

<b>9 July 2020</b>		<b>ITEM: 5</b>
<b>Standards &amp; Audit Committee</b>		
<b>Annual Information Governance Report</b>		
<b>Wards and communities affected:</b> All	<b>Key Decision:</b> Non Key	
<b>Report of:</b> Lee Henley – Strategic Lead Information Management		
<b>Accountable Strategic Lead:</b> Lee Henley – Strategic Lead Information Management		
<b>Accountable Director:</b> Jackie Hinchliffe – Director of HR,OD & Transformation		
<b>This report is:</b> Public		

## Executive Summary

- During 2019/20, the council processed 97% of Freedom of Information (FOI) requests within the 20 working day legal timeframe. This is improved performance compared to the previous year and is based on 1042 FOI requests that were processed. The Information Commissioner expect public authorities to answer at least 90% on time so this is a positive.
- The council continue to ensure data is identified for routine publication online. This work forms part of the Transparency Agenda and aims to increase openness and accountability; whilst reducing unnecessary processing of FOI requests.
- During 2019/20, the council received 132 Subject Access Requests under the Data Protection Legislation. 97% of these requests were processed within the legal timeframe. Requests have increased significantly following changes to the Data Protection Act, however performance remains strong.
- The council are continuing to drive forward its compliance work programme, following the introduction of the General Data Protection Regulation (GDPR) and Data Protection Act 2018.
- Records Management work activity is captured within Appendix 3. Key work areas include reducing the volume and costs of records held off-site, along with embedding an effective use of electronic records management.

### 1. Recommendation(s)

1.1 To note the Information Governance activity and performance.

1.2 To note the Data Protection Compliance activity detailed within Appendix 2.

### 1.3 To note the project to reduce manual records volumes and costs across the council.

## 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 Freedom of Information:

2.2.1 During 2019/20, 1042 FOI requests were recorded on the council's FOI tracking system. The table below details year-on-year volume and performance data since 2014. Since 2014/15, requests have more or less doubled (increase of 90%), however performance has been maintained. Appendix 1 provides additional information on FOI data for the reporting period.

Year	Number of Requests	% responded to in time
2014/15	548	98%
2015/16	980	98%
2016/17	1046	97%
2017/18	1056	96%
2018/19	1093	95%
2019/20	1042	97%

### 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 a SAR. 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.
- During 2019/20, the council received 132 SAR requests (an increase of 59% compared to the previous year). Of the 132 requests, 97% (128) of requests were processed within the legal timeframe (1 or 3 months depending on complexity). Since May 2018, the £10 fee to process a SAR was removed, resulting in an increased volume of requests received by the council. This had contributed to a dip in performance, although additional resources are now in place resulting in improved performance for this legal timeframe.
- During 2019/20 the council received 3 complaints from the Information Commissioners Office regarding the management of SAR's.

- The table below shows volumes of requests and performance since 2014.

Year	Number of Requests	% responded to in time
2014/15	21	71%
2015/16	43	93%
2016/17	47	83%
2017/18	29	83%
2018/19	83	73%
2019/20	132	97%

- Appendix 2 provides a breakdown of subject access requests per directorate.

### 2.3.2 Data Protection Compliance:

- Appendix 2 provides additional information on general Data Protection compliance for the reporting period.

### 2.4 Records Management:

2.4.1 The council aims to reduce the number of physical records located at off-site storage locations. It currently has 9,764 boxes stored offsite. Progress on this project is reported via Digital board.

2.4.2 In addition to the above, 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 Directors Board.

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

6.1.1 The council has effective systems and processes in place for managing Information Governance.

6.1.2 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.

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

## **7. Implications**

### **7.1 Financial**

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

Financial penalties for non-compliance with the Data Protection Act are up to 18 million euros.

### **7.2 Legal**

Implications verified by: **Ian Hunt**  
**Assistant Director Legal and Democratic Services**  
**(Monitoring Officer)**

FOI failure could result in regulatory intervention as the ICO are now starting to target poor performing councils for FOI which will lead to reputational damage.

There are various avenues available to the Information Commissioner's Office 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 Information Commissioner also has the power to serve a monetary penalty notice on a data controller.

### **7.3 Diversity and Equality**

Implications verified by: **Natalie Smith**  
**Community Development and Equalities Manager**

There are significant diversity issues for the whole community regarding FOI and Data Protection. The successful implementation of FOI and Data Protection allows our customers, stakeholders, partners and the public to access and receive information.

### **7.4 Other implications**

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:**

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