READING BOROUGH COUNCIL

REPORT BY EXECUTIVE DIRECTOR OF RESOURCES

TO:	AUDIT AND GOVERNANCE COMMITTEE		
DATE:	28 JANUARY 2021		
TITLE:	INFORMATION GOVERNANCE QUARTERLY UPDATE		
LEAD COUNCILLOR:	CLLR ELLIE EMBERSON	**PORTFOLIO:**	CORPORATE AND CONSUMER SERVICES
SERVICE:		**WARDS:**	ALL
LEAD OFFICER:	MICHAEL GRAHAM	**TEL:**	
JOB TITLE:	ASSISTANT DIRECTOR LEGAL AND DEMOCRATIC SERVICES	**E-MAIL:**	michael.graham@reading.gov.uk

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

1.1 This report outlines the actions in progress to improve the Council's policies, systems and processes for better Information Governance.

1.2 This is the first such report to Audit and Governance Committee and was requested at the last meeting.

1.3 In the last two years, the Committee has received a number of limited assurance reports in this field and work is needed to address the underlying issues:
- Freedom of Information
- Data Transparency
- Records Management

1.4 Actions are in hand to address these issues and in this report members are advised on recent and future actions to improve our overall performance in Information Governance.

2. RECOMMENDED ACTION

Audit and Governance Committee is asked:

2.1 To note the progress outlined in this report.

2.2 To identify matters of interest for future reports.

3. POLICY CONTEXT

3.1 The Council has established six corporate priorities (which were refreshed in Spring 2019) and cover the period 2018-21. These priorities are:

- Securing the economic success of Reading
- Improving access to decent housing to meet local needs
- Protecting and enhancing the lives of vulnerable adults and children

- Keeping Reading's environment clean, green and safe
- Promoting health, education, culture & wellbeing
- Ensuring the Council is fit for the future

3.2 Full details of the Council's plan and the actions which will deliver these priorities are published on the [Council's website](#). These priorities and the Corporate Plan demonstrate how the Council meets its legal obligation to be efficient, effective and economical. This report concerns Information as a corporate resource and is relevant to the Corporate Priority, "Ensuring the Council is fit for the Future".

3.3 Data is playing an increasing role in designing, delivering and transforming public services to improve outcomes for customers and drive efficiencies within current financial constraints.

3.4 The Local Government Association describe the value of data to public services as facilitating:

- The design of services around user needs
- The engagement and empowerment of citizens to build their communities
- Efficiencies and public service transformation
- Economic and social growth
- Greater transparency and accountability

3.5 Effective information governance is a key requirement for the Council which has duties to be both open and transparent whilst at the same time protecting the confidential information it holds about people and businesses. How it collects, uses, stores, shares and destroys personal data is governed by the Data Protection Act. The Council also has to comply with Freedom of Information Act, the Environmental Information Regulations and the Access to Information Act in relation to its records. Compliance is monitored by the Information Commissioner who has wide ranging powers including the ability to impose considerable financial penalties for breaches of the Data Protection Act.

4.   UPDATE

4.1 Historically, the Council has not paid enough attention to Information Governance as an over-arching concept and strategy. It has focussed on compliance with legal duties in areas such as data protection, confidentiality of customer information etc. It also concentrated on making sure its networks were secure and safe. However, it is fair to say that the Council did not employ a dedicated team to help it achieve a comprehensive approach to the management of information. Following on from the limited assurance report in relation to Freedom of Information Requests, such a team has now been brought together. A number of initiatives have been implemented in the last calendar year to assist the Council improve its Information Governance these are set out below.

Restructure

4.2 Following a report to this Committee in Sept 2019 which outlined limited assurance in answering Freedom of Information requests a restructure took place in Spring 2020 which brought together the Customer Relations Team and those staff from Legal working on Information Governance issues. This brought the oversight of all FOIs, Subject Access Requests, complaints, MP letters and Ombudsman matters together allowing for better management and oversight. The new team was operational from 22 June 2020.

4.3 A Customer Relations Team Leader has been recruited which will give additional capacity to the Customer Relations and Information Governance Manager to address

some of the longer-term information governance matters which are identified in the draft Information Management Strategy (which is discussed below).

4.4   The FOI and Subject Access service was temporarily stood down at the start of the first pandemic lockdown. The logic of this was to allow officers in front-line Services (who normally have to provide the answers to the requests) to concentrate on the response to the Pandemic. Customers' requests were still logged and acknowledged by the central team and customers were advised of the delay in responding. The Service resumed on 22 June 2020 and set about catching up with FOIs which had been logged. Staff caught up with the outstanding FOIs over the summer. Since June 2020 there has been no "pandemic effect" on the central service. However it is likely that officers in front-line services have experienced some additional pressures over the summer and autumn which has manifested itself in slower response times overall.

4.5   An Annual Report for the Audit and Governance Committee showing the performance in all such information requests (FOIs, Subject Access Requests, Complaints, Ombudsman queries, Cllr enquiries) in 20/21 will be presented at your April 2021 meeting. This will give a better view about performance response times during the year.

Information Governance Board

4.6   In April 2020, an officer Information Governance Board was established with the purpose of overseeing and implementing an Information Management Strategy. The Board is Chaired by the Assistant Director of Legal and Democratic Services as the Council's Senior Information Risk Owner. There is wide representation on the Board from different Services and Brighter Futures for Children Ltd. (The rationale for including BFfC is that the Council manages a great deal of their information. However, the Company is also now reviewing the steps it needs to take to oversee its own Information Governance arrangements. It is anticipated that there will still be strong alignment between the Council's Board and the Company going forward).

