# READING BOROUGH COUNCIL

## REPORT BY DEPUTY CHIEF EXECUTIVE

| TO: | AUDIT AND GOVERNANCE COMMITTEE | | |
|---|---|---|---|
| DATE: | 24 January 2023 | | |
| TITLE: | INFORMATION GOVERNANCE QUARTERLY UPDATE | | |
| LEAD COUNCILLOR: | Cllr Terry | PORTFOLIO: | Corporate Services and Resources |
| SERVICE: | INFORMATION GOVERNANCE | 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 provides an update on the actions in progress to improve the Council's policies, systems and processes around Information Governance.

1.2 In the last two years, the Committee has received a number of limited assurance reports in relation to information governance and work is ongoing to address the underlying issues in the following areas:
- Freedom of Information
- Data Transparency
- Records Management

## 2. RECOMMENDED ACTION

**Audit and Governance Committee is asked:**

**2.1 To note the progress to date and future actions outlined in this report.**

**2.2 To identify matters of interest for future reports.**

## 3. POLICY CONTEXT

3.1 The Council's new Corporate Plan outlines its vision and priorities for Reading for the next three years (2022/25). The Council's vision is to help Reading realise its potential and to ensure that everyone who lives and works here can share the benefits of its success. To make this vision happen, the work of the Council is focused around three Corporate Plan themes:

- Healthy Environment
- Thriving Communities
- Inclusive Economy

3.2 These themes are underpinned by the TEAM Reading principles which explain the way we work at the Council:

- Team
- Efficiency
- Ambitious
- Making a difference

3.3 Full details of the Council's Corporate Plan and the projects which will deliver these priorities are published on the Council's website Corporate Plan-2022-25.

3.4 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.

3.5 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

3.6 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 the 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

### Subject Access Requests

4.1 There remains a backlog of subject access requests. We have brought in additional temporary members of staff to deal with the backlog, they have assisted us to redact files of some of the older cases and these are currently being checked before being sent out. The team carried out a full review of all the outstanding cases and the table below set out the figures for those cases that have been redacted, checked, and sent out. In total a further 15 cases have been completed since the last report in September 2022. 18 new cases have also been received between September and End December 2022.

4.2 During October and November, the team worked with the Council's Contract and Procurement Team to tender a contract for redaction software. A preferred Supplier has been awarded the contract. The contract is being finalised and a plan for implementation being put in place.

### SAR Backlog Data as at 05/01/2023

|  | 19/20 | | 20/21 | | 21/22 | | 22/23 | |
|  | RBC | BFfC | RBC | BFfC | RBC | BFfC | RBC | BFfC |
|---|---|---|---|---|---|---|---|---|
| No Received | 52 | 88 | 35 | 64 | 45 | 38 | 31 | 40 |
| No Completed | 52 | 85 | 28 | 52 | 35 | 34 | 22 | 23 |

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| **No Outstanding** | 0 | 3 | 7 | 12 | 10 | 4 | 9 | 17 |

4.3 The Information Governance Officer is in post, working with the team's apprentice they are continuing with supporting the Team Leader. Two agency staff were in post until the end of December, this has reduced to one until the new software is implemented.

4.4 We will report further progress to the Committee.

**FOI cases**

4.5 As previously reported, a number of measures have been taken with the aim of increasing FOI performance:

- Centralisation of the function in the Customer Relations Team
- Implementation of a new case management system
- Review of the procedures
- Training has been provided to officers
- Continual monitoring weekly by CMT

4.6 Notwithstanding these measures, performance across the Council remained low, despite some pockets of improved performance which have been reported to previous Committees. The Council aspires to meet the 90% response rate expected by the Information Commissioner and this has been included as a Corporate Plan KPI.

4.7 Following the update provided at the September 2022 meeting for quarter 1 of financial year, 2022/23 the data for quarter 2 is below.

**Freedom of Information Requests**

**Total number received in Q2**

| Directorate | Total No. Received | % | Q1 Total |
|---|---|---|---|
| BFfC | 51 | 17.1% | 41 |
| DACHS | 14 | 4.7% | 23 |
| DEGNS | 131 | 43.9% | 107 |
| DoR | 95 | 31.9% | 118 |
| FOI Team | 7 | 2.3% | N/A |
| Total | 298 | 100% | 289 |

4.8 There has been a further increase in the number of FOI's received during the quarter, we cannot establish a pattern as to why this is on the upward trend.

4.9 **FOI's Responded to in Timescale by Directorate in Q2**

| Directorate | No. Sent Out in Timescale | % |
|---|---|---|
| BFfC | 30 | 58.8% |
| DACHS | 9 | 64.3% |
| DEGNS | 92 | 70.2% |
| DoR | 77 | 81..0% |
| FOI Team | 7 | 100% |

| Total | 215 | 72.1% |

### 4.10 Breakdown by month

**Breakdown by month for Q2**

| Directorate | FOI's received in July | % Sent Out in Timescale in July | FOI's received in August | % Sent Out in Timescale in August | FOI's received Sept | % Sent out in Timescale in Sept |
|---|---|---|---|---|---|---|
| BFfC | 21 | 60.6% | 16 | 50% | 14 | 57.1% |
| DACHS | 5 | 60% | 3 | 100% | 6 | 50% |
| DEGNS | 43 | 65.1% | 45 | 68.9% | 43 | 76.7% |
| DoR | 33 | 72.7% | 33 | 84.9% | 29 | 72.4% |
| FOI Team | 4 | 100% | 0 | 0% | 3 | 100% |
| Overall | 106 | 68.9% | 97 | 72.2% | 95 | 71.6% |

4.11    In Q2 the Council and BFfC responded to 298 FOI's and 215 (72.1%) of these were within timescale, whilst this is lower than we would like, this is an improvement from Q1 when 58.1% were responded to in timescales.

