

**14 March 2018****Agenda Item: 12**

## **REPORT OF THE CORPORATE DIRECTOR OF RESOURCES**

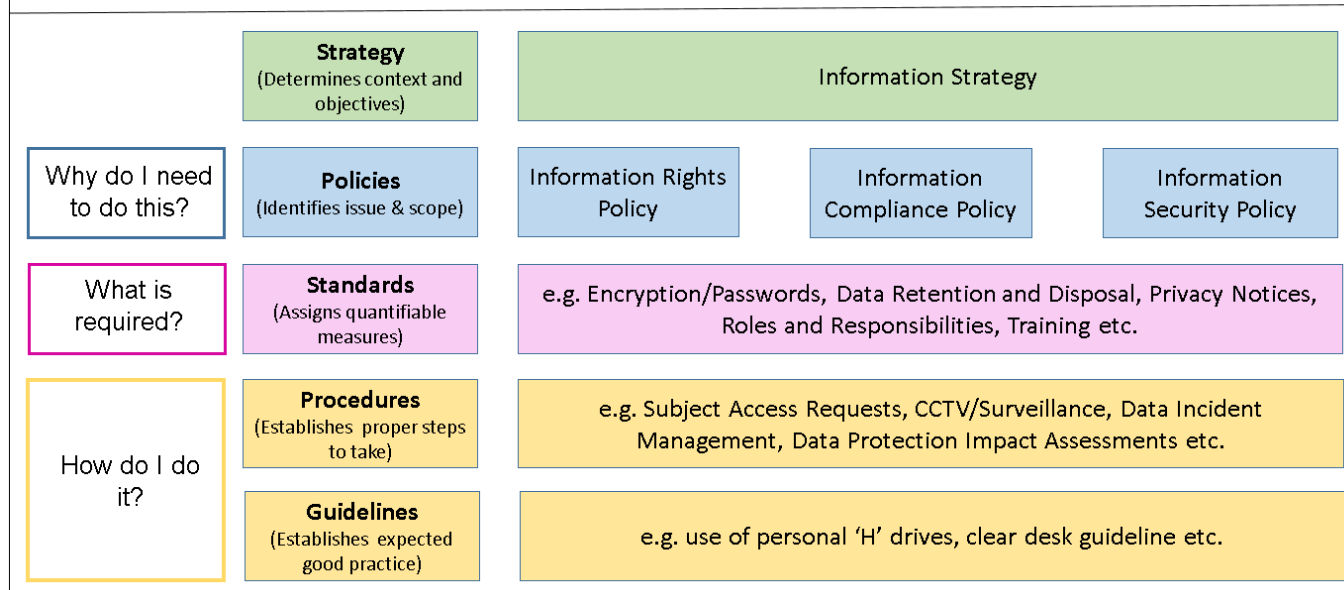
### **INFORMATION GOVERNANCE FRAMEWORK AND KEY POLICIES**

#### **Purpose of the Report**

1. The purpose of the report is to seek views from Governance and Ethics Committee on the proposed Information Governance framework and key policies and seek approval to recommend the framework and policies for adoption by Policy Committee.

#### **Information and Advice**

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 EU-wide General Data Protection Regulation (GDPR). This will be brought into UK law on 25<sup>th</sup> May 2018 and will be supplemented by a new Data Protection Act (2018).
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 penalties for worst case personal data breaches and failure to evidence compliance with the law (maximum fines of £17m and £8.5m respectively).
4. The advent of GDPR presents an opportunity to put in place a coherent suite of policies and procedures that will comply with the new law and support the workforce to understand and implement our revised approach to information governance.
5. Effective policies and procedures are an important aspect of the documented compliance regime that will evidence that the Council has actively considered and designed approaches to ensure robust data protection is in place.
6. The proposal is to have an overarching Information Governance Framework (Appendix A) underpinned by the following key policies:
  - Information Rights policy mainly aimed at the public (Appendix B)
  - Information Compliance policy mainly for staff (Appendix C)
  - Information Security policy mainly for technical ICT staff (Appendix D)
7. The following schematic sets out the proposed Framework.



8. The framework and key policies have been developed in line with good practice from elsewhere (predominantly Warwickshire County Council and Essex County Council) taking account of the Council's own governance, structures, processes and culture.
9. An Information Strategy which runs until 2018 is in place. Whilst this has been somewhat superseded developments since it was approved, it is not proposed to amend this now as there are more pressing demands elsewhere in respect of GDPR compliance.
10. As can be seen from the schematic there are a number of standards, procedures and guidelines that will form part of the Framework. The intention is to take these to the Information Governance Group for approval in the months to May 2018.
11. Once agreed, the IG Framework and all associated policies, standards and procedures will be posted, as appropriate on individual internet and intranet pages for ease of reference.
12. The Framework and associated policies, procedures, standards and guidelines will need to be actively reviewed in accordance with the date specified in the documents. However, it should be noted that there remains a number of uncertainties regarding the implementation of GDPR, most notably the fact that the Data Protection Act 2018 has yet to be passed; guidance is still emerging from key EU and UK data protection bodies and there is no case law established. Against this background, the documents which comprise the Information Governance Framework may need to be reviewed as more information becomes available.
13. As reported to Governance and Ethics Committee in December 2018, there is a key risk that the Council, like nearly every other data controlling / processing organisation in Europe, will not be GDPR compliant by 25<sup>th</sup> May 2018. The Information Commissioner's Office (the data protection supervisory authority for the UK) has acknowledged this but is

expecting organisations to have a clear risk-based approach and plan to achieve full compliance.

14. It should be noted that the IG Framework and its policies are a statement of intent. The Council is on a journey to GDPR compliance and is using a risk based approach to prioritise information governance improvements. This means that there will be some areas of policy which will not be immediately implementable but there will be clear plans in place to address these gaps over time and performance will be monitored.
15. Mandatory basic data protection and information security training is being rolled out to all staff across the Council from late February. The intention is that this will be completed by April 2018 and will be supplemented by policy / procedure briefings during May 2018.

### **Other Options Considered**

16. The Council must have up-to-date policies and procedures in place to underpin compliance with GDPR. The approach outlined in this report builds upon good practice from other local authorities which are more advanced in this agenda than Nottinghamshire County Council is at this moment in time.

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

17. The Council requires updated policies to meet the new legislative requirements of GDPR.

### **Statutory and Policy Implications**

18. 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) Committee considers the Information Governance Framework; Information Rights Policy; Information Compliance Policy; and Information Security Policy attached at appendices A, B, C and D respectively and recommends them to Policy Committee for approval.

**Heather Dickinson**

**Group Manager for Legal, Democratic Services and Complaints**

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

**Constitutional Comments [HD – 14/2/2018]**

36. Governance and Ethics Committee has the authority to determine the recommendations within the report.

**Financial Comments [SES – 28/2/2018]**

37. There are no specific financial implications arising directly from this report.

**HR Comments [JP – 20/2/2018]**

38. The HR Implications are contained in the body of 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.

- Information Governance Improvement Programme – Programme Plan

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

All