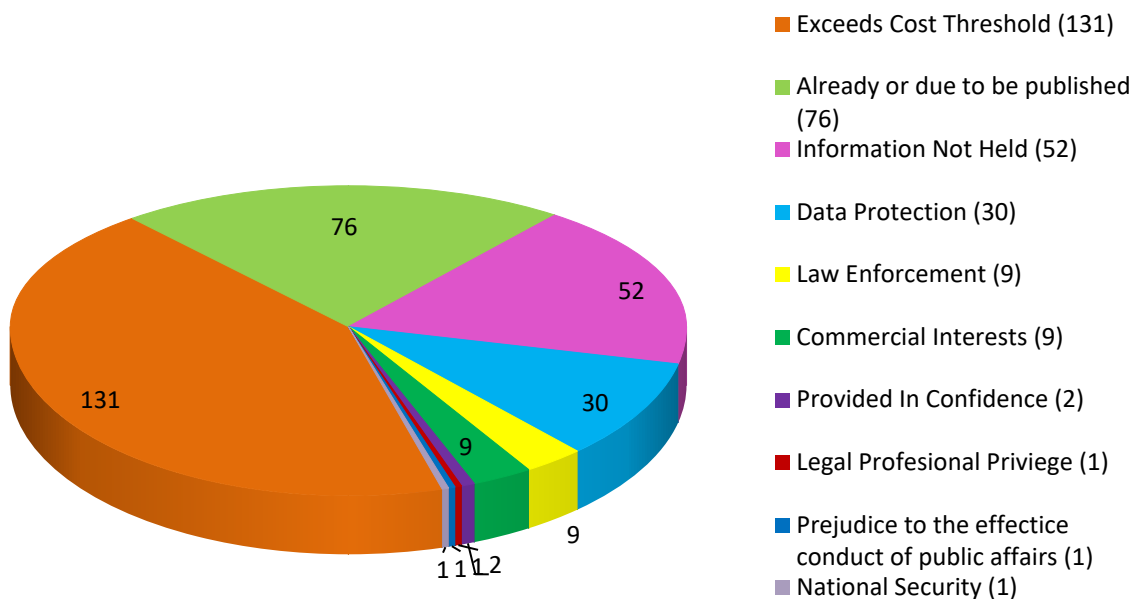
- **Childrens:**
 - Looked After Children
 - Special Education Needs

