

TELFORD & WREKIN COUNCIL

AUDIT COMMITTEE 14 JULY 2020

INFORMATION GOVERNANCE & CALDICOTT GUARDIAN ANNUAL REPORT 2019/20

REPORT OF THE AUDIT & GOVERNANCE TEAM LEADER (DESIGNATED DATA PROTECTION OFFICER)

1 PURPOSE

- 1.1 To present the 2019/20 Information Governance (IG) Annual Report to the members of the Audit Committee.

2 RECOMMENDATIONS

- 2.1 That members of the Audit Committee note the Information Governance & Caldicott Guardian Annual Report for 2019/20
- 2.2 That members of the Audit Committee agree the IG Work Programme for 2020/21

3 SUMMARY

- 3.1 The terms of reference of the Audit Committee include:
- *The Committee has the responsibility on behalf of the Council for the overseeing of the Council's audit, governance (including risk management) and financial processes*
 - *To be able to call senior officers and appropriate members to account for relevant issues within the remit of the Committee – governance (including information governance)*
 - *Consider the effectiveness of the Council's governance processes including The Council's information security framework*

4 PREVIOUS MINUTES

Audit Committee 29th May 2018 – Annual Internal Audit, IG and Caldicott Guardian Annual Report 2017/18

Audit Committee 28th May 2019 - Annual Internal Audit, IG and Caldicott Guardian Annual Report 2018/19

5 2019/20 INFORMATION GOVERNANCE ANNUAL REPORT

- 5.1 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 Commissioner's Office (ICO) is the regulatory body responsible for ensuring Councils meet legislative requirements relating to information governance.
- 5.2 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 (then) Assistant Director: Governance, Procurement & Commissioning.

Information Rights

5.3 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
- **Data Protection Act 2018** – looks at personal information relating to individuals

5.4 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.

5.5 The ICO has set a benchmark of 90% for responding to FOI requests within the 20 working day statutory deadline for responding to requests.

5.6 See table below for figures relating to FOI performance for the year 1 April 2019 to end of March 2020 compared with the same period for the previous year:

	18/19	19/20	% Increase / Decrease
Number of FOI requests received	1155	1181	+2%
Average number of FOI requests received per month	96	98	+2%
% of FOI requests responded to within statutory deadline	81	88	+9% IMPROVED
Average time taken (days) to respond to each request	14	10	+29% IMPROVED

As can be seen from the figures in the table above, the Council's performance in responding to FOI requests within statutory deadlines has improved (by 7%) from 2018/19.

In addition to the above, the Council received 57 requests (34 in 18/19) that were processed under the Environmental Information Regulations (EIR) 2004. 89% (79% in 18/19) of these requests were responded to within the 20 day deadline.

5.7 In this period IG have received and responded to 9 appeals from requestors who were not satisfied with the response they received to their FOI request. This compares to 16 appeals in 2018/19.

- 5.8 During this period IG received 1 complaint/referral from the Information Commissioner (ICO) in respect to complaints made to them by FOI/EIR requestors. The complainant did not think that the Council had provided all information it held relevant to their request. The IG Team liaised with the ICO on this. The ICO understood the Council's position, and the matter was resolved amicably between the Council and the requester with the ICO not taking any action.
- 5.9 The Council received 96 Subject Access Requests (SAR's) (85 received in 18/19). The Council responded to 88 SAR's (91%) within either 1 calendar month and/or the extension of a further 2 months for complex requests.

This performance is much improved from the previous year and complies with the ICO good practice benchmark of 90%.

It should be noted that the size and complexity of subject access requests increases year on year. For 88 requests responded to in 2019/20, the IG Team had to read and redact over 25,000 pages of mainly sensitive personal social care information. The largest individual request required 5,583 pages to be read and redacted as appropriate by IG officers. IG continually review its procedures for processing subject access requests and feel that these are streamlined and fit for purpose. However further reviews will take place to ensure processes improve where possible.

Data Security Incidents

- 5.10 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 2019/20 a thorough investigation has been undertaken into how the breach occurred, confirmation of any individuals that have been informed in compliance with the 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.

