

CITY OF WOLVERHAMPTON COUNCIL	Cabinet (Performance Management) Panel 16 September 2019
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Report title	Information Governance Quarter One Performance Update Report	
Decision designation	AMBER	
Cabinet member with lead responsibility	Councillor Sandra Samuels OBE Governance	
Key decision	No	
In forward plan	Yes	
Wards affected	All	
Accountable Director	Mark Taylor, Deputy Chief Executive	
Originating service	Information Governance	
Accountable employee	Anna Zollino-Biscotti	Information Governance Manager and Data Protection Officer 01902 555166 Anna.zollino- biscotti@wolverhampton.gov.uk
Report to be/has been considered by	Information Governance Board	23 September 2019
	Strategic Executive Board	27 August 2019

Recommendation for decision:

The Cabinet (Performance Management) Panel is recommended to:

1. Review the quarter one performance for Information Governance.

1.0 Purpose

- 1.1 To provide an update on the Information Governance performance figures for quarter one 2019-2020.

2.0 Background

- 2.1 The ICO has been interacting with the Council on information governance matters for several years. Considerable improvements have been made since their consensual audits in 2011 and 2012, which focused on requests for personal data (Subject Access Requests - SAR) and Freedom of Information (FOI).
- 2.2 Work has continued since the conclusion of the audit and a strategic approach to Information Governance has been adopted to ensure that the Council appropriately manages its information assets. Considerable improvements have been made in terms of processing information requests and the Council's overall statutory response rates have improved dramatically over the last five years.
- 2.3 To ensure ongoing improvements with information governance this report outlines current performance.

3.0 Progress for quarter one

- 3.1 The IG performance figures for quarter one are contained in appendix 1.
- 3.2 FOI Freedom of Information and Environmental Information (FOI/EIR) – 345 requests for freedom of information and environmental information were received this quarter. This shows a slight increase in volume from that received in the last quarter (19) but is in line with the volumes received in previous quarters. Two requests were responded to outside of the statutory deadline, which equates to a 99% response rate for the first quarter of the year.
- 3.3 Data Protection (DP/SAR) – 88 requests for personal data were received this quarter, which is the exact same volume of requests received in quarter four last year. Like quarter four, one request went over the 30 calendar-day statutory timeframe and the response rate remains high at 99% for this first quarter.
- 3.4 Information Incidents – 41 incidents were reported to the Information Governance team this quarter which is in line with the volume received last quarter (43). All incidents reported were of a low risk category.

4.0 Evaluation of alternative options

- 4.1 No alternative options have been considered or evaluated since this report is to provide an update on progress in terms of IG performance.

5.0 Reasons for decision(s)

- 5.1 No decisions have been presented for approval since this report is an update on progress in terms of IG performance.

6.0 Financial implications

- 6.1 There are no financial implications associated with this report as Councillors are requested to review the information governance performance figures. All work associated with meeting information governance requirements is covered through existing budgets.
- 6.2 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. Following the implementation of the General Data Protection Regulation (GDPR), a two-tiered sanction regime with higher financial penalties is in place. Lesser information incidents can now be subject to a maximum fine of either €10 million or 2% of an organisation's global turnover, whichever is greater. More serious violations could result in fines of up to €20 million or 4% of turnover.

[MH/19082019/F]

7.0 Legal implications

- 7.1 The Council has a legal duty under the current Data Protection Act 2018, GPDR 2016/679, Freedom of Information Act 2000 and Environmental Information Regulations 2004 to appropriately manage and protect information assets.
- 7.2 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.
- 7.3 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.
- 7.4 The Information Commissioner has the legal authority to:
- Fine organisations for breaches of Data Protection 2018 or Privacy & Electronic Communication Regulations. With the implementation of the GDPR on 25 May 2018, a two-tiered sanction regime was introduced, and higher financial penalties are being adopted by the ICO. Lesser information incidents can now be subject to a maximum fine of either €10 million or 2% of an organisation's global turnover, whichever is greater. More serious violations could result in fines of up to €20 million or 4% of turnover.
 - 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 to ensure they comply with the law.

- Prosecute those who commit criminal offences under section 170 of the DPA 2018 (previously section 55 of the 1998 Act.)
- Conduct audits to assess whether organisations processing of personal data follows good practice.
- Report issues of concern to Parliament.

7.5 Demonstration of the Council's compliance with the current Data Protection Law protects it from legal challenges for alleged breaches of individuals' rights.
[TS/15082019/S]

8.0 Equalities implications

8.1 Having considered the equalities issues presented under the new legislation - Data Protection Act 2018 and GDPR 2016/679, no new implications have been identified from associated actions or recommendations of this report.

9.0 Climate change and environmental implications

9.1 There are no climate changes and environmental implications identified.

10.0 Human resources implications

10.1 There are no direct human resource implications identified.

11.0 Corporate landlord implications

11.1 There no direct corporate landlord implications identified.

12.0 Health and Wellbeing Implications

12.1 There are no health and wellbeing implications identified.

13.0 Schedule of background papers

13.1 Previous IG quarterly performance reports presented to Cabinet (Performance Management) Panel – 24 June 2019.

14.0 Appendices

14.1 Appendix 1 – Quarter One 2019-20 Info-graph