

Report Reference Number: A/19/13

To: Audit and Governance Committee
Date: 29 January 2020
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Lead Officer: Karen Iveson, Chief Finance Officer and Senior Information Risk Officer

Title: Information Governance Annual Report

Summary:

This is the Council's annual report on Information Governance arrangements for 2019.

Recommendations:

- i. **That Audit and Governance Committee note the contents of this report.**

Reasons for recommendation

To meet the requirement within the Audit and Governance Committee Terms of Reference.

1. Introduction and background

- 1.1 The current arrangement of annual reporting started following the Council's internal auditors (Veritau) publishing their report into their review of the Information Governance and Data Protection arrangements at Selby District Council in 2014. A project was established with a view to putting in place systems and controls to address the issues identified audit which have then been reported annually.
- 1.2 To reflect changes brought about by the General Data Protection Regulation (GDPR) an Information Governance Strategy and policies were put in place in 2018. A Central Information Governance Group (CIGG) was set up with terms of reference and membership from Legal, Policy and Performance, Business Development and Improvement, Data and Systems, Customers,

Development Management, Contracts and Commissioning, Democratic Services, Operations and Veritau to monitor compliance.

- 1.4 Following staff briefings on the GDPR on 16 April, 25 April and 4 May 2018 further training in relation to data protection took place in 2019.
- 1.5 In 2019 Veritau published a report in relation to the Information Security check for 2019. As for the previous year the key finding of the report is that the Council is reasonably well protected against accidental disclosure of information and 'substantial assurance' has been given for the information security audit in 2019.

2. The Report

- 2.1 This report sets out the information governance issues that have arisen during 2019.
- 2.2 Under the provisions of the General Data Protection Regulation (GDPR) and Data Protection Act 2018, Veritau Ltd continue to undertake the role of the Council's Data Protection Officer. Veritau and the CIGG continue to identify priority areas going forward in relation to the Information Asset Registers, Privacy Notices, training, policy review, communications and the preparation of an information governance strategy.

2.3 Information sharing agreements

The Council remains a signatory to the North Yorkshire Multi Agency Information Sharing Protocol.

The Council completed:

- 1 a variation to data sharing agreements in relation to the settlement of Syrian refugees in the District to reflect changes brought about by GDPR.
- 2 a data sharing agreement in relation Safeguarding Children.

2.4 Information Security checks

Veritau carried out an information security check at the Civic Centre in September 2019. The purpose of the check was to test the systems in place and assess the extent to which confidential, personal or sensitive data is stored securely and to ensure that data security is being given sufficient priority within Council offices.

Overall, the check established that there have been improvements since the previous check, with a significant reduction in the instances of data not being fully safeguarded and consequently the Council is reasonably well protected against accidental disclosure of information. However, there were a number

of cases where desk pedestals were not secured, which have since been addressed.

2.5 Data Protection Breaches

The number of data protection breaches represents an increase in incidents from the previous year but this is considered to be the result of increased awareness of both the requirements around data breaches and the correct procedure. The purpose of the procedure is to document breaches so that lessons can be learned and procedures can be updated. Data breaches are monitored through the CIGG.

Within the Council a number of data security incidents have been investigated since the last report to Committee in January 2019. None of the breaches below reached the threshold of referral to the ICO. The Council took action in relation to recommendations that arose following its own investigation which included further data protection and quality management of information held. The incidents were:

- Lost mobile phone
- Unauthorised access (printer error)
- Letter sent to wrong address
- Car stolen with Council laptop in it
- Lost Application form
- Email sent to wrong address
- Employee sent personal information to another employee thinking was relevant
- Letter sent to wrong customer
- Letter sent to wrong customer
- Letter sent referring to another property
- Letter sent to wrong person
- Names of 4 persons included in update note to councillors
- Caller with knowledge of daughter's council tax account number pretended to be daughter
- Email sent to right person referring to wrong address
- Advice emailed to wrong party
- Lost mobile phone

Each incident was subject to a formal breach review by the relevant Lead Officer. Recommendations arising from the breach investigations were implemented locally.

2.6 Freedom of Information

The Council currently has a well defined system in place to administer and respond to FOI requests.

The table below shows the number of FOI requests received and responded to in January to December 2019 which shows a response "in time" of 88.70%.

Month	FOI Received	FOI completed within time	FOI completed out of time	% completed in time (20 days)	% completed out of time (20 days)
Jan-19	52	49	3	94.23%	5.77%
Feb-19	78	67	11	85.90%	14.10%
Mar-19	50	47	3	94.00%	6.00%
Apr-19	52	45	7	86.54%	13.46%
May-19	63	54	9	85.71%	14.29%
Jun-19	32	30	2	93.75%	6.25%
Jul-19	58	50	8	86.21%	13.79%
Aug-19	66	60	6	90.91%	9.09%
Sep-19	61	55	6	90.16%	9.84%
Oct-19	57	45	12	78.95%	21.05%
Nov-19	46	43	3	93.48%	6.52%
Dec-19	49	44	5	89.80%	10.20%
Total	664	589	75	88.70%	11.30%

In relation to the December 2019 response figure and percentages please note that the figures could change as the time limit for responding to requests from 20 December 2019 until the end of December has not yet expired.

The Council's performance data for 2015 reported to the Audit and Governance Committee showed a response "in time" rate of 77.59%. The performance data reported for subsequent years showed a response "in time" rate as follows:

2016 - 80.18%
2017 - 95.45%
2018 - 90.42%

The target being worked to is 86% as the Information Commissioner will consider formal performance monitoring of an authority where it responds to 85% or fewer requests within the statutory time period. Performance during 2019 has been below last year but above the ICO target level. Legal Services and Business Support continue to work with service areas to ensure that

requests are responded to within statutory time limits with Business Support chasing responses from service areas before they are due and also introducing an escalation process to senior management if a response is at imminent risk of being classified late.

3. Legal/Financial Controls and other Policy matters

Legal Issues

- 3.1 The Information Commissioner has the power to fine the Council if there is a serious breach and he concludes that the Council does not have procedures in place that are sufficiently robust.

Financial Issues

- 3.2 There are no financial issues in this report.

Impact Assessment

- 3.3 Residents, suppliers, customers and partners have a reasonable expectation that the Council will hold and safeguard their data appropriately. Failure to comply with recognised good practice will have a negative impact of the reputation of the organisation.

4. Conclusion

- 4.1 The overall levels of control are within reasonable levels and the existing framework operates satisfactorily.

5. Background Documents

None

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