- 5.11 The Council self-reported 1 data breach in 2019/20 as it met the criteria under the Data Protection Act 2018 for reporting to the Information Commissioners Office (ICO). The ICO were satisfied that the breach occurred due to human error and were happy that the Council had taken timely and robust action to manage the breach. The ICO stated no further action was required.

Information Governance Related Audits & Work Programme

- 5.12 The 2019/20 IG work programme was agreed at the May 2019 Audit Committee. Progress to date in respect to this programme is shown attached as Appendix 1.
- 5.13 Appendix 2 details the proposed IG work programme for 2020/21 for approval. This programme mainly incorporates key actions required to facilitate the legal requirements of the GDPR.

7 2019/20 CALDICOTT GUARDIAN ANNUAL REPORT

- 7.1 A requirement for the Audit Committee is to consider the Caldicott Guardian's (CG) annual report.
- 7.2 In February 2017 Sarah Dillon was appointed Director: Adult Social Care and has since undertaken the Caldicott Guardian training. A further refresher training was undertaken last year by the Caldicott Guardian and Data Protection Officer.
- 7.3 In terms of CG activity in 2019/20 please see below:

GDPR

- The General Data Protection Regulations (GDPR) are now well established within our services with all processes reflecting the requirements.
- All staff complete mandatory online annual training which is monitored.
- Each service area continues to have a service IG lead and receives regular updates.

Electronic Adult Social Care case management and financial management system

- The new Adult Social Care database and financial management tool LAS and Controc is now well established with regular audits being undertaken in line with the Adult Social Care Quality Assurance Framework.
- We continue to monitor and implement improvements to the system to ensure robust financial management processes are in place and adhered to.
- An Internal Audit of the financial management aspect of the system has been completed and a draft report issued which is currently being considered.
- The Data Protection Officer is consulted around any changes specifically advising on the GDPR requirements. Impact Assessment was completed.

Adult Social Care data breaches

- The Caldicott Guardian is informed regarding any data breaches and monitors actions taken.
- There have been no significant data breaches in social care during the period of this report.

Integrated working with key partners

- Support from the Data Protection Officer continues with the further development and updating of Information Sharing Protocols with key partners. This will continue to be an important aspect as we further integrate our service delivery with partners as per the requirements of the NHS Plan.
- The further development of the Shropshire Telford and Wrekin Sustainability and Transformation Plan (STW STP) has continued with the further development of the Telford and Wrekin Integrated Place Partnership involving all key partners. This ensures that locally based Telford and Wrekin issues are highlighted to the STP. Work streams at STP level include the Digital Information Governance Group which the Data Protection Officer contributes to ensure that all information governance requirements are met as we move towards further integrated pathways and partnerships.
- We are undertaking preparatory work in order to develop the integrated care record for Shropshire Telford and Wrekin health and social care with all partners in the STP.

- There has been further development of collaborative digital platforms under the banner of STP Together. This has led to more efficient collaborative working across the health and social care system partners.

Quality Assurance

- There are regular review meetings with the SIRO, Data Protection Officer and the Caldicott Guardian 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.

8 CONCLUSIONS FOR 2019/20

- 8.1 Despite some resource challenges the Information Governance Team have performed well and made a positive contribution to the governance arrangements within the Council in 2019/20.

9 OTHER CONSIDERATIONS

AREA	COMMENTS
Equal Opportunities	All members of the Audit & Governance Team have completed equal opportunities/ diversity training. If any such issues arose during any work, the appropriate manager would be notified.
Environmental Impact	All members of the Audit & Governance Team are environmentally aware and if any issues were identified, they would be notified to the appropriate manager.
Legal Implications	<p>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.</p> <p>Caldicott Guardians were introduced into social care with effect from 1 April 2002, under Local Authority Circular LAC (2002)2 dated 31 January 2002. Caldicott Guardians play a key role in ensuring that the NHS, Councils with Social Services Responsibilities and partner organisations satisfy the highest practical standards for handling patient identifiable information under a framework which complies with the requirements of the 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.</p> <p>NHS and Social Care Caldicott Guardians are required to be registered on the publicly available National Register of Caldicott Guardians. The UK Council of Caldicott Guardians, an elected body made up of Caldicott Guardians from health and social care, meets four times per year and publishes a manual for Caldicott Guardians (currently 2017) which sets out the roles and responsibilities of the Caldicott Guardian. The Health & Social Care Information Centre [HSCIC] publishes guidance and resources for Caldicott Guardians.</p> <p>AL 03/07/2020</p>

