



## **Information Security and Baseline Personnel Security**

### **SUMMARY**

- 1.1 The report covers a personnel aspect of the new regime for information security which imposes a requirement for additional security checks before employing staff.
- 1.2 This is just one small aspect of a much stricter security and compliance regime being enforced by the Cabinet Office, Ministry of Justice and the Information Commissioners Office.

### **RECOMMENDATION**

- 2.1 To approve the implementation of Baseline Personnel Security Checks as detailed in Appendix 2.

### **REASONS FOR RECOMMENDATION**

- 3.1 These checks already apply to some staff but now need to be extended in accordance with the new compliance regime issued by the Cabinet Office for connection to the Public Service Network.
- 3.2 Failure to apply these checks could mean we are unable to process benefits, manage the electoral register or share confidential data with government departments, the Courts Service and other parties.

### **SUPPORTING INFORMATION**

- 4.1 See Appendix 2

### **OTHER OPTIONS CONSIDERED**

- 5.1 Don't apply these stricter rules and take the risk of failing a compliance submission leading to loss of access to critical business data and increased risk of enforcement action or financial penalty following a security breach.

**This report has been approved by the following officers:**

<b>Legal officer</b> <b>Financial officer</b> <b>Human Resources officer</b> <b>Estates/Property officer</b> <b>Service Director(s)</b> <b>Other(s)</b>	Janie Berry – Director of Legal and Democratic Services Toni Nash – Head of Finance (AHH and RES) Hannah Parry – HR Operations Manager N/A N/A Alison Moss – Information Governