

Scrutiny Board

14 June 2016

Report title	Information Governance Performance Report – Quarter Four 2015/16	
Cabinet member with lead responsibility	Councillor Milkinderpal Jaspal Governance	
Wards affected	All	
Accountable director	Kevin O’Keefe, Governance	
Originating service	Democracy	
Accountable employee(s)	Anna Zollino-Biscotti	Information Governance Manager Tel 01902 555166 Email anna.zollino-biscotti@wolverhampton.gov.uk
Report to be/has been considered by	Information Governance Board	14 July 2016
	Cabinet Performance Management Panel	13 June 2016

Recommendation(s) for action or decision:

The Scrutiny Board is recommended to:

1. Review and comment on the Quarter Four performance for Information Governance
2. Identify and feedback any further action that may be necessary.
3. Recommend any issues to be referred to the Scrutiny Board for further consideration
4. To note the IG performance figures for the following:
 - Freedom of Information (FOI)/Environment Information Regulations (EIR) for the period 2010/2011 to 2015/2016
 - Subject Access Requests (SAR) for the period 2014/15 – 2015/2016

1.0 Purpose

- 1.1 To report on the performance of Information Governance for Quarter Four (January – March 2016).

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 the City of Wolverhampton 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 had been brought to a conclusion. Throughout 2013, work continued to ensure that a strategic approach was adopted to how the Council managed information assets.
- 2.5 In February 2014, the ICO had 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 order to ensure ongoing improvements with information governance this report outlines current performance.

3.0 Progress/Update

- 3.1 The IG performance figures for quarter four are contained in appendix A.
- 3.2 In summary, there has been an increase in the total number of information requests received for the quarter. 27 percent (69) more requests were received for Freedom of Information /Environmental Information and 54 percent (47) more requests were received under Subject Access.

- 3.3 The response rate for requests answered within the statutory timeframes for both regimes has remained high. 100 percent of all FOI/EIR requests and 99 percent of SAR requests were responded to within time.
- 3.4 In addition, appendices B and C provide a summary of performance since 2010/11, when the initial ICO audit in October 2011 was undertaken and found us to have “very limited assurance”.
- 3.5 Appendix B provides a summary of the performance figures for Freedom of Information and Environmental Information requests for the period 2010/2011 to 2015/2016.
- 3.6 In summary, the graph shows a steady increase in the numbers of FOI/EIR requests received over the 5 year period (with the exception of this year) and an increase in our response rate.
- 3.7 Appendix C provides a summary of the performance figures for Subject Access (data protection) requests for the period 2014/2015 to 2015/2016. Please note that performance figures for subject access requests were not recorded centrally prior to 2014.
- 3.8 In summary, the number of subject access requests received has dropped for the period, however, our response rate has increased.

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/24052016/T]

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.

[Legal Code: TS/24052016/I]

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.

10.0 Schedule of background papers

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