- **HR, OD & Transformation:**
 - Council Employee Data
 - IT Systems & Software

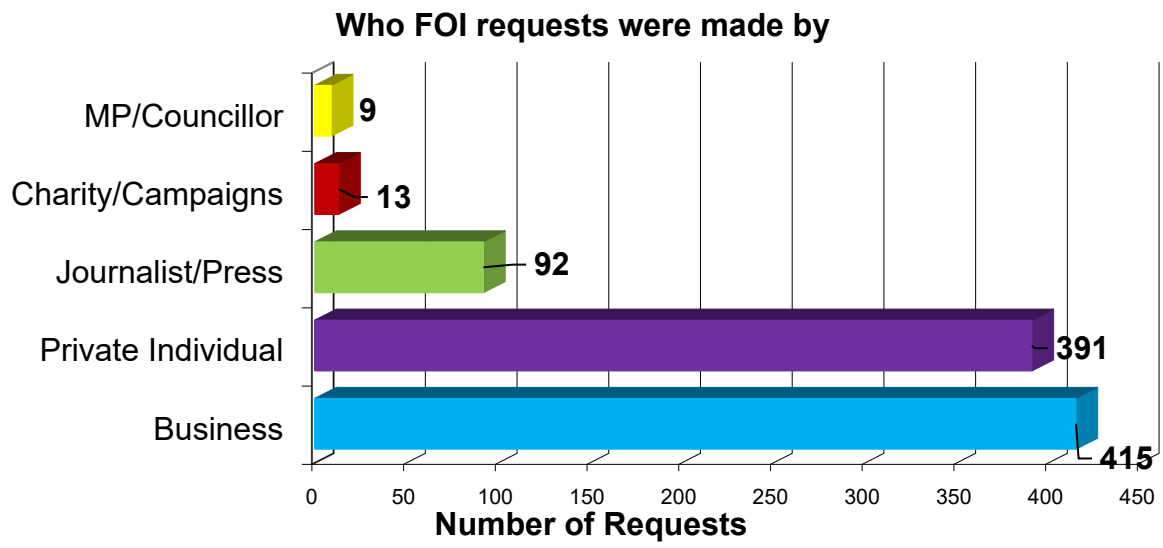


The chart below shows the type of exemptions and refusals that were applied (based on a total of 275 requests that were part supplied or refused). Please note the chart below does not balance back to the total number of part supplied or refused requests, as more than one exemption can be applied per request.

Types of Exemption/Refusal



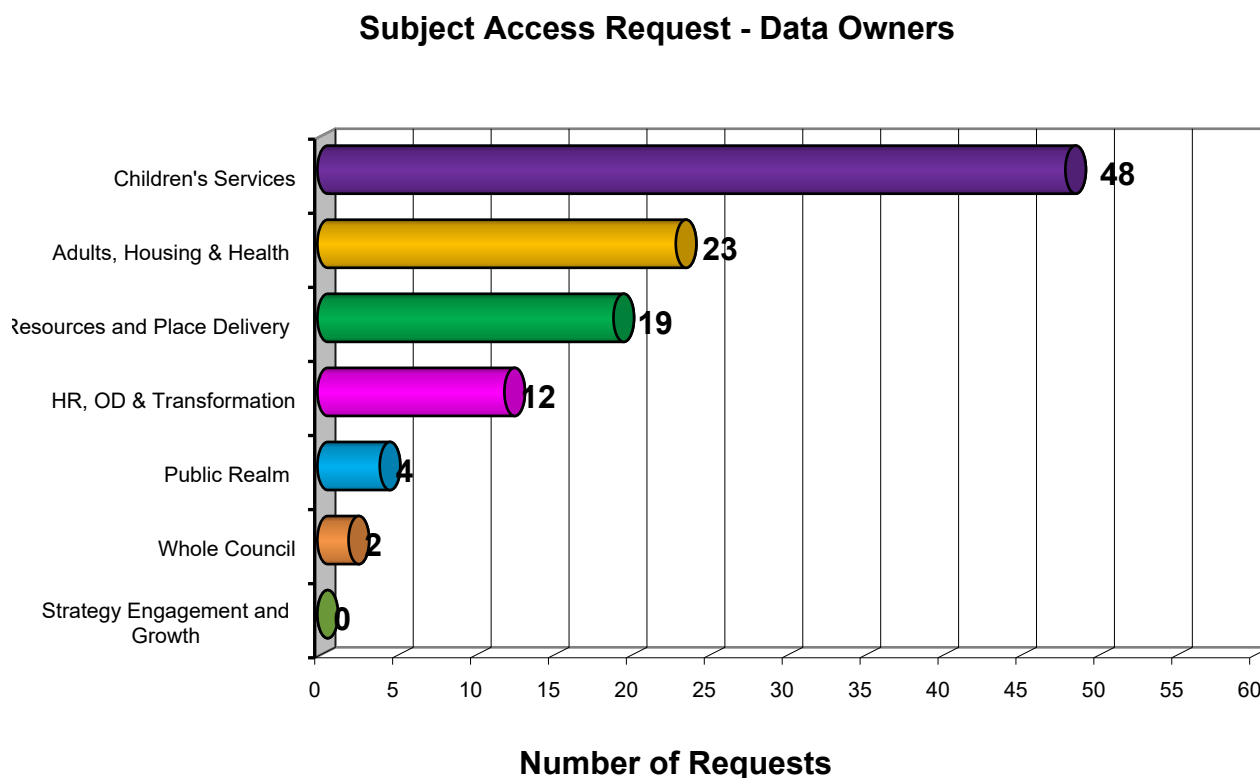
The chart below identifies where FOI requests sent into the council originated from.



