



Borough of Telford and Wrekin

Audit Committee

Wednesday 31 May 2023

Information Governance & Caldicott Guardian Annual Report 2022/2023

Cabinet Member:	Cllr Nathan England - Cabinet Member: Finance, Customer Services and Governance	
Lead Director:	Anthea Lowe - Director: Policy & Governance	
Service Area:	Policy & Governance	
Report Author:	Tracey Drummond (Principal Auditor), Rob Montgomery (Audit & Governance Lead Manager)	
Officer Contact Details:	Email:	
	Tel: 01952 383105	tracey.drummond@telford.gov.uk,
	Tel: 01952 383103	robert.montgomery@telford.gov.uk
Wards Affected:	All Wards	
Key Decision:	Not Key Decision	
Forward Plan:	Not Applicable	
Report considered by:	SMT – 16 May 2023 Audit Committee – 31 May 2023	

1.0 Recommendations for decision/noting:

The Committee is asked to:

- 1.1 Note the Information Governance & Caldicott Guardian Annual Report for 2022/2023.
- 1.2 Agree the Information Governance Work Programme for 2023/24.
- 1.3 Approve the Information Governance Framework.

1.4 Approve the Information Governance Strategy.

2.0 Purpose of Report

2.1 To present the 2022/2023 Information Governance (IG) & Caldicott Guardian Annual Report to the Members of the Audit Committee.

3.0 Background

3.1 2022/2023 INFORMATION GOVERNANCE ANNUAL REPORT

3.2 There are a number of pieces of legislation and good practice standards that govern the IG arrangements of the Council and these are listed in the background information at the end of this report. The Information Commissioners Office (ICO) is the regulatory body responsible for ensuring Councils meet information legislative requirements relating to information governance.

3.3 The Local Authority Data Handling Guidelines 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 Council the nominated SIRO for the period covered by this report was the Director: Policy & Governance.

Information Rights

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

- **Freedom of Information Act 2000** – encompasses any information held by the Council
- **Environmental Information Regulations 2004** – information with an environmental impact
- **UK Data Protection Act 2018/UK GDPR** – looks at personal information relating to individuals

3.5 The IG Team has continued to play a key role in providing assurance that the Council complies with information rights legislation during the year. The IG Team has responsibility for the administration of all information rights requests on behalf of the Council including the application of relevant exemptions in respect to requests received.

It also co-ordinates and guides service areas 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.

- 3.6 The ICO has set a benchmark of 90% for responding to FOI requests within the 20 working day statutory deadline for responding to requests.
- 3.7 See table below for figures relating to FOI performance for the year 1 April 2022 to end of March 2023 compared with the same period for the previous year:

	21/22	22/23	% Increase / Decrease
Number of FOI requests received	1031	933	10 decrease
Average number of FOI requests received per month	86	78	9 decrease
% of FOI requests responded to within statutory deadline	91	87	4 decrease
Average time taken (days) to respond to each request	14	17	21 increase

As can be seen from the figures in the table above, the Council's performance in responding to FOI requests within statutory deadlines in 2022/23 has decreased slightly compared the previous year.

In addition to the above the Council received 45 requests (34 in 21/22) that were processed under the Environmental Information Regulations (EIR) 2004. 84% (88% in 21/22) of these requests were responded to within the 20 day deadline.

- 3.8 In this period IG have received 11 appeals from requestors who were not satisfied with the response they received to their FOI request. This compares to a total of 37 appeals in 2021/22.
- 3.9 During this period, the IG Team received 2 referrals from the Information Commissioner (ICO) in respect of complaints made to them in relation to environmental information requests.

The ICO decided in favour of the Council in one of these complaints. In the other case, the ICO decided partly in favour of the requester but did not require the Council to undertake any further action and did not apply any penalty.

- 3.10 The UK Data Protection Act 2018 requires the Council to respond to subject access requests (SARs) within one month of receipt unless the request is deemed complex when a further two-month extension can be applied.

In 2022/23 the Council received 138 subject access requests, 1 more than the previous year.

Of the requests that had been responded to in 22/23, 92% were responded to within the legislative timescale set. This compares to 88% responded to within timescales in 21/22.

