

TELFORD & WREKIN COUNCIL

AUDIT COMMITTEE 20 SEPTEMBER 2011

INFORMATION GOVERNANCE ANNUAL REPORT 2010/11

REPORT OF THE HEAD OF GOVERNANCE

1 PURPOSE

1.1 To present the Information Governance Annual Report for 2010/11 to the Audit Committee.

2 RECOMMENDATIONS

2.1 That Members of the Audit Committee note the contents of the annual report for 2010/11.

3 SUMMARY

3.1 The Council's Information Governance (IG) function forms part of the responsibilities of Audit & Assurance within the Governance service delivery unit. The structure of IG was revised during 2010/11 as part of the overall service review of Audit & Assurance services and an Information Governance & Risk Team Leader was appointed.

3.2 IG is a key component of good governance and consists of several aspects:

- Data Protection & Privacy
- Freedom of Information
- Information Security
- Information Sharing & Confidentiality
- Information & Records Management
- Information Quality & Assurance

IG has continued during 2010/11 to support senior managers and service delivery managers with the management of their information governance arrangements.

3.3 This is the first annual report to the Audit Committee on Information Governance and contributes to the Council's assurance framework and good governance.

4 INFORMATION – ANNUAL REPORT 2010/11

4.1 Background

4.1.1 There are a number of pieces of legislation and good practice standards that govern the IG arrangements of the Council. The work of IG is primarily based on the requirements of the Local Authority Data Handling guidelines, ISO27001 (standard for information security),

Data Protection Act 1998, Freedom of Information Act 2000¹ and Environmental Information Regulations 2004.

4.1.2 The Local Authority Data Handling Guidelines (stated above) recommend that each local authority should appoint a Senior Information Risk Owner (SIRO). The SIRO should be a representative at senior management level and has responsibility for ensuring that management of information risks are weighed alongside the management of other risks facing the Council such as financial, legal and operational risk. At Telford & Wrekin the nominated SIRO is the Head of Governance with the Audit & Assurance Manager designated as the Deputy SIRO.

4.2 Information Rights

4.2.1 Information rights is a collective name for 3 main pieces of legislation in respect to public sector information, these are:

- **Data Protection Act 1998** – looks at personal information relating to individuals
- **Freedom of Information Act 2000** – encompasses any information held by the Council
- **Environmental Information Regulations 2004** – information with an environmental impact

4.2.2 The IG Team has played a key role in providing assurance that the Council complies with information rights legislation in 2010/11. IG advises on the application of relevant exemptions in respect to requests received under information rights legislation.

4.2.3 IG also plays a prominent part when the Council receives a subject access request (someone requesting their personal information) or a request to access social care records, e.g. a parent asking to view the contents of their child's records. The Council's Data Protection Officer (part of IG Team) gives guidance on what records should or should not be released under the Data Protection Act 1998.

4.2.4 IG completed a review of the administration of Freedom of Information (FOI) requests in 2010/11. This review identified that the administration of FOI requests should be undertaken in one place (currently Customer Services and IG). Therefore a decision has been made to transfer the FOI function fully to IG to ensure FOI support is given from one area. The actual date of transfer was linked to the Customer Services restructure proposals which were announced in May 2011. It is planned that the FOI function will move to Audit & Assurance in October 2011.

4.3 Security Incident Management Investigations

4.3.1 IG investigates all instances of alleged data breaches that are identified and referred to them. A data breach can cover a number of different incidents from a member/employee reporting a lost Blackberry to confidential/sensitive information being communicated to an unauthorised and/or incorrect recipient.

4.3.2 Following the implementation of the revised Audit & Assurance structure in October 2010, the IG & Risk Team Leader instigated a procedure for formally recording alleged

¹ Full provision of FOI Act 2000 powers were not fully introduced until 1 January 2005

information breaches received and investigated. Before October 2010 possible breaches were investigated but recording of these was not formalised/consistent.

- 4.3.3 Between 1 October 2010 and 31 March 2011 there were 18 reported instances of possible data breaches. IG investigated all of these and confirmed that '9' data breaches had occurred. For each of these breaches IG agreed actions with the relevant management team to minimise the impact of the breach on the customer and the council and to reduce the possibility of a similar data breach in the future.
- 4.3.4 None of the confirmed data breaches were deemed serious enough (using the ICO's notification rationale as a basis for the decision) to refer to the Information Commissioners Office (ICO).

4.4 Reviews in Safeguarding

- 4.4.1 On the request of the Head of Governance (and endorsed by the Head of Safeguarding), a review was undertaken of the file/record management arrangements implemented by Safeguarding at The Mount. This request was made in response to a number of issues highlighted at The Mount which raised concerns over file/records management procedures in that area.
- 4.4.2 The review highlighted areas of concern in respect to records management / information security. Actions have been agreed with Safeguarding management as a result of this review, some of which they have already implemented. During 2011/12 IG will ensure the outstanding actions have been implemented within the agreed deadlines.

4.5 Audit of Information Governance (IG)

- 4.5.1 An internal audit of the Councils arrangements for IG was completed in March 2011. The report gave the following opinion of the IG arrangements at that time:

*'On the basis of the work carried out it is our opinion that the level of assurance provided by controls for this audit area is Reasonable; **there is a sound system of control but there is evidence of non compliance with some of the controls. There are Policy/Procedure recommendations and many best practice recommendations that Audit Services are confident that management will implement.***

An action plan has been agreed as a result of this audit report and IG is confident that recommendations from this will be implemented within realistic timescales.

5 Conclusions for 2010/11 and looking forward to 2011/12

- 5.1 The IG team has like all areas of the Council been affected by limited resources during 2010/11. There have also been increased pressures in 2010/11, primarily due to increased public awareness of their information rights and an increase in the number of alleged data breaches reported. The revised structure implemented within Audit & Assurance in October 2010 providing more support and flexibility has resulted in more effective management of these workloads and the team being able to support the Council to meet its obligations.

5.2 As outlined in paragraph 4.2.4 further resource changes are planned for October 2011 when the responsibility for the administration of the FOI function will transfer to Audit & Assurance from the Customer Quality team.

5.3 There have been a number of initiatives that had previously been planned by IG that were progressed in 2010/11 with an expectation of full implementation in 2011/12. Key initiatives that have been progressed include:

- a) Production of a fit for purpose publication scheme
- b) Development of a FOI disclosure log
- c) Review of Corporate Information Security Policy (CISP)
- d) Online agreement to abide by requirements of the CISP
- e) Guidance on undertaking Privacy Impact Assessments (PIA)
- f) Developing training and awareness

Initiatives a) and b) when fully implemented should realise efficiencies for the Council by reducing the administrative burden of processing FOI requests. IG has been working closely with ICT on the development of the publication scheme as this requires technical input to implement.

Implementation of c) and d) should increase corporate awareness of the requirements of the CISP and make sure the policy is up to date and fit for purpose.

Undertaking PIA's as detailed in e) will help ensure that systems/processes in place within the council comply with data protection requirements

Training and awareness stated in f) underpins all information governance requirements and aims to equip employees with the necessary skills/knowledge to comply with information legislation and good practices.

5.2 IG intends to build on the progress made in 2010/11, and that of previous years, to continue to meet the current and future needs of the Council.

5.3 An annual report will now continue to be presented to the Audit Committee providing an update on information governance and activity of the team during the year.

6 OTHER CONSIDERATIONS

AREA	COMMENTS
Equal Opportunities	All members of the IG Team have attended equal opportunities/diversity training. If any such issues were highlighted as part of IG work they would be notified to the appropriate manager.
Environmental Impact	All members of the IG Team are environmentally aware and if any issues were highlighted as part of IG work they would be notified to the appropriate manager.

Legal Implications	IG work seeks to ensure compliance with the legislative requirements of the Data Protection Act 1998, Environmental Information Regulations 2004 and the Freedom of Information Act 2000. Suspected data breaches in respect to DPA are investigated and reported to the Audit & Assurance Manager, Head of Governance and the relevant Head of Service/SDM. Information Commissioner guidance is followed in respect of the reporting of breaches. The Information Commissioner can impose sanctions on authorities for non-compliance including monetary penalties in appropriate cases.
Links with Corporate Priorities	IG is a key component of good governance and links to all corporate priorities.
Risks and Opportunities	The role of IG includes reviewing information security arrangements in place to manage IG risks within service areas. IG reports produced assist the Council in improving systems and controls (reducing IG risks) and therefore the delivery of services and achievement of objectives.
Financial Implications	IG operated within the Audit & Assurance budget for 2010/11.
Ward Implications	IG is responsible for the IG arrangements all the Council's activities and at all Council locations. They therefore operate within all Council Wards.

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