

# Scrutiny Board

10 October 2017

<b>Report title</b>	Information Governance Performance Report – Quarter One 2017/18	
<b>Decision designation</b>	AMBER	
<b>Cabinet member with lead responsibility</b>	Councillor Milkinderpal Jaspal Governance	
<b>Key decision</b>	No	
<b>In forward plan</b>	No	
<b>Wards affected</b>	All	
<b>Accountable director</b>	Kevin O’Keefe, Governance	
<b>Originating service</b>	Democratic Services	
<b>Accountable employee(s)</b>	Anna Zollino- Biscotti Tel Email	Information Governance Manager  01902 555166 Anna.zollino-biscotti @wolverhampton.gov.uk
<b>Report to beas been considered by</b>	Governance Directorate Leadership Team Cabinet Performance Panel Information Governance Board	14 September 2017 18 September 2017 21 September 2017

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## Recommendations for action or decision:

The Scrutiny Board is recommended to:

1. Review and comment on the quarter one performance for Information Governance
2. Identify and feedback any further action that may be necessary.

## **1.0 Purpose**

- 1.1 To report on the performance of Information Governance for quarter one (April – June 2017).

## **2.0 Background**

- 2.1 The Information Commissioner's Office (ICO) conducted consensual audits of the Council in October 2011 and July 2012.
- 2.2 The October 2011 audit covered requests for personal data and requests made under the Freedom of Information Act 2000 (FOI). The ICO's subsequent overall opinion was that there was a very limited assurance that processes and procedures were in place and being adhered to.
- 2.3 The ICO carried out a further audit on 19 July 2012 to measure the extent to which Wolverhampton City Council had implemented the agreed recommendations and identify any subsequent change to the level of assurance previously given. This was based on an update provided in March 2012 and subsequent management information. The ICO raised the Council's status from Red "Very Limited Assurance" to Amber "Limited Assurance" as an acknowledgement that progress had been made.
- 2.4 The Council provided a final management update to the ICO on 20 December 2012, after which the ICO confirmed that the audit process has been brought to a conclusion. Throughout 2013, work continued to ensure that a strategic approach was adopted to how the Council manages information assets.
- 2.5 In February 2014 the ICO asked for further updates on our progress, as a result of information incidents the Council was managing. The Council was then placed under an enforcement notice to achieve 100% of employees having undertaken the mandatory 'protecting information training'.
- 2.6 In June 2014 the Council complied with the enforcement notice and achieved 100% of employees completing the 'protecting information' training.
- 2.7 In June 2016, as a result of an information incident, the Council signed a written undertaking with the ICO to ensure that all staff handling personal data receive data protection training and that it is refreshed at regular intervals not exceeding two years. In addition, the Council was also required to devise and implement a system to monitor training.
- 2.8 In order to ensure ongoing improvements with information governance this report outlines current performance.

### **3.0 Progress**

- 3.1 The IG performance figures for quarter one are contained in appendix A.
- 3.2 263 requests were received for Freedom of Information /Environmental Information which is about average for this quarter however is 55 less than those received in quarter four last year. All but one request was responded to within the statutory 20 day timeframe, which equates to a 99% response rate.
- 3.3 Out of the 263 requests, only one request was not valid and consequently closed down following a nil response from the requester after further clarification was sought. Out of the 262 requests where a response was required, only 60% of these requests were responded to within the internal ten-day deadline.
- 3.4 91 requests were received for Data Protection this quarter which is a slight increase compared to those requests received last quarter, however volumes are in line with quarter one 2016. All requests were responded to within the statutory 40-day timeframe. This equates to a 100% response rate for the quarter.
- 3.5 The number of information incidents reported for the quarter has decreased and only nine have been reported. This is 11 less than the numbers reported in the previous quarter and 10 less than the numbers reported in quarter one last year. The trend in incident type remains the same however, as seven out of the nine incidents reported (78%) were of the incident type "Disclosed in error". A further breakdown of the incident types can be found in the restricted appendix B. All the incidents reported were in the low risk category.
- 3.6 There were 119 new starters in quarter one this year. Out of this number, 48 completed the mandatory protecting information module, which only equates to 40%.

### **4.0 Financial implications**

- 4.1 There are no financial implications associated with the recommendation in this report as Councillors are requested to review the progress made on information governance.
- 4.2 It is worth noting, however, that a failure to effectively manage information governance carries a financial risk. Inaccurate and out of date information can lead to poor decision making and a potential waste of financial resources. In addition to this, poor information governance can actually result in a fine of up to £500,000 from the ICO.

[GE/07092017/D]

### **5.0 Legal implications**

- 5.1 The Council has a legal duty under the Data Protection Act 1998, Freedom of Information Act 2000 and Environmental Information Regulations 2004 to appropriately manage and protect information assets.
- 5.2 The integration of Public Health into the Council in April 2012 required the Council to provide assurance to the NHS that it had in place suitable Information Governance policies, procedures and processes.
- 5.3 Failure to effectively manage information governance could increase risk of exposure to fraud and malicious acts, reputational damage, an inability to recover from major incidents and potential harm to individuals or groups due to inappropriate disclosure of information.
- 5.4 The Information Commissioner has the legal authority to:
- Fine organisations up to £500,000 per breach of the Data Protection Act or Privacy & Electronic Communication Regulations
  - Conduct assessments to check organisations are complying with the Act
  - Serve Enforcement Notices and 'stop now' orders where there has been a breach of the Act, requiring organisations to take (or refrain from taking) specified steps in order to ensure they comply with the law
  - Prosecute those who commit criminal offences under section 55 of the Act
  - Conduct audits to assess whether organisations processing of personal data follows good practice
  - Report issues of concern to Parliament.

[ TS/07092017/Q]

## **6.0 Equalities implications**

- 6.1 There are no equality implications arising from this report and its recommendations.
- 6.2 All policies and procedures developed as part of the information governance maturity model will undergo an equalities analysis screen and full analysis if appropriate.

## **7.0 Environmental implications**

- 7.1 There are no environmental implications arising from this report.

## **8.0 Human resources implications**

- 8.1 All employees are required to comply with Information Governance legislation and are required to complete the mandatory 'protecting information training'.

## **9.0 Corporate landlord implications**

- 9.1 There are no corporate landlord implications arising from this report.

This report is PUBLIC

[NOT PROTECTIVELY MARKED]

## **10.0 Schedule of background papers**

10.1 Update on Information Governance report to Cabinet – 26 March 2014.