

**27 September 2017****Agenda Item: 9****REPORT OF THE CORPORATE DIRECTOR RESOURCES****INFORMATION COMMISSIONER'S OFFICE MONETARY PENALTY NOTICE:  
HOME CARE ALLOCATION SYSTEM****Purpose of the Report**

1. To advise committee of the Information Commissioner's Office (ICO) monetary fine arriving from the Council's contraventions of the Data Protection Act 1998 in relation to the Home Care Allocation System (HCAS).

**Information and Advice**

2. The ICO is an independent body in the UK that was established to uphold information rights. In August 2017 the ICO issued Nottinghamshire County Council with a monetary penalty under section 55A of the Data Protection Act 1998.
3. The Home Care Allocation System (HCAS) was set up in July 2011, which allowed third party home care providers access to information to enable them to confirm if they had capacity to support a particular service user.
4. The system did not have access controls or an authentication process that identified a user before allowing them access, such as a user name and password.
5. The Commissioner found that the Council contravened the Data Protection Act by not having in place appropriate technical measures against the unauthorised and unlawful processing of personal data. The Commissioner felt that the breach was serious due to the number of data subjects, the nature of the personal data that was held on HCAS and the potential consequences of unauthorised access to that information.
6. Measures were put in place to rectify the problem as soon as the issue was identified. In addition, there is now a rigorous process for setting up new ICT systems.
7. The Council recently put in place an "Information Governance Improvement Plan", which has been developed to improve the Council's approach to information governance, data protection and document management.
8. The Governance and Ethics Committee has been given the responsibility of driving the required improvements to information governance and over the forthcoming months the Committee will receive reports on the actions required.

## **Other Options Considered**

9. None, the Committee needs to be aware of this issue.

## **Reason for Recommendations**

10. To make Committee aware of the ICO findings that the Council contravened the Data Protection Act 1998 and were issued with a monetary penalty as a result.

## **Statutory and Policy Implications**

11. 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.

## **Data Protection and Information Governance**

The Commissioner's decision identified weaknesses in the Council's approach to introducing new systems at that time. These broader issues will be further addressed as part of the work of the Information Governance Improvement Plan.

## **Financial Implications**

The ICO imposed a monetary penalty on the Council of the sum of £70,000. Early payment resulted in the Council being able to take advantage of a discount offered by the ICO and so the actual sum paid was £56,000.

## **RECOMMENDATIONS**

- 1) That Committee acknowledges the Information Commissioner's Office (ICO) findings and monetary fine in respect of the Home Care Allocation System.
- 2) That Committee receives further reports on the progress of the Information Governance Improvement Plan.

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

**For any enquiries about this report please contact: Heather Dickinson, Group Manager – Legal, Democratic and Complaints**

**Constitutional Comments (HD 13/09/17)**

12. Governance and Ethics Committee is the appropriate body to consider the recommendations within the report.

### **Financial Comments (NS 13/09/17)**

13. The payment of the fine will be contained within existing budgetary provisions.

### **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.

- Information Commissioner's Office Monetary Penalty Notice

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

- All