Audit and Governance Committee	
23 January 2024	

Title	Information Governance Quarterly Update
Purpose of the report	To note the report for information
Report status	Public report
Report author	Michael Graham, Asst. Director of Legal and Democratic Services
Lead councillor	Cllr Liz Terry, Lead Councillor for Corporate Services and Resources
Corporate priority	Our Foundations
Recommendations	The Committee is asked to: 1. To note the progress to date and future actions outlined in this report 2. To identify matters of interest for future reports

1. 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 three 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. Policy context

2.1. The Council's new Corporate Plan has established three themes for the years 2022/25. These themes are:

- Healthy Environment
- Thriving Communities
- Inclusive Economy

2.2. These themes are underpinned by "Our Foundations" explaining the ways we work at the Council:

- People first
- Digital transformation
- Building self-reliance
- Getting the best value
- Collaborating with others

2.3. Full details of the Council's Corporate Plan and the projects 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.

2.4. 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.

2.5. 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

2.6. 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.

3. Update

Subject Access Requests

3.1. RBC cases from 20/21, 21/22 and 22/23 - there were 29 cases outstanding, 17 of these have been completed since the last report in September 23, leaving 12 cases outstanding. For 23/24, 48 cases have been received so far, of these 23 have been completed and 21 remain outstanding as 4 cases were closed as an Invalid Request.

3.2. BFfC cases, in 22/23 a total of 59 cases were received, 52 cases have now been completed, 3 cases were closed as an Invalid Request, leaving 4 outstanding. In Q1 of 23/24 a total of 20 cases were received. In Q2, a further 12 new cases were received. In Q3, a further 10 cases were received, making a total of 42 cases for the year so far. The service has completed 29 of these cases, 3 cases were closed as an Invalid Request and 10 cases remain outstanding.

3.3. The implementation of the redaction software is progressing, operational staff from Legal Services and Customer Relations Team have received demonstrations of the product, the Council's IT service are in the process of providing input around hosting the system and the supplier's Project Manager is drafting blueprints of our processes. The new software system can provide data and other information relevant to running reports on a particular case however it cannot run reports on the process. The Information Rights Services Manager has requested a workflow form to track and monitor the process via the new CRM system which is planned to be used for other corporate governance processes.

SAR Backlog Data as at 31 December 2023

	20/21		21/22		22/23		23/24	
	RBC	**BFfC**	**RBC**	**BFfC**	**RBC**	**BFfC**	**RBC**	**BFfC**
No Received	35	64	44	38	46	59	48	42
No Completed	32	61	37	38	42	43	23	29
No Outstanding	3	0	6	0	3	4	21	10
No Closed (Invalid requests*)	0	3	1	0	1	3	4	3

Invalid Request – Requests that have been submitted without ID or Proof of Address, no response to requests to provide, 6 week time limit passed. ICO Guidelines.

FOI cases

3.4.   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

3.5.   Notwithstanding these measures, performance across the Council remained low, despite some pockets of improved performance which have been reported to previous Committees.

3.6.   Following the update provided at the September 2023 meeting for Q1 2023/24 the data for Q2 is below.

Total number received in Q2 allocated to Directorates and FOI Team

Directorate	Total No. Received	%	Q1
BFfC	54	12.9	45
DACHS	24	3.4	12
DEGNS	145	46.1	160
DoR	75	26.4	92
FOI Team	47	11.2	39
Total	345	100	348

FOI's Responded to in Timescale by Directorate and FOI Team in Q2

Directorate	Total No. sent out in Timescale	%
BFfC	28	51.9
DACHS	19	79.1
DEGNS	105	72.4
DoR	58	77.3
FOI Team	47	100
Total	257	75.6*

During the quarter, our software supplier released an update which resulted in an unexpected error in the process. FOI's that had been responded to by officers, were not visible to the Customer Relations Team on the system. As a result, a number of cases went out overdue and have been reported as so. If the update went as expected, and the 21 cases affected had been responded to within the target date, then the percentage sent out in timescale would have increased from 75.6% to 80.5%

3.7. We have not seen any clear themes around the subject matter of the requests received in this quarter.

3.8. **Breakdown by month for Q2**

Directorate	FOI's received in July	% sent out in time in July	FOI's received in August	% sent out in time in August	FOI's received in Sept	% sent out in time in Sept
BFfC	23	60.1	15	66.6	16	64.3
DACHS	10	80	12	83.3	2	50
DEGNS	45	73.3	52	71.1	48	72.9
DoR	28	78.6	21	80.0	26	76.0
FOI Team	17	100	18	100	12	100
Overall	123	77.1	118	73.7	104	76.0

3.9. In Q1 the Council and BFfC responded to 73.6% of FOI's in timescales, we reported to this committee in September that the response rates had declined primarily due to some system issues that came about as a result of the software update from the supplier and that this was likely to affect data for Q2 also. The system issue is now resolved and the Q2 data is on the above tables, 257 (75.6%) of 348 requests received were sent out in timescales.

