Information Governance - Annual Report
1 January– 31 December2015

Background

The Council recognises information as an important asset in the provision and effective management of services and resources. It is of paramount importance therefore that information is processed within a framework designed to support and enable appropriate Information Governance

The Information Governance framework sets out the way the Council handles information, in particular, the personal and sensitive data relating to our customers and employees.

The framework determines how we collect and store data, and specifies how the data is used and when it can be shared.

Information Governance provides guidance to the Council and individuals to promote personal information is processed legally, securely, efficiently and effectively.

The Audit and Accounts Committee receives quarterly updates on information governance issues.

The Council had lacked resilience in the provision of information governance support for a number of years. With an increased focused on the risks around information and the potential of enforcement action/financial penalties from the Information Commissioner's Office for non-compliance with legislation, the Council took the decision to invest more resources in to the Information Governance team. The need to enhance the Information Governance framework within the Council was being highlighted through a struggle to maintain compliance with the requirements of both the Data Protection Act and the Freedom of Information Act.

Freedom of Informationrequests: January 2015 – December 2015

TheInformation Governance team handles all non 'business as usual' requests for information. The team contact officers directly to provide the required information in relation to each FOI request.

Request statistics:

Between1 January and 31December2015, the Information Governance team received and logged1,327 Freedom of Information (FOI) / Environmental Information Regulation (EIR) requests. The split between the 2 is shown below:

FOI	1,124

EIR	203

The breakdown of the total requests received by each directorate is shown below in Table 1. Figures for 2014 have been included for comparison.

Table1:Number of FoI/EIR requests by Directorate

Directorate	Requests 2014	Requests 2015
Adults, Health and Housing	149	112
Chief Executive's Office	29	16
Children and Young People	195	124
Council-wide	19	25
Neighbourhoods	436	247
Public Health	25	14
Resources	507	281
Communities and Place		179
Organisation & Governance		159
People Services		170
TOTAL	1360	1327

The Information Governance team responded to a further 72 requests that are not included in these figures. These are known as "Archive Other" where the request is similar to a business as usual request i.e. one off pieces of information that is readily available e.g. directorate structures etc.

Table 2 below shows the category of the 1,327requests received in 2015, with a comparison to the figures from 2014

Table 2:Number of FOI/EIR Requests by category of requester

Category	Requests received 2014	Requests received 2015
Commercial	363	343
Media	220	256
Other Authority	18	12
Personal	721	662
Political	35	27
Third Sector/Voluntary		27

We also collect and record the time it takes officers to locate, retrieve and prepare the information for disclosure. Table3 below shows the average number of days it has taken to complete requests, broken down by directorate.

Table 3: Average response Times for FoI/EIR requests by Directorate

Directorate	Average Response Time (Days)
Adults, Health and Housing	5.14
Chief Executive's Office	3.12
Children and Young People	6.52
Council-wide	9.67
Neighbourhoods	5.43
Public Health	2.36
Resources	5.40
Communities and Place	8.25
Organisation & Governance	9.10
People Services	10.42

The average number of days it has taken the Council as a whole to respond to FOI requests is **6.81** days. This compares to 9 days in 2014.

Of the 1,301 requests processed in full during the year (including 7 requests which were still in progress at 31 December 2014), Council officers have recorded that they spent 2,000 hours dealing with FOI requests. Based on a cost of £25.00 per hour (the designated cost under the Act) this equates to a total cost for dealing with FOIs of £50,000 (compared to £47,381 in 2014).

Of the 1,327 requests received, 1,000 requests were completed in full. Table 4 below shows how the other 327 requests have been handled.

Table 4: Number of FoI/EIR Requests not completed

Status of requests not fully completed	No of Requests
still in progress	68
Full/part refusal – Exemption/Exception applied	177
refusal - information requested not held	44
Request withdrawn/closed due to no clarification being received	34
Request transferred to another public authority	4

Table 5below shows the breakdown of Exemptions/Exceptions applied to 177 requests.

Table 5: number of FoI/EIR Requests by Exemption/Exception applied

Exemption/Exception Applied	No of requests
Section 12 – Exceeds appropriate limit	57
Section 14 – vexatious or repeated request	1
Section 21 - Information accessible by other means	59
Section 22 – Information intended for future publication	7
Section 24 - National security information other than that covered by the absolute exemption	2
Section 30 - Investigations and proceedings conducted by public authorities	2
Section 31 – Law Enforcement	2
Section 40 – Personal information	43
Section 43 – Commercial Interests	2
Section 44 – Statutory Prohibition on Disclosure of Confidential Information	2

S12 – Exceeds Appropriate Limit - Request exceeds 'appropriate limit' under Freedom of Information Act where in order to obtain the information it would exceed the 18 hour limit. This maybe where information is not held centrally and in order to obtain the information would mean trawling through paper records.

S14 –Vexatious or repeated Requests - This exemption was applied as there were a number of repeated and similar requests on the same subject from one individual.

S21 –Information accessible by other means - the information requested was information already covered by our Publication Scheme or available from another public authority.

S22 –Information intended for future publication -this was requests for various pieces of information that we intend to publish at a later date

S24 –National Security – requests where made with regards to prevent funding DCC receive from the Home Office that falls under National Security.

S30 -Investigations and proceedings conducted by Public Affairs - Requests for information that may result in the local authority taking further action. The information released may be subject to ongoing investigations which may result in legal proceedings and it is considered that premature release of the information may jeopardise or undermine the Council's case.

S31 –Law Enforcement -this exemption was used along side Section 24 National Security with regards to information on funding provided to us by the Home Office.

S40 –Personal information -some of these requests for information were Subject Access Requests under the Data Protection Act and others were where we had to redact personal details from information requested for example personal injury claims.

S43 –Commercial Interests - this exemption was applied primarily when details of contracts were requested and those contracts were subjected to Commercial Confidentiality clauses on full pricing schedules.

S44 –Statutory Prohibition on Disclosure of Confidential Information –this exemption was applied as Information was exempt information if its disclosure (otherwise than under this Act) by the public Authority holding it is prohibited by or under any enactment.

The Legal Officer (Information Governance) conducts a public interest test to assess whether such exemptions apply on a case by case basis, this involves researching ICO decisions, case law and legislation.

FoIAppeals:

The independent appeals officer is the Head of Governance & Assurance.

In 2015,3 appeals were received.One appeal against the Council's decision to withhold information was successful. There are currently 5 appeals that have been received in January 2016 relating to FoI requests in 2015 that are currently being reviewed.

ICO Monitoring of DCC:

In January 2015, the ICO notified the Council that it would no longer be pursuing a criminal investigation in respect of the non-disclosure of information by the Council to which a requester was entitled, contrary to section 77 of the Freedom of Information Act 2000. The ICO did however inform the Council this issue had been passed to the its Performance Improvement Department for them to assess whether any other action may be taken as a result of the Council's handling of information requests.

In February 2015, the Council received notification from the Information Commissioner's Office (ICO) that it wanted to ensure that the Council had adequate procedures in place for dealing with FoI requests. The ICO had produced an action plan which identified their concerns and set out a range of steps for the council to take. The purpose was not punitive but provided for the ICO to work with the council to make sure that future FoI requests are handled properly.

The Council completed a 6 month monitoring period covering the FoIs received and responded to for the period 1 March 2015 to 31 August 2015.The ICO stated that "We are very pleased to see that the council has maintained a high rate of compliance with the statutory timescales for request responses. In view of this we are satisfied that the council's performance in this regard represents good practice and we will not be taking any further action in this regard."

The Council has also met the requirement of the ICO to "ensure that all employees who deal with correspondence, or otherwise may be required to provide information, are familiar with the requirements of the FOIA, the EIR and associated Codes of Practice, and that appropriate training is provided". Geldards LLP produced and delivered the trainingto those key employees.

Improvements made in 2015 to the FoI process:

Existing FOI processes have been mapped and where possible work flows have been optimised within the capability of the existing technology – the database can now automatically calculate the cost of processing FOIs, calculate additional 20 working day deadlines to consider Public Interest Tests, EIR exceptions added and breach alert email process implemented (sent to departments 5 working days before response deadline). This has resulted in improvements being made in both the time taken to log and process requests, as well as in the timeliness of responses received from business areas.

Under the FOIA we are required to publish FOI responses in the disclosure log. This statutory function could not be done with the current database. We worked closely with the web team to develop/implement this functionality and customers from 30 November 2015 can search, view and download previously published FOI responses with supporting documentation. The published documents are available on the Derby City Council website.

FOI templates have been reviewed/updated to ensure they meet ICO requirements and will go live in Q1 2016. This will improve the correspondence we send out to applicants and improve the performance of the proposed new IT workflow system.