The processing of SAR's continues to be a challenge due to the volume (in pages) of information being asked for. 4 of the subject access requests received in 22/23 alone encompassed over 8,000 pages of information.

The IG Team continuously review their practices and look at the market for new technological solutions to ensure processes improve where possible.

Data Security Incidents

- 3.11 It is unrealistic to consider, given the amount of personal data Council services handle on a daily basis, that human errors will not occur which may result in a data breach. IG supports the investigation (with service areas) of 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 mobile phone to personal data being communicated to an unauthorised and/or incorrect recipient.

For each data breach identified in 2022/2023 a thorough investigation has been undertaken into how the breach occurred, confirmation of any individuals that have been informed in compliance with the UK Data Protection Act 2018 and lessons learnt identified and implemented to reduce the likelihood of similar data breaches occurring in the future.

The IG Team continues to work with service areas to improve the secure processing of personal data to prevent data security incidents.

- 3.12 None of the data breaches in 2022/23 met the threshold for reporting to the Information Commissioners Office (ICO).

Information Governance Related Audits & Work Programme

- 3.13 The 2022/2023 IG work programme was agreed at the May 22/23 Audit Committee. Progress to date in respect to this programme is shown attached as **Appendix A**.
- 3.14 **Appendix B** details the proposed IG work programme for 2023/2024 for approval. This programme mainly incorporates key actions required to facilitate the legal requirements of the UK Data Protection Act/UK GDPR.

4 2020/2021 CALDICOTT GUARDIAN ANNUAL REPORT

Caldicott Guardian (CG) Function – Key Responsibilities

- 4.1 Caldicott Guardians were introduced into social care with effect from 1 April 2002, under Local Authority Circular LAC (2002) dated 31 January 2002. Caldicott Guardians play a key role in ensuring that the NHS, Councils with Social Service responsibilities and partner organisations satisfy the highest practical standards for handling patient identifiable information under a framework which complies with the requirements of the UK Data Protection Act 2018; they actively support work to

enable information sharing where it is appropriate to share; and advise on options for lawful and ethical processing of information

4.2 A requirement for the Audit Committee is to consider the Caldicott Guardians (CG) annual report/action plan.

4.3 During the majority of this reporting period, Sarah Dillon, Adult Social Care (left February 2023) had undertaken the role of Caldicott Guardian (CG). For the remainder of 2022/23, the Executive Director: Adult Social Care, Health Integration and Wellbeing has occupied the CG role.

4.4 In terms of CG activity please see summary below:

4.4.1 **GDPR** – the requirements of this legislation is now embedded. Staff are required to undertake mandatory IG training and regular audit and assurance takes place to ensure compliance. Each service continues to have an IG lead and receive and disseminate regular updates.

4.4.2 **Electronic Adult Social Care database and financial systems** - embedded since implementation in October 2018. The Data Protection Officer continues to support the service in monitoring the Data Protection Impact Assessment on the system. In 2020 there was a full audit of the financial management processes including the appropriate use of financial and case management systems and processes. A further follow up review of the financial management processes is planned in 23/24 conducted by Internal Audit Team.

The Adult Social Care electronic record self-service portal is in its test phase and will be fully implemented in 23/24. The Data Protection Officer has supported the completion of a comprehensive Data Privacy Impact Assessment. This portal will mean that citizens with care and support needs will have an online account that they can access and use to manage their care and associated finances. This will also provide the opportunity for secure communications between the service and citizens receiving care and support and their carers.

4.4.3 **Adult Social Care breaches** – a reporting system is in place where the IG Team inform the CG of all breaches related to social care data in order that follow up with the member of staff concerned can be completed and all necessary actions taken. The data around IG breaches and subsequent actions is overseen for ASC and Children's Safeguarding by SMT and in addition for ASC the ASC Assurance Board.

