

**REPORT OF THE CORPORATE DIRECTOR FOR RESOURCES****INFORMATION GOVERNANCE IMPROVEMENT PROGRAMME: PROGRESS  
UPDATE****Purpose of the Report**

1. To inform Governance and Ethics Committee of progress in delivering the Council's Information Governance Improvement Programme (IGIP).

**Information and Advice**Background Information

2. The Council's Information Governance (IG) approach is currently undergoing a programme of improvement, approved by Policy Committee in June 2017. The most pressing imperative for improvement is the General Data Protection Regulation (GDPR). This came into force on 25th May 2018 and is supplemented by a new Data Protection Act (2018) in the UK, although this latter had not been passed by UK Parliament at the time of writing.
3. The legislation responds to the digital age and strengthens the control and rights that citizens have over their own personal data. The new law places increased information governance and data protection obligations on the Council (and other data controlling / processing organisations). It also introduces significantly higher, 'disuasive' fines for personal data breaches and failure to evidence compliance with the law, as well as compensation for material and non-material damages suffered by individuals as a result of data mismanagement and breaches.
4. At its meeting in December 2017, Governance and Ethics Committee agreed that it wanted a progress update on the Programme on a six monthly basis, this report being the first such periodic update.

The Programme

5. The Programme has two distinct but complementary phases. Phase One concentrates upon compliance with the GDPR, whilst Phase Two focuses upon a Council-wide approach to document management. Originally the plan had been to run these phases concurrently, but the extent of the work required, resources available and business impact meant that these are being undertaken sequentially. The document management phase, when complete, will greatly enhance the Council's ability to protect data in accordance with the law.

6. The IGIP is multifaceted and touches every part of the Council, recognising that collecting and processing the personal data of service users, employees and others is core to modern day business operations. As the Council's external auditors, KPMG, cautioned in their External Audit Progress Report (November 2017) *'don't underestimate the level of effort [in addressing the requirements of GDPR] – personal information is everywhere in your organisation.'*
7. Perhaps not surprisingly then, the Programme's original scope was underestimated. Some additional significant projects and work streams have been brought into scope, including an exercise to ensure that Council suppliers, which process personal data, have a GDPR compliant contract in place, including a data processing schedule specifying how and why the data will be processed on the Council's behalf..
8. A risk based approach has been used to prioritise tasks within the IGIP. The efforts of the small team supporting this work has therefore been focused where the risks are greatest (typically concentrating on service areas / systems where high volumes of sensitive personal data are processed and where data breaches have occurred).
9. The table at **Appendix A** sets out the specific areas of change / improvement required by the GDPR; comments upon the progress to date in achieving those changes and improvements; and outlines next steps. Overall there has been a good and positive level of engagement from staff at all levels with the aims of the Programme and the specific tasks that have been required of them, albeit that other work pressures sometimes get in the way. Across the Council there are examples of good practice where managers have proactively grasped the agenda and are making positive changes in their day-to-day operations.
10. In undertaking the work on the Programme, good practice from other local authorities has been researched and adopted wherever possible. Collaboration with Essex County Council has been particularly useful given their advanced position on this agenda.
11. As can be seen in the commentary at **Appendix A**, resources have been secured to recruit a small permanent information governance team to support the departments in their data protection efforts. However, individuals with experience and skills in data protection are in scarce supply in the labour market at the moment and recruitment and retention has proved problematic.
12. A lack of subject matter expert capacity continues to present a risk to the Council's ability to support improvement, particularly manifested in the numbers of Data Protection Impact Assessments (DPIAs) that require completion. In the meantime, the small and reducing Programme team has been developing their knowledge and providing some support but expertise and capacity is limited. Once the permanent team is in place, the Programme team will then focus on the second, document management phase.
13. A whole system improvement in information governance has been planned and is being put in place incrementally, taking account of risk, the interconnectedness of specific tasks and available resources. Ongoing effort will need to be expended to maintain performance in this area, particularly in the next few years when significant developments are expected and will need to be responded to such as the passing of the UK Data Protection Act (2018);

emergence of case law; and enforcement actions, fines and guidance from the Information Commissioner's Office (ICO).

### **Other Options Considered**

14. This report advises on progress in delivering the Information Governance Improvement Programme at the request of Governance and Ethics Committee.

### **Reason/s for Recommendation/s**

15. Governance and Ethics Committee has asked for periodic updates reporting progress in delivering improvements in information governance across the Council.

### **Statutory and Policy Implications**

16. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

## **RECOMMENDATION/S**

- 1) That members agree to receive a follow up/update report in the next 6 months and that this be included in the work programme.

**Jayne Francis-Ward**  
**Corporate Director for Resources**

**For any enquiries about this report please contact: Caroline Agnew**

### **Constitutional Comments [SLB 29/5/18]**

15. Governance and Ethics Committee is the appropriate body to consider the content of this report.

### **Financial Comments [RWK 30/5/18]**

16. There are no specific financial implications arising directly from the report.

### **Background Papers and Published Documents**

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- Establishing and Implementing an Information Governance Improvement Programme – Policy Committee (June 2017)
- Nottinghamshire County Council External Audit Progress Report – KPMG (November 2017)

**Electoral Division(s) and Member(s) Affected**

All