Common requested topics/issues in 2015:

Table 6 below provides a summary of the most common FOI/EIR requests during the year:

Table 6: Common FoI/EIR Requests in 2015

1	Business rates	124
2	Housing/tenancy and buildings/land	123
3	Highways/Transport/Parking	122
4	Children	110

5	Staff/HR	106
6	Schools	104
7	Licensing	100
8	Adults	92
9	Miscellaneous	80
10	Finance	78
11	Funerals	53
12	IT	50
13	Procurement/tenders	36
14	Waste	34
15	Public Health	26
16	Leisure	23
17	Members/Elections	21
18	Legal/Governance	14
19	Insurance	13
20	Council tax/Bedroom tax	11
21	FOI	7
TOTAL		**1327**

Data Protection Act Compliance

Subject Access requests – 1 January 2015 to 31 December 2015

The Council received 63 Subject Access Requests in 2015. This figure does not reflect any requests where the team has determined that the Council does not hold the personal records i.e. where the request refers to records that relate to Derbyshire County Council. It also does not include requests from employees for access to their personal records. In the year, 44of the 2015 requests have been completed, With regard to the other 19 SARs, 18 are on hold (awaiting proof of identity) and 1 is still in progress at the year end.

At the end of 2014, there were 18 SARs that were on hold/ in progress. All of these were completed in 2015.

Applicants can appeal to contest the accuracy of the information held in conjunction with schedule 1, Data Protection Act 1998. This prompts an investigation conducted by Head of Governance and Assurance and the Legal Officer (Information Governance). In 2015, there was one instance where a data subject contested the accuracy and completeness of the data they were sent under an SAR. The investigation has identified a number of issues regarding completeness of data held on the files. These are still being addressed.

Data handling Issues - 1 January 2015 to 31 December 2015

The number of information governance incidents is far too high. This presents an increased risk to the Council. However, the 2 key concerns arising from this are:

- the repeat nature of many incidents that suggests we are not learning and improving; and

- the specific nature of some incidents with the data put at risk

The Council needs to address such concerns in light of the potential of enforcement action and possible fines from the Information Commissioner's Office.

The breakdown of these incidents by quarter does show some of this may be due to increased diligence in reporting incidents following e-learning and regular publicity. It also shows a high number (22) where staff leave paper at print hubs or in open plan areas.

Table 7: Number of Data Handling Incidents by Directorate per Quarter

Source/Qtr	Jan - March	Apr - June	July - Sept	Oct - Dec	Total
CYP	8	5	5	■	18
AHH	7	5	4	■	16
People	■	■	■	25	25
Neighb	3	1	2	■	6
C and P	■	■	■	3	3
Chief exec	0	0	0	■	0
Res	8	7	7	■	22
O and G	■	■	■	12	12
Members	3	0	0	0	3
Paper	0	0	8	14	22
External	3	1	1	2	7
Unknown	2	0	1	0	3
Total	**34**	**18**	**28**	**56**	**137**

The impact assessment of these is:

11 not assessed
95 Low Impact
19 Medium impact
12 High Impact (8 in people, 3 in Org/Gov and 1 External)

It should be noted that the majority of data handling issues are being contained internally.

Breaches of the DPA Referred to the ICO:

On 26 October 2015, the Councilreceived feedback from the ICO in relation to 2 disclosures

of personal data which happened in October 2013 and June 2014. The ICO decided "not to take any formal enforcement action on this occasion. This decision is due to the particular facts of this case and the remedial measures set out by the Council, which we expect will be implemented in order to prevent any recurrence."

Information Governance Policies/procedures – reviewed in 2015

A comprehensive review and updating of all information governance policies commenced when the IG team became fully resourced. This is essential work as it is a key requirement for compliance with the NHS IG Toolkit. Considerable progress has been made with consolidation and improvement of the policies, however these still need formal ratification and then cascading and adopting throughout the Council. The work to the end of the year has been:

- Two policies have been approved by IG Board and CoSWP, seeking approval at Personnel Committee on 14/1/16 and Corporate Joint Committee on 21/1/16 prior to publishing.
- Malware Policy – rewritten and updated from previous Anti-Virus Policy
- Information Security Policy - rewritten and updated
- FPN Notices for Schools previously in 3 parts for primary and secondary schools– rewritten and issued as Privacy Notices for Primary, Secondary and school workforce linked to new document - 'How the Local Authority and Others Use Data from Schools'. All added to Schools Information Portal, iDerby and DCC website and circular item concerning this
- Fax Security – guidance redone and iDerby updated
- FOI Complaints Procedure – updated on iDerby and DCC website
- iDerby and DCC website – currently being updated some completed including clearer first page on iDerby
- FOI Policy – rewritten going to next IG Board for approval
- FOI Policy and Publication Scheme for Schools – nearly completed rewrite
- Network User Policy – nearly completed rewrite
- Policy progress monitor set up
- CCTV Policy – approved by Information Governance Board, now awaiting approval from committees

Records Management:

Records Management is governed by a number of laws and regulations, several ofwhich are related to Data Protection and Freedom of Information.