4.4.4 **Integrated working with key partners** – Information sharing protocols have been agreed and are updated regularly, supported by the Data Protection Officer. A review is being undertaken with partners to ensure all appropriate information sharing agreements are in place and up to date. This will continue to be an important aspect as we further integrate service delivery and records with health partners. Our Telford and Wrekin Integrated Place Partnership (TWIPP) is our key local vehicle for development and delivery and a direct link to the ICS Board. Information sharing is a planned agenda item 23/24 at TWIPP. There are work streams including Digital Information Governance Group which have regular input

from the Caldicott Guardian and Data Protection Officer to ensure that all information governance requirements are met as we move towards further integrated pathways and partnerships. The development of the Integrated Health and Care Record from an adult perspective is now business as usual and for Children's services implementation is imminent. The Data Protection Officer is heavily involved with regular updates to the Caldicott Guardian and the TWC Senior Management Team.

4.4.5 Quality Assurance – Regular review meetings are in place with the Senior Information Risk Owner, CG and Data Protection Officer to ensure that further development and assurance of our data protection systems continue in relation to our support of those with care and support needs particularly as we integrate records and delivery further with health and care partners.

INFORMATION GOVERNANCE FRAMEWORK

The Council's Information Governance Framework gives a holistic overview of the arrangements put in place to manage its information assets. **Appendix C** details the proposed framework for the Council.

INFORMATION GOVERNANCE STRATEGY (IGS)

The IGS forms the top layer of the Information Governance Framework and describes the approach taken by the Council within which accountability, standards, policies and procedures are developed, implemented and maintained to ensure that all types of information used by the Council are held, processed and communicated securely and legally. **Appendix D** details the proposed IG Strategy for the next 2 years.

5 CONCLUSIONS FOR 2022/2023

- 5.1 The Information Governance Team have performed well and made a positive contribution to the governance arrangements within the Council in 2022/2023.

6 Summary of main proposals

- 6.1 It is proposed that members of the Audit Committee:

- 6.1.1 Note the content of the annual report
- 6.1.2 Agree the IG Work Programme for 2023/24
- 6.1.3 Approve the IG Framework
- 6.1.4 Approve the IG Strategy

7 Alternative Options

- 7.1 There are no alternative options relating to this report.

8 Key Risks

- 8.1 The risks and opportunities in respect of this report will be appropriately identified and managed.

9.0 Council Priorities

- 9.1 The report supports the Council's values that are embedded in the delivery of all of the Councils' priorities.

10.0 Financial Implications

- 10.1 Costs associated with the Information Governance and Caldicott Guardian work outlined in this report are met from the Council's base budget.

11.0 Legal and HR Implications

- 11.1 Compliance with the Information Rights legislation mentioned in this report is mandatory. When assessing compliance, the ICO will consider approved policies and procedures of the authority.

Caldicott Guardians are required to be registered on the publicly available National Register of Caldicott Guardians. The United Kingdom Caldicott Guardian Council (UKCGC) is the definitive national body for Caldicott Guardians and provides best practice, advice and guidance and a benchmark for all Caldicott Guardians. The UKCGC has published a manual for Caldicott Guardians (currently 2017) which sets out the roles and responsibilities of the Caldicott Guardian. NHS Digital (previously known as the Health & Social Care Information Centre) also publishes guidance and resources for Caldicott Guardians

12.0 Ward Implications

- 12.1 The work of the Audit Committee encompasses all the Council's activities across the Borough and therefore it operates within all Council Wards detailed in the Parish Charter

13.0 Health, Social and Economic Implications

- 13.1 There are no health, social or economic implications directly arising from this report.

14.0 Equality and Diversity Implications

- 14.1 Transparency supports equalities and demonstrates the Council's commitment to be open and fair.

15.0 Climate Change and Environmental Implications

- 15.1 There are no direct climate change and environmental implications arising from this report.

16.0 Background Papers

- 1 Corporate Information Security Policy
- 2 Caldicott Review - <https://www.gov.uk/government/publications/the-information-governance-review>
- 3 Information: To Share or not to Share – Government Response to the Caldicott Review.
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/192572/2900774_InfoGovernance_accv2.pdf

17.0 Appendices

- A Progress on IG Work Programme 2022/23
- B IG Work Programme for 2023/24
- C IG Framework
- D IG Strategy

18.0 Report Sign Off

Signed off by	Date sent	Date signed off	Initials
Finance	14/04/2023	26/04/2023	AEM
Legal	14/04/2023	12/05/2023	EH