

Cabinet (Performance Management) Panel

12 June 2017

Report title	Information Governance Performance Report – Quarter Four 2016/17	
Decision designation	AMBER	
Cabinet member with lead responsibility	Councillor Milkinderpal Jaspal Governance	
Key decision	No	
In forward plan	No	
Wards affected	All	
Accountable director	Kevin O’Keefe, Governance	
Originating service	Democratic Services	
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	Scrutiny Board Information Governance Board	1 July 2017 21 June 2017

Recommendations for action or decision:

The Cabinet (Performance Management) Panel 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.

Recommendations for noting:

The Cabinet (Performance Management) Panel is asked to note:

1. The IG performance figures for 2016/2017 for Freedom of Information (FOI)/Environmental Information (EIR) requests and Subject Access requests (SAR).
2. The year on year performance figures for both regimes.

1.0 Purpose

- 1.1 To report on the performance of Information Governance for quarter four (January – March 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 four are contained in appendix A.

- 3.2 318 requests were received for Freedom of Information /Environmental Information which is 42 more than those received in quarter three. All requests were responded to within the statutory 20 day timeframe, which equates to a 100 percent response rate.
- 3.3 79 requests were received for Data Protection which is 2 less than the numbers received last quarter. All requests, with the exception of one request, were responded to within the statutory 40 day timeframe. This equates to a 99 percent response rate for the quarter.
- 3.4 The number of information incidents reported for the quarter has increased. 22 incidents were reported this quarter, which is four more than the number reported in quarter three. Similar to the last quarter, 18 of the 22 incidents reported (82%) were of the incident type "Disclosed in error".
- 3.5 There were 79 new starters in quarter four whose role requires them to deal with personal data on a regular basis; this is lower than the number who joined the council in quarter three. Out of this number, 44 completed the mandatory protecting information module, which only equates to 56 percent.
- 3.6 A summary of the performance figures for both Freedom of Information /Environmental Information requests and Data Protection Requests for the year 2016/2017 are contained in Appendix B.
- 3.7 The first two graphs show the volumes of information requests received for both regimes for the year. In summary, the volume of FOI/EIR requests remained static for the first two quarters of the year; however a steady increase can be seen in quarters three and four. This is opposite to the volumes received for SAR requests, with volumes decreasing between quarter one and two and then almost remaining on a plateau in quarters three and four.
- 3.8 The last graph titled "FOI/EIR and SAR year on year" also shows the volumes of information requests received into the Council year on year since 2010/2011 (FOI/EIR requests) and 2014/2015 (SAR). Please note that performance figures for subject access requests (SAR) were not recorded centrally prior to 2014.
- 3.9 In summary, the graph shows that the numbers of FOI/EIR requests received into the Council peaked in 2014/15. The number of requests received for this year, are again lower than last year – thus showing a downward trend in volumes for the last two years.
- 3.10 The same pattern is also evident in relation to the volumes of SAR requests received; as again fewer requests have been received than last year which again replicates the downward trend in volumes as per FOI/EIR requests.
- 3.11 In terms of performance, the graph shows that for both FOI/EIR and SAR requests, our response rate has continued to increase. In general, FOI/EIR performance has steadily increased from a response rate of 71 percent recorded for 2010/11 to 99.63 percent achieved this year. Similarly, the response rate for SAR requests has also increased from 82 percent in 2014 to 99 percent this year.

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.
[MH/02062017/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.

[TS/02062017/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.

10.0 Schedule of background papers

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