Records management is the practice of maintaining records from the time they arecreated up to their eventual disposal. This may include classifying, storing, securing, anddestruction (or in some cases, archival preservation) of records.

A record can be on paper, a physical object or digital records, for example, customerrecords, birth certificates, office documents, prosecution evidence, electronic systemsand e-mail. Records management is primarily concerned with retaining recordsproduced from the Council's business activities.

The majority of the Council's documentation on records management required reviewing and updating. In particular the Records Retention schedule was out of date and no longer matched the structure of the Council. A review of the schedule was the key task for the Information Governance Team in 2015. A comprehensive document retention schedule has been drafted and is currently being finalised.

Other notable progress on IG Issues:

- NHS IG Toolkit – a review has been undertaken of what is needed. Information Asset Owners have been identified.

- Egress – a review is being undertaken to remove unused accounts and check costs

- Remedy – the majority of calls are resolved within 4hours of receipt by team

- Information Governance mailbox is up to date and emails responded to daily with update or resolution

- Data Protection page on derby.gov.uk - updated and formatted

- Web pages for Information Governance – revision on-going making it more obvious where to find information – links to IS team pages

- New Data protection incident e-form produced and included on I Derby for employees to report 'data protection' breaches

- Laminated printer notices to be put up at all print hubs at Council House and il external sites to remind employees not to leave documents which include confidential/sensitive information at printers

IG Training:

As mentioned earlier, to comply with a requirement of the ICO, specific FoI training was procured from Geldards.

In December 2015, specialised training was procured on the roles of the Senior Information Risk Owner (SIRO) and the Caldicott Guardian. The SIRO, the respective Caldicott leads for Adult and Children's services and all members of the Information Governance Team attended the training on the roles and responsibilities holding such positions entails. The Council may need to consider similar training for Information Asset Owners in 2016.

The mandatory e-learning courses on information governance and data protection continued to be a priority for 2015. This was to meet a requirement following the ICO's consensual audit of the Council in 2012.

Areas noted for improvement in 2016:

- Review and update the Council's 'publication scheme' and 'open data' to ensure it meets ICO requirements about the information the Council should routinely publish. Making more information freely available should help to reduce the number of requests. This includes using the 'top 10' FOI requests as a reference point target business areas so that the information most requested is published.

- Review and update FOI advice/guidance on iDerby to provide managers with the information they need about exemptions/exceptions that could apply to requests. which will help to speed up the response from departments.

- Review and update the FOI advice/guidance on the Council website for customers. A new customer facing self-service FOI portal will be developed to allow customers to directly input FOI questions using an easy to use eform. This will improve the customer experience, giving them immediate feedback on their request and with clear indication of when they can expect an answer. The portal will encourage customers to provide better formatted FOI questions, which in turn will then help us to produce faster and better quality responses. The portal will link with our new back end IT workflow system reducing the need for manual interaction.

- From April 2016, we will work with the IT Team within Digital Services to develop / procure a modern FOI management system, delivering a streamlined, automated service to customers and employees. The current FOI database is a bespoke application written over 10 years ago and it is not fit for purpose and is obsolete. It relies on intensive manual interventions for the majority of processes and is preventing us from making the step change improvements we want to make.

- The replacement IT workflow system will be designed to fulfil both our current requirements and be capable of being developed for future needs. Using our knowledge of IT ticket management, we will design it to streamline the flow of the request, using email and MS Office to be more effective. It will be capable of being developed to manage other requirements within Information Governance including the management of Subject Access Requests.

- The development of this replacement IT system will run alongside our day to day operation and is expected to me a medium to long term project. It is planned that it will take between 1 to 2 years to design, develop, test and implement. No detailed capability or cost analysis has yet been carried out, but an initial informal investigation has indicated that it will be more effective to implement an in-house solution using the corporate Customer Relationship Management (CRM) software.

Indications were that staying in-house would reduce licence costs and enable us to use existing Council development services.

- We will introduce improved reporting functionality capable of providing accurate, flexible performance metrics to meet management's requirements. It is hoped that statistics will be available on demand for management and also be able to be published online.

Head of Governance & Assurance
January 2016