3.10. Of the 257 FOI's responded to, 5 came back to the Information Governance Team for Internal Reviews (IR). Of these, one was issued under Environmental Information Regulations (EIR). 3 were responded to with additional information and 1 was issued with the original information.

3.11. The Information Rights Services Manager and the Customer Relations Team Manager have been working with the RBC Project Team and the supplier in the implementation of the Council's new CRM system. Their focus is the FOI workflow along with four other common corporate governance processes. The Customer Relations Team is in the process of testing the system forms in order to feedback to the Project Team any changes that may be required. We will explore how the new system can assist us to improve our process, simplify the FOI management workflow and reporting capability. The feedback from testing will be shared with the Project Team and further collaboration with the supplier is available if required.

3.12.   We continue to raise awareness of the importance of responding to FOI's on time, offer one to one advice to responders, and continue to send reminders to responders, this is done by email outside of the FOI system. On a weekly basis the team share new and overdue cases with senior managers who assist with reminding staff to respond within timescales.

Data Transparency

3.13.   The Data Transparency pages were reviewed in December 2023 and the Contract and Procurement data remain out of date. As stated previously this has been highlighted to the Assistant Director Procurement and Contracts who is taking steps to update the data. Other data required updating and the Assistant Directors responsible for this data have been advised to update the data by the end of January 2024. These areas are; the expenditure over £500 for November and December 2023; and, the new pay scales for Senior Managers and the NJC pay scales.

Information Governance Board

3.14.   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 Commissioner's Office (ICO). Where any subsequent actions are identified then these are monitored.

3.15.   There have been no cyber incidents since the last report to this committee. One near miss issue was highlighted and managed by the IT security staff and the software provider. After extensive investigation, there is no evidence of any data being lost therefore there was no requirement for us to report the matter to the ICO.

3.16.   As the most common themes across both organisations continue to relate to mis-addressed emails and incorrect postal addresses, work is being carried out by the Digital, Technology & Change team through a Business Analyst to analyse these incidents with a view to finding the root causes and possible solutions to minimise these incidents. Digital, Technology & Change team will advise the IG Board once the analysis work is complete. These incidents and the main themes are reported to IG Board monthly. The IG Team review each incident and identify learning for the staff/services involved to ensure repeat incidents do not reoccur.

Information Management Strategy

3.17.   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.

3.18.   We are working with the Data Stewards in BFfC and DACHS on the Action Plan work. We also have representation at the meetings from Records Management Unit and Digital, Technology & Change. The monthly meetings are going well, with good attendance and engagement. We are in the process of replicating this work with the Data Stewards from DoR and DEGNS.

3.19.   The IG Team are in the process of creating an Information Governance area on the RBC & BFfC Intranet for staff to access information governance related matters such the breach management process, Subject Access Request process, FOI process and training links, useful templates etc. The format and content have been agreed with the Data Stewards and the Information Governance Team Manager is in the process of reviewing the content and in particular processes prior to go live, we expect this work to be completed and in use by April 2024.

3.20.   In the September 23 update we informed this committee that the IG Team were working on a new template for Data Protection Impact Assessments (DPIA), along with a process of signing these off at the IG Board and keeping a central record. This has been completed and as of October 2023, all DPIA's are signed off by the IG Board.

Training

3.21. As the Committee is aware, Cyber Security and Information Governance training is available to all staff and members through Learning Pool, the Council's e-learning package. In Q2 the uptake of the Cyber Security training for 2023 show that 65% of RBC staff and 40% of BFfC staff have completed the new 2023 Cyber Security module. With regards to the Information Governance training the uptake for 2023 show that 60.7% of RBC staff and 45% of BFfC staff have completed the training. We remain disappointed by these figures. The Senior Leadership teams within the Council and BFfC have been asked to monitor their own areas for compliance through the Power Bi reporting tool. The expectation is that SLG will be able to monitor their own staff and where there is non-compliance, they can take appropriate action to encourage their staff to complete the training.

3.22. A new training provider has been procured for the above training and a new suite of both Cyber and IG training modules are being built with the supplier. This decision was made to allow the Council more freedom in both the design of the training and the flexibility of the delivery.

3.23. Managers who have staff that are non-IT users, have been asked to contact the IG Team to arrange bespoke face to face training.

Next Steps

3.24. The focus is on continuing the work with the BFfC and DCASC Data Stewards and starting work with the Data Stewards from DoR and DEGNS. The action plan work continues from the Breach Management process review, implementation of the redaction software, testing of the governance forms on the new CRM system and design, testing and roll out the new suite of both Cyber and IG training.

4. Contribution to strategic aims

4.1. 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".

5. Environmental and climate implications

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

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

6. Community engagement

6.1. 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.

7. Equality impact assessment

7.1. 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.

8. Other relevant considerations

8.1. Nothing relevant.

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.   Timetable for implementation

11.1.   Not applicable.

12.   Background papers

12.1.   There are none.