



REPORT OF THE SENIOR INFORMATION RISK OWNER

INFORMATION COMMISSIONER'S OFFICE AUDIT REPORT AND ACTION PLAN

Purpose of the Report

1. To inform members of the outcome of the Information Commissioner's Office (ICO) audit undertaken in August of this year and the action plan that has been developed in response to the recommendations made.

Information and Advice

2. Background

- 2.1. Following a data breach at the end of December 2014 the ICO wrote to the Council inviting participation in a consensual audit during 2015 relating to its data protection responsibilities. The audit was undertaken in August of this year.
- 2.2. An ICO audit provides an assessment of whether an organisation is following good data protection practice and can assist in improving understanding and meeting data protection obligations, drawing on the experience of the ICO audit team and at no cost to the Council.
- 2.3. The Council is committed to continuous improvement in this important area as it relates to how the Council protects and manages the personal data of its services users, customers and its staff, in line with prevailing legislation and guidance.

3. The Audit

- 3.1. The scope of the audit was agreed with the ICO before their visit and comprised three areas: training, access to records requests (i.e. subject access requests (known as SARs)) and data sharing arrangements, with particular reference to activities at the Multi Agency Safeguarding Hub (MASH).
- 3.2. The ICO auditors requested significant documentation from the Council about the areas to be audited in advance of their onsite visit and reviewed these as part of their preparation.

- 3.3. Two auditors attended various offices of the Council and undertook a schedule of interviews with relevant staff and managers.

4. The findings

- 4.1. The ICO gave an overall assurance level of “Limited Assurance” which means that they have identified scope for improvement in existing arrangements to reduce the risk of non-compliance with the Data Protection Act. Officers had been aware of some of these issues and work was already in progress to improve the Council’s processes.
- 4.2. The ICO identified some areas of good practice:
- officers undertaking specific roles within the Council’s Information Management framework have received specialist training;
 - there is a process to ensure SARs are valid, and the requester has a legal basis for making the request;
 - there is a peer review process in relation to SARs
 - there is an appropriate information sharing agreement in place for the MASH.
- 4.3. The ICO made a number of detailed recommendations a number of the actions arising from these were already in train. These can be summarised as follows:
- Training – the training materials need to give more detail in relation to the requirements of the Data Protection Act. Training needs to be delivered early in the induction process. Monitoring of training completed by staff should have a formal route for escalation to senior officers to ensure the Council has effective oversight of the level of compliance being achieved.
 - Subject Access Requests – processes and procedures need to be updated and more formally captured. Key Performance Indicators should be established and reported to a senior officer level. Some amendments to documentation and communication materials were also recommended.
 - Policies and Standards – current policies should be reviewed and updated including in relation to information sharing. Improved information about and oversight of information sharing agreements is required along with the development of a process for the completion of privacy impact assessments (PIAs) where data is being shared. (PIAs are a process to assist an organisation to identify and minimise the privacy risks of new projects or policies.)

5. The Action Plan

- 5.1. A summary of the action to be taken is attached at Annex A. The action plan is scheduled to be completed by April 2016.
- 5.2. The ICO has asked for a progress report, against the plan in April 2016.

6. Publication by the ICO

- 6.1. The ICO has published the executive summary (attached at Annex B) from the audit report on their website.

Other Options Considered

7. None.

Reason/s for Recommendation/s

8. To inform members of the outcome of the audit and the intended future actions.

Statutory and Policy Implications

9. 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.

RECOMMENDATION/S

- 1) The outcome of the ICO audit be noted.
- 2) The action plan be approved.
- 3) A further report updating on the progress of the action plan be brought back to Policy Committee in April.
- 4) Any new or updated policies will be brought to Policy Committee for approval.

Jayne Francis- Ward

Senior Information Risk Owner; Corporate Director Resources

For any enquiries about this report please contact: Jo Kirkby, Team Manager, Complaints and Information Team, 9772821

Constitutional Comments (HD 13/11/2015)

10. The report and its recommendations fall within the terms of reference of Policy Committee

Financial Comments (SES 20/11/15)

11. There are no specific financial implications arising directly from this 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.

- ICO audit report

Electoral Division(s) and Member(s) Affected

- 'All'