

# Governance and Ethics Committee

7 September 2023

<b>Report title</b>	Information Governance – Annual Report to SIRO 2022-2023	
<b>Cabinet member with lead responsibility</b>	Councillor Paula Brookfield Cabinet Member for Governance and Equalities	
<b>Accountable director</b>	David Pattison, Chief Operating Officer	
<b>Originating service</b>	Information Governance, People and Change	
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<b>Report has been considered by</b>	Strategic Executive Board	22 August 2023

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## Recommendation for action or decision:

The Governance and Ethics Committee is recommended to:

1. Note the contents of the Information Governance annual Report to SIRO which provides a summary of the work carried out under the Information Governance function for the period 2022-2023.

## **1.0 Purpose**

- 1.1 To provide a summary of the work carried out by the Information Governance function for the period April 2022 to March 2023, as outlined in the Annual Report to SIRO.

## **2.0 Background**

- 2.1 The Council has had a robust information governance framework in place for many years following the initial consensual audits with the regulator, the Information Commissioner's Office (ICO) which took place in 2011 and 2012.
- 2.2 Work has continued since the conclusion of the audits and a strategic approach to information governance has been adopted to ensure that the Council appropriately manages its information assets; this includes managing data protection as a corporate risk and monitoring the risk via the Council's Strategic Risk Register.
- 2.3 This report provides an update relating to the responsibilities of the Council's Senior Information Risk Owner (SIRO) and outlines information governance activity and performance during the period April 2022 to March 2023. It provides assurances that information risks are being effectively managed, highlighting any key risks and areas to focus on throughout the year as well as an overview of progress in general.

## **3.0 Summary Statement**

- 3.1 Despite a challenging year in terms of resource capacity across the wider service function and seemingly increased demand both internal and external, the Information Governance (IG) team has continued to maintain its exemplary eight-year record of ensuring the Council meets its statutory compliance deadlines in relation to Data Protection and Freedom of Information Acts.
- 3.2 The IG team have continued to forge stronger working relationships with leadership teams, resulting in earlier engagement, better integration, and a more robust compliance platform for each individual leadership area.
- 3.3 Information risks have in most cases been reduced across the year or maintained at an acceptable level. Any residual risk rated amber or red have been transferred to the 2023-2024 IG risk register where they will continue to be monitored and managed
- 3.4 In summary, it is the consideration of the Council's Statutory Data Protection Officer (DPO) that the Council has complied with its duties under UK GDPR, Data Protection and Freedom of Information legislation.

## **4.0 Financial implications**

- 4.1 There are no financial implications associated with this report as Councillors are requested only to note the contents of the report summarising the work undertaken by the Information Governance function for the period April 2022 to March 2023. All of the work associated with meeting information governance requirements is undertaken utilising existing budgeted resources.

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. 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. [SR/21072023/A]

## **5.0 Legal implications**

5.1 The Council has a legal duty under the UK General Data Protection Regulation (UK GDPR), the Data Protection Act 2018, the Freedom of Information Act 2000 and Environmental Information Regulations 2004 to appropriately manage and protect information assets.

5.2 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 info.

5.3 The Information Commissioner has the legal authority to:

- Fine organisations for breaches of Data Protection 2018 or Privacy & Electronic Communication Regulations. Following the implementation of the UK GDPR a two-tiered sanction regime was introduced and higher financial penalties are being adopted by the ICO.
- 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
- Conduct audits to assess whether organisations processing of personal data follows good practice.
- Report issues of concern to Parliament.

5.4 Demonstration of the Council's compliance with the current Data Protection Law protects it from legal challenges for alleged breaches of individuals' rights.

5.5 It is worth noting that as part of the UK's National Data Strategy and in line with its proposal to reform the UK's data protection laws, the government launched its consultation "Data: a new direction" in September 2021. The government response to the consultation was published in June 2022 and initial observations noted; however, a

watching brief is to be maintained on the upcoming Data Reform Bill to ensure the Council is conscious of any impending statutory changes. [TC/18072023/D]

## **6.0 Equalities implications**

6.1 No equalities implications have been identified, either through actions or recommendations of this progress update report or from the data presented within it.

## **7.0 Digital**

7.1 Collaborative work is already in place with Digital and IT and any new work initiatives identified from this progress report will be programmed into the IG work plan for the upcoming year. This will assist in ensuring that the Council has in place the appropriate technical measures outlined under data protection legislation and to ensure continued compliance.

## **8.0 Human Resources**

8.1 There are no new direct human resource implications identified. As part of their operational management duties, Managers will continue to monitor and encourage take up of the mandatory refresher IG training and take necessary action accordingly.

## **9.0 All other Implications**

9.1 There are no other implications arising from this report.

## **10.0 Schedule of background papers**

10.1 None for Consideration

## **11.0 Appendices**

11.1 Appendix 1: 2022-2023 Annual Report to SIRO

11.2 Appendix 2: Information Governance Annual Statistics Info-graph 2022-2023