Links with Corporate Priorities	All aspects of the IG teams work support good governance that underpins the achievement of the Council's objectives and priorities.
Risks and Opportunities	All aspects of the IG teams work supports managers and the Council to identify and manage their information risks and opportunities.
Financial Implications	Financial monitoring is currently showing that Audit & Governance are operating within budget for 2019/20. There are therefore no financial implications arising from adopting the recommendations of this report.
Ward Implications	The work of the IG team encompasses all the Council's activities across the Borough and therefore it operates within all Council Wards.

10 **BACKGROUND PAPERS**

Corporate Information Security Policy
 Corporate Information Security Breach Procedure
 Local Authority Data Handling guidelines
 ISO27001 (standard for information security)
 Data Protection Act 2018
 Freedom of Information Act 2000 (fully introduced 2005)
 Environmental Information Regulations 2004.
 Caldicott Review - <https://www.gov.uk/government/publications/the-information-governance-review>
 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

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Update on Information Governance (IG) Work/Compliance Programme 2019/20

No	Task	Completion date	Status at year end
1	Administer FOI/EIR/DPA requests, appeals and associated correspondence from the ICO.	Ongoing	Improved in year performance.
2	Continue the provision and promotion of additional services to schools within and outside the area to generate agreed income.	Ongoing	2 new customers in year and continued support for continuing customers
3	Investigate instances of possible data breaches and ensure appropriate improvements within services and processes are made. This would include acting as a point of contact for the ICO.	Ongoing	Ongoing support to services and liaison where necessary with ICO.
4	Support service areas to address any information security risks that arise. This would include acting as a point of contact for the ICO.	Ongoing	As above
5	Monitor compliance with GDPR/DPA 2018 and associated Council policies. This includes the assignment of responsibilities, awareness raising, training of staff and associated audits.	Ongoing	Compliance work completed in year contributing to accountability principle.
6	To provide advice where requested on Data Protection Impact Assessments (DPIA) and monitor performance in this area.	Ongoing	DPIA's completed on a number of projects in year that are reviewed and signed off by IG.
7	To co-operate with the Information Commissioners Office (ICO) in any relevant engagement.	Ongoing	IG continue to be the key contact with ICO.
8	Inform and advise the Council and its employees who carry out personal information processing of their obligations under GDPR/DPA 2018.	End of June 2019	Completed by June including online training provision and articles in staff briefings.
9	Implementation of the GDPR audit recommendations.	End of July 2019	Complete
10	Review and update the Corporate Information Security Policy (CISP).	End of September 2019	Complete
11	Complete Data Security & Protection (DSP) toolkit assessment for central government	End of March 2020	Complete

IG Work Programme for 2020/21

No	Task
1	Administer FOI/EIR/DPA requests, appeals and associated correspondence from the ICO.
2	Continue the provision and promotion of additional services to schools within and outside the area to generate agreed income.
3	Investigate instances of possible data breaches and ensure appropriate improvements within services and processes are made. This would include acting as a point of contact for the ICO.
4	Support service areas to address any information security risks that arise. This would include acting as a point of contact for the ICO.
5	Monitor compliance with GDPR/DPA 2018 and associated Council policies. This includes the assignment of responsibilities, awareness raising, training of staff and associated audits.
6	To provide advice where requested on Data Protection Impact Assessments (DPIA) and monitor performance in this area.
7	To co-operate with the Information Commissioners Office (ICO) in any relevant engagement.
8	Inform and advise the Council and its employees who carry out personal information processing of their obligations under GDPR/DPA 2018.
9	Implementation of the GDPR audit recommendations.
10	Review and update the Corporate Information Security Policy (CISP).
11	Complete Data Security & Protection (DSP) toolkit assessment for central government.