

# Scrutiny Board

13 December 2016

<b>Report title</b>	Information Governance Performance Report – Quarter Two 2016/17	
<b>Cabinet member with lead responsibility</b>	Councillor Milkinderpal Jaspal Governance	
<b>Wards affected</b>	All	
<b>Accountable director</b>	Kevin O’Keefe, Governance	
<b>Originating service</b>	Democracy	
<b>Accountable employee(s)</b>	Anna Zollino-Biscotti	Information Governance Manager
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<b>Report to be/has been considered by</b>	Information Governance Board	15 December 2016
	Cabinet Performance Management Panel	28 November 2016

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## Recommendation(s) for action or decision:

The Scrutiny Board is recommended to:

1. Review and comment on the Quarter Two performance for Information Governance
2. Identify and feedback any further action that may be necessary.
3. Recommend any issues to be referred to the Information Governance Board for further consideration

## **1.0 Purpose**

- 1.1 To report on the performance of Information Governance for Quarter Two (July – September 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 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/Update**

- 3.1 The IG performance figures for Quarter Two are contained in appendix A.
- 3.2 243 requests were received for Freedom of Information /Environmental Information which is six less than those received in quarter one. All requests were answered within the statutory timeframe of 20 days.
- 3.3 83 requests were received for Data Protection which is 29 less than the numbers received last quarter. Only one request went over the statutory 40 day timeframe. This was the result of the request not being received into the IG Team from West Midlands Pension Fund until after the deadline date had passed.
- 3.4 The number of information incidents reported for the quarter has reduced slightly – 11 incidents were reported which is eight less than the number reported in quarter one.
- 3.5 There were 143 new starters in quarter two; this is 36 more than the number who joined the council in quarter one. Out of this number, 88 completed the mandatory protecting information module which is an increase of 13 percent on the number of new starters who completed the training in the last quarter.

#### **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.

[MK/01122016/O]

#### **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/30112016/B]

**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.