Appendix 2 - Data Protection

Subject Access Requests:

The chart below highlights the data owner areas for the 108 requests processed within the reporting period.



Data Protection compliance across the Council:

Accountability is a legal requirement as part of the Data Protection Act. It makes organisations responsible for complying with the Data Protection Act. Due to this, the council must be able to demonstrate how it complies with the Data Protection Act.

Key to accountability is an evidence base to show compliance. This can be demonstrated in a range of ways including via policies, procedures, privacy notices, data protection impact assessments, staff training, incident management, having a dedicated Data Protection Officer in post and by ensuring effective security arrangements are in place to protect personal data. These information governance requirements are in place at Thurrock and can be evidenced.

A corporate information governance group is in place and this group has identified key information assets on a central Record of Processing Activity. At the point new assets are identified and added to the Record of Processing Activity, the Asset Owner is required to confirm that they will undertake the roles and responsibilities in relation to the asset; re-confirmation is then required on an annual basis along with confirmation that the details recorded in the Record of Processing Activity are current and correct. These reviews allow any identified risks to be recorded and gaps in compliance to be addressed.

Performance on Information Governance Group tasks to meet the requirements of the Data Protection Act is strong. The amount of work required for each Information Governance lead varies based on the number of key assets (systems) the Directorate has. The following is a list of on-going/outstanding Records of Processing Activity tasks, although this will change weekly/monthly due to the timing of certain tasks.

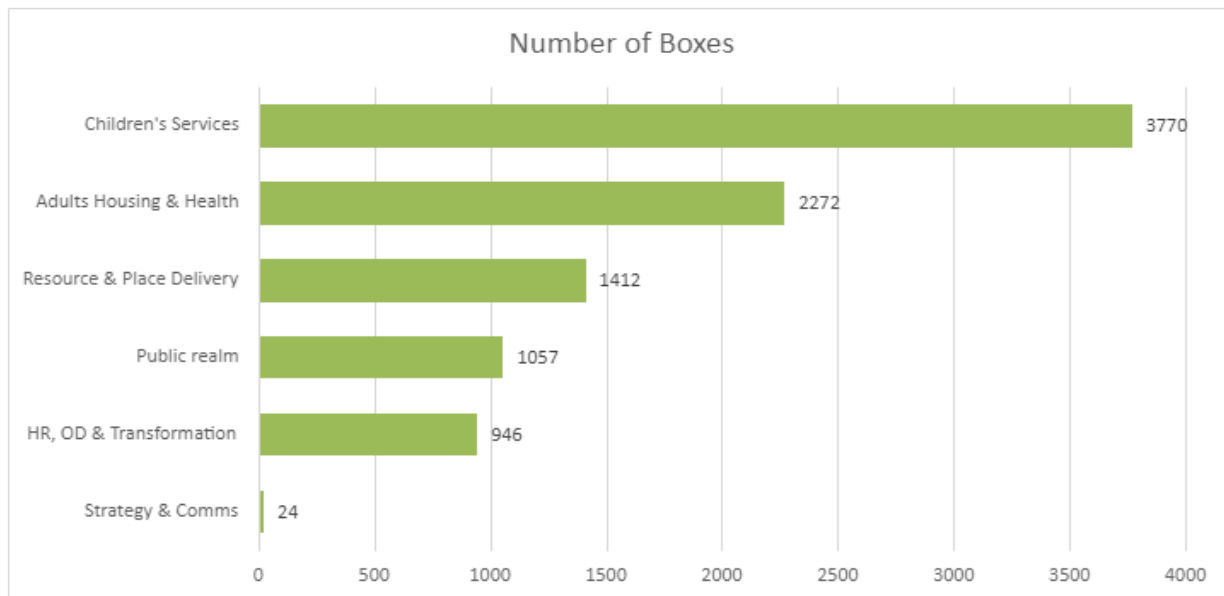
Area (Numbers in brackets represent number of Assets)	Number of outstanding	Summary of outstanding tasks
Children's Services (23)	0	
Adults, Housing & Health (19)	0	
Public Realm (18)	2	1 x Annual Return (Vehicle Management System) 1 x Record of Processing Activity Review (Vehicle Management System))
Resources & Place Delivery (14)	3	3 x Annual Returns (Anite, Northgate and Purchase Card Applications)
HR, OD & Transformation (9)	2	2 x Record of Processing Activity Reviews (Oracle Cloud)
Strategy Engagement & Growth (10)	0	