Information Management Strategy

4.7   The IG Board is currently preparing an Information Management Strategy and Action Plan which outlines the Council's proposed approach to information management and governance. This draft strategy identifies a number of workstreams. Resource has been provided from the Project Management Office to enable progress on these workstreams. The Project Manager is working with the Information Governance team in order to focus attention on a number of workstreams which are seen as priority and which will provide a good foundation and a springboard to work on the remaining workstreams thereafter. The initial workstreams relate to:

- Records management and destruction
- Security policies, hosting and guidance
- Training and development

4.8   The Strategy and Action Plan will be presented to Policy Committee for approval. I will however bring an update to your April meeting for members information. This will allow members to consider their preferred ways to monitor the success of the Strategy and Action Plan.

Other Board Actions

4.7   The Board has reviewed the Breach Management Policy, for dealing with breaches of the Data Protection Act, and the Subject Access Request Policy which outlines how customers can access their data from the Council. These are viewed as internal operational policies and not signed off by Policy Committee. Work is currently in hand

to review the processes for dealing with Complaints handling, MP enquiries, councillor enquiries, and Freedom of Information Act Requests (in line with Audit recommendations).

4.8   The Board, meeting monthly, also reviews Cyber Security Incidents and possible breaches of the Data Protection Act which may need to be reported to the Information Commissioner. Where any subsequent actions are identified then these are monitored.

4.9   The Board approved the Cyber Security training which is currently rolled out for all staff and members through Learning Pool e-learning package. The Board is also monitoring the uptake of this training and will review its effectiveness in due course. The Board will also receive a report in due course on wider issues affecting the Council's Cyber Security.

4.10   For members information, as of the date of dispatch x% of cllrs have completed their cyber security training and x% of officers have completed their training). These figures are too low and actions are in hand to improve the take-up of the training.

4.11   The Board has reviewed the Strategic and Directorate Risk registers as they relate to Information Governance risks. Discussion across the Board members concluded that the risks were not as catastrophic as currently described and therefore (i) the Strategic Risks would be adjusted and (ii) the Directorate Risk would be removed as it essentially a duplication of the Strategic Risk. The Board will keep the risk management of Information Governance under review. The preparation of an Information Management Strategy and Action Plan will help to inform the risks in this area.

4.12   The Board has also reviewed the Audit Tracker as it relates to Information Governance issues and satisfied itself that actions which are in hand to deliver the recommendations from past audits.

4.13   The Board is overseeing the Council's re-accreditation to the NHS IG Toolkit. This is a Department of Health (DH) Policy delivery vehicle that the Health and Social Care Information Centre (HSCIC) maintain. It draws together the legal rules and central guidance set out by Department of Health and presents them in a single standard as a set of information governance requirements. Organisations are required to carry out self-assessments of their compliance against these IG requirements before they are allowed to access NHS data. The Council has signed up to comply with the Tool-Kit by July 2021.

Next Steps

4.14   In addition to the Strategy and Action Plan which has been referred to, I will also review the resource and effectiveness of the Board and the new team to ensure that we can deliver for the future. We need to ensure we have the right expertise and capacity to deliver for the future. We have started to make traction in this field. However, there is a great deal more to accomplish if we are to hit the objectives suggested by the LGA (see para 3.4 above). We will also investigate assistance from peers in local government who may be able to help us review our current situation and progress.

5.   CONTRIBUTION TO STRATEGIC AIMS

5.1   The purpose of Information Governance is cross-cutting and relevant to all Services of the Council and to all of our public facing services which collect and retain data about the public. The role of Information Governance contributes to the Corporate Priority of "Ensuring the Council is fit for the future".

6.   ENVIRONMENTAL AND CLIMATE IMPLICATIONS

6.1 The Council declared a Climate Emergency at its meeting on 26 February 2019 (Minute 48 refers).

6.2 There is nothing within this report which is of relevance for the Council's strategic priority of Climate Change.

7. COMMUNITY ENGAGEMENT AND INFORMATION

7.1 Section 138 of the Local Government and Public Involvement in Health Act 2007 places a duty on local authorities to involve local representatives when carrying out "any of its functions" by providing information, consulting or "involving in another way".

7.2 It is not anticipated that there will be public consultation on the Information Management Strategy or Action Plan. It will however be in the public domain at Policy Committee and this Committee, and I anticipate members will wish to receive regular updates at this Committee. This will ensure that progress in this field is visible to residents.

8. EQUALITY IMPACT ASSESSMENT

8.1 Under the Equality Act 2010, Section 149, a public authority must, in the exercise of its functions, have due regard to the need to—
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

8.2 An Equality Impact Assessment (EIA) is not relevant to this report. All citizens have rights to information and there is no evidence that any section of the community is disadvantaged in accessing those rights under the current service provision. There is no reason to think that any section of society will be adversely affected by the roll-out of better Information Governance and an Information Management Strategy within the Council.

9. LEGAL IMPLICATIONS

9.1 The Council is required to comply with a number of information governance regulations including the Data Protection Act and the Freedom of Information Act. Effective governance, policies and practices are essential to minimising the risk of data protection breaches and to help ensure the appropriate handling of information requests. Failure to do so could result in regulatory action being taken against the Council.

10. FINANCIAL IMPLICATIONS

10.1 There are no direct financial implications arising from this report.

11. BACKGROUND PAPERS

11.1 There are none