4.12    Of the 298 FOI's responded to, 13 of these came back to the Council and BFfC for Internal Reviews (IR). Of these 13 IR's, 10 were issued with revised responses and 3 were issued with the original information.

4.13    The FOI Act 2000 states all responses must be sent out within 20 working days. Following a complaint to the Information Commissioners Office (ICO) by a resident, the Assistant Director of Legal Services and Customer Relations and IG Service Manager has met with the Information Commissioner's staff to discuss the Action Plan and the work being undertaken by the Council and BFfC to improve the response rates. The Action Plan and data has been shared with ICO and will continue to be shared with them until they are satisfied with our data.

4.14    Customer Relations and IG Service have embarked on a plan of working with Services with a view to improving response timescales across the Council and BFfC.  We informed you in the last report that the FOI policy and procedure was updated and a dedicated FOI intranet page has been created for officers to access with helpful information.

4.15    The Action Plan for working with services was rolled out through Autumn which included presentations to DMT's, Service and Team Managers (including BFfC) focussing on highlighting issues and the consequences for the Council when FOIs are not responded to on time. These sessions were also used to collate feedback from managers and officers about the challenges they faced when asked to respond to an FOI Request.

4.16    This feedback has been categorised into three different themes, which are:
- System Related issues
- Training
- Notifications/Cross-team responding

4.17    Officers will be reviewing the outputs and feedback in January with a view to implementing further system improvements.

4.18    During the engagement sessions the regular FOI responding officers were identified, there are approximately 95 Officers that Customer Relations and IG Service will work

closely with to the timescales for responses. Further support will be focussed on this key group.

4.19 Officers have arranged a face-to-face training session at the end of January 2023 followed by an online session (for those who cannot attend the face to face to session) with the regular responding officers. These sessions will focus on addressing and supporting the officers with the common challenges they face with regards to the themes noted above.

4.20 Feedback on progress and performance will be provided at the April 23 committee meeting.

**Data Transparency**

4.21 The last review of the Data Transparency pages on 1 December identified that Contract and Procurement data remain out of date. This has been highlighted to the newly appointed Assistant Director Procurement and Contracts who is due to feedback his plan to update this data to the Customer Relations & Information Governance Service Manager by the end of January 2023.

**Information Governance Board**

4.22 The Information Governance Board meet monthly and review Cyber Security Incidents and possible breaches of the Data Protection Act which may need to be reported to the Information Commissioners Office (ICO). Where any subsequent actions are identified then these are monitored. There has been one incident which the ICO is investigating, the Council's IT Security team satisfied us that the incident posed a low-risk rating to the data subjects. This is a cyber incident which impacted one the Council's software suppliers. The Council has responded to the to the ICO and await their feedback.

4.23 The most common themes across both organisations continue to relate to mis-addressed emails and postal addresses being wrongly input, either through transcription errors or in a few cases, wrong data has been held on our systems. All of the incidents and main themes are reported to IG Board on a monthly basis. The IG Team review each incident and identify learning for the staff/services involved to ensure repeat incidents do not reoccur.

4.24 At the Board's request the Information Governance Team and IT Security team have explored measures that can be put in place to increase security of outgoing emails. Since the last update, due to the continuing issue of misdirection of emails colleagues in IT Security have identified two possible products as a security measure to address this problem. The Board reviewed the two products that could address this issue however no decisions has yet been reached on the viability of purchasing one. The Board acknowledged there are risks of possible fines for data breaches which may exceed the cost of having a system in place to help mitigate these risks.

**Information Management Strategy**

4.25 The Information Management Strategy and Action Plan was presented and signed off by the Policy Committee in March 2022. This sets out the Council's approach to information management and governance. The IG Service has identified the Information Assets Owners to be the Assistant Directors, who have been made aware of their responsibilities via presentations at SLG however formal training needs to be carried out with them. The Data Stewards are in the process of being named and the Information Governance Board agreed the role of the Data Steward linked in with the role of the Devolved Admins who has played a major role in the implementation of SharePoint across the Council and BFfC. A terms of reference / job description for this

combined role is in the process of being drafted. The planned training for the Information Asset Owners and the Information Governance Champions Network has been impacted by the work on the FOI Action Plan and urgent and time-consuming operational matters. The IG Team will progress this work and report to this committee in April 2023.

**Training**

4.26 The Board continues to monitor the Cyber Security training which is currently rolled out for all staff and members through Learning Pool, the Council's e-learning package. The uptake of the training has shown some improvement from 47% in September 2022, as at 09 December 67% of staff had completed the Cyber Security 2022 module and 63% of staff had completed the Information Governance 2022 module either in full or the refresher. The Customer Relations & Information Governance Service Manager has escalated information to Assistant Directors and Executive Director for their attention.

4.27 Non-IT users have also been asked to complete the paper based training by the first week of October 2022. We are waiting for a report on the figures for the uptake of this training.

**Next Steps**

4.28 The focus is the completion on the FOI Action Plan, the training of Information Asset Owners and Data Stewards to implement aspects of the Information Management Strategy particularly with reference to Records Management practices.

**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 foundation of "Getting the best value".

**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 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, the Freedom of Information Act, the Environmental Information Regulations and the Access to 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.