Appendix 3 - Records Management

Physical Records:

Off-Site Archive:

9481 archive boxes are currently held off-site, an increase from last year due to clearance of Civic Offices 1 archive stores.



Directorate reps have been appointed to drive this forward with the Records Management Team. The progress of this project is reported to the council's Digital and Demand Board to ensure physical records are managed in-line with the Data Protection Act.

On-site Archive:

Approximately 4000 archive boxes have been relocated out of Civic Offices 1. A number have been placed in off-site storage due to long term retention requirements and the remainder have been relocated to the scanning suite in Civic Offices 2. The next steps for this project will be to review the content of these boxes and digitise or dispose as necessary.

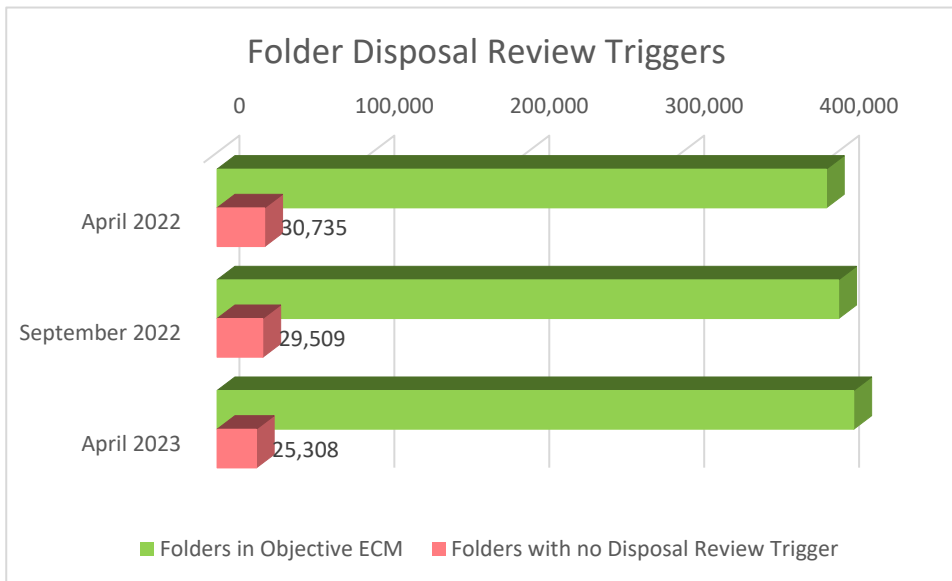
Review of electronic data in Objective ECM in-line with the records retention schedule:

The document management system (currently Objective) requires a 'trigger' to assign a disposal review date. For example, the retention of a standard finance file is 6 years; therefore, we need to tell the system the financial year the file relates to. This trigger is usually the date the file will be closed, therefore a finance file for the period 2022/23:

- Will have a closed date of 31 March 2022 entered on the system
- Will be held 6 years from the closed date

There are some legitimate reasons for not having disposal review triggers. Examples include an employee file and/or a tenancy file. A trigger cannot be applied in these cases

until the member of staff leaves the council and/or a tenant moves out of a council property.



For those records that do not have a disposal review trigger applied, Departmental Information Governance Leads have been tasked with driving this forward across their service area including:

- Providing targets/deadlines for completion of tasks
- Escalation to their Assistant Director if required to obtain support and/or to agree a departmental escalation process for non-compliance

Between October 2022 – April 2023:

- 145 disposal review tasks have been assigned, 2 remain outstanding
- 617 folders have been reviewed and authorised for disposal