Nottinghamshire County Council

REPORT OF THE CHAIRMAN OF GOVERNANCE AND ETHICS COMMITTEE ESTABLISHING AND RESOURCING AN INFORMATION GOVERNANCE IMPROVEMENT PLAN

Purpose of the Report

1. To outline the Information Governance challenges facing the Council and to recommend the establishment and resourcing of an Information Governance Improvement Plan and Programme to deliver improvements in this key area.

Information and Advice

2. The Council has a responsibility to safeguard the information it holds and to manage it with care and accountability. The context for and the way that information is governed has changed significantly in recent years. Technology is developing apace but legislation, regulations and legal decisions more often lags behind; there is a growing awareness that information is an asset to inform future business strategy / operations; and organisations are increasingly looking to share intelligence and work collaboratively with others to improve outcomes and cost effectiveness.

3. Against this background there is a need for the Council to consider its approach to Information Governance. Information Governance is the set of structures, policies, controls and metrics that specify how an organisation's information is managed as a business asset. Information Management is a part of Information Governance relating to the acquisition; organisation; retrieval; security and maintenance of information. The information held by a large organisation such as the Council is vast and includes all paper and electronic documents including those held on file and in business systems.

4. Information governance is an area that is already heavily regulated. The public need to trust and be assured that their privacy is protected and their personal information is handled with the utmost professionalism and care. The Information Commissioner's Office (ICO), an independent body set up to uphold information rights, has the power to fine organisations up to £500k for serious breaches of the Data Protection Act. There have been a number of high profile cases of significant fines being imposed.

5. The new General Data Protection Regulation (GDPR), which will become law in May 2018, imposes even greater demands and requires that organisations are able to demonstrate their compliance. Under the GDPR the ICO will be able to issue fines of up to circa £17m for breach of subjects' rights, and up to circa £8.5m for other breaches (e.g. failing to keep records of non-compliance with security obligations). Even following the UK's departure from the EU it is very likely that a similar regime will apply if the UK is doing business with EU countries.

6. Previous examination of the issues, including by Internal Audit and a voluntary audit by the ICO concluded that progress was required in the following areas:

- Data sharing arrangements and oversight
- Improving staff awareness and training (including monitoring of training)
- Clarifying roles and responsibilities between different parts of the Council
- Improved understanding and ownership across all areas of the Council
- Better understanding and appreciation of information assets and their management
- Improved systems and procedures
- Additional resources to learn lessons and improve systems, procedures and training

Although some progress has been made in a number of these areas, this has been limited by the very few dedicated resources available to address the issues to achieve a more holistic, step change across the entire range of Council services.

7. As it stands, it will be very challenging for the Council to demonstrate compliance with the GDPR next May. In addition, the Council remains vulnerable to the financial penalties and reputational damage that ensue if data breaches occur.

8. Against this background, it is clear that governing and managing information effectively and securely through times of change demands an integrated, well-resourced approach.

Information Governance Improvement Plan

9. Attached at **Appendix A** is an Information Governance Improvement Plan which recognises information management as a key corporate function. This sets out the rationale for and outcomes expected from four key themes for improvement:

- Strategy
- Security
- Awareness
- Access

10. Each theme has a number of work streams with more detailed actions and indicative timescales for delivery.

11. It is clear that a Programme of this scale and reach will not be achieved without buy-in and active support from across the Council.

Resource Requirements

12. There is a need for both temporary and permanent resources to meet existing and new statutory requirements and deliver and sustain this extensive programme of change and improvement.

Temporary Resource Requirements

13. The proposed temporary increase in resources to deliver the Information Governance Improvement Programme over a two year period is as follows:

- <u>Programme Manager</u> – to lead, scope and plan the Information Governance Improvement Programme and to ensure its delivery to time, cost and quality.
- <u>Information Governance / Data Protection Solicitor</u> – to advise on and enable the Council to meet the legal requirements of GDPR and other areas of the Information Governance agenda, including data sharing agreements and privacy notices.
- <u>Programme Officer</u> – to support the delivery of the Information Governance Improvement Programme, including maintenance of programme controls (including programme plan; risks / issues; interdependencies etc.)
- <u>Business Support Administrator</u> – to support the identification and migration of information to new, controlled and structured repositories, including providing guidance and training.
- <u>ICT Support Officer</u> – to support and deliver the ICT aspects of the Information Governance Improvement Programme, including data mapping, permissions, deletion and archiving.

14. The following table sets out the costs of the temporary resource requirement by year:

Temporary Resources	2017/18 Cost	2018/19 Cost	2019/20 Cost	Total Cost
Programme Manager [Band F]	£34,725	£69,450	£34,725	£138,900
Information Governance / Data Protection Solicitor [Band D]	£26,037	£52,074	£26,037	£104,148
Programme Officer [Band B]	£10,558	£42,232	£21,116	£73,906
Business Support Administrator [Grade 4]	£6,545	£26,179	£13,090	£45,814
ICT Support Costs	£13,000	£52,000	£26,000	£91,000
Total	£90,865	£241,935	£120,968	£453,768

Note: cost of all posts at mid-point of indicative grade and include on costs, annual profile may change.

Permanent Resource Requirements

15. The proposed permanent increase to the establishment of the Information Governance team is as follows:

- <u>Data Protection Officer (DPO)</u> – the GDPR requires organisations to have a DPO. The post will be responsible for all aspects of data protection compliance, monitoring and reporting [indicative grade Hay Band C; cost £34,538 - £39,177]
- <u>Information Officer</u> – the post will deliver a combination of advisory support to the Information Manager, support to the corporate Information Management Group (IM Group) and ensuring there is appropriate Information Governance related training and development available across the Council [indicative grade Hay Band B; cost £30,785 - £34,538]

16. The combined cost of these two new posts, including on costs, is estimated at £95,830 per annum (including on costs at grade maximum). The normal application of the job evaluation process will determine whether changes in duties and responsibilities related to Information

Governance will impact on the grading of the existing Information Manager and Team Manager posts.

17. It is proposed that a request for funding of these costs from contingency should be made and the Section 151 Officer is aware of this.

Programme Benefits

18. Information Governance is a key component of the Council's business operations. The Information Governance Improvement Plan and Programme will result in the following benefits:

Better business performance

- Consistent and effective management of information across the Council.
- Increased understanding of, and compliance with, relevant legislation.
- Reduced number of information security breaches.
- Reduced actions and complaints against the Council as a result of poor information management, saving staff time and effort.
- Ability to improve data quality and analytics
- Clear responsibilities in relation to information governance and assurance.
- More streamlined, organised and efficient information retrieval
- Reduced information storage requirements
- Better business continuity provisions

Better collaboration and information sharing

- Improved information sharing compliance.
- Improved protection of children and vulnerable adults.
- Increased ability to share information with partner agencies

Increased public confidence

- Improved customer satisfaction due to faster access to accurate information.
- Increased confidence in the management of personal information.

Better risk mitigation

- Proactive compliance with regulatory and legislative requirements
- Improved information security and protection of data assets
- Effective management of information risks and ability to learn lessons
- Greater confidence that information risks are effectively managed across the Council's transformation and change programmes.

Programme Governance and Reporting

19. If approved, the Information Governance Improvement Programme will report on progress to the new Governance and Ethics Committee who will also seek regular reporting from

Departments on their plans for and progress with improvements. The Corporate Director for Resources will be the Programme Sponsor to ensure that there is buy-in for the programme across the Council and will also will chair a cross-Council Programme Board.

Other Options Considered

20. The 'do nothing' option was not considered viable as it would have the impact of worsening the position and increasing risk.

21. Another option considered was to make incremental changes over time on specific aspects of Information Governance. However, this was not considered cost-effective as it would still require additional resource but would not result in the coherent, coordinated and intensive approach needed to address the significant people, process and technology challenges that exist around Information Governance and management.

Reason/s for Recommendation/s

22. The adoption of the GDPR in May 2018 will create enhanced regulatory requirements for Information Governance. As it currently stands, the Council would not be compliant with these new requirements and this will compound the existing challenges in the current approach to Information Governance. These will get worse over time if not addressed and this exposes the Council to substantial risk. Aside from mitigating this risk there are a significant number of business benefits that will be delivered through this Programme.

Statutory and Policy Implications

23. This report has been compiled after consideration of implications in respect of crime and disorder, 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, sustainability and the environment and ways of working and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Human Resources Implications

24. The revised structure will be populated in accordance with the Council's agreed employment policies and procedures. New Posts and their grades are indicative and will be subject to the Authorities Job Evaluation procedure. Formal consultation will take place with staff and the recognised Trade Unions.

RECOMMENDATION/S

1) To agree the Information Governance Improvement Plan and associated Programme.
2) To agree the resources required to deliver the Information Governance Improvement Plan and Programme and the establishment of the permanent and temporary posts outlined.
3) To request funding of the required resources from contingency.
4) That regular progress reports on the implementation of this plan and programme be taken to Governance and Ethics Committee

Councillor Bruce Laughton
Chairman of Governance and Ethics Committee

For any enquiries about this report please contact:

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Constitutional Comments (SSR 24/5/2017)

25. Policy Committee has the authority to determine the recommendations within the report.

Financial Comments (NS – 5/6/2017)

26. The initial costs in 2017/18 will be met from the request for contingency funding. Future commitments will need to be taken into account in the Medium Term Financial Strategy when compiling the budget for 2018/19

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.

Electoral Division(s) and Member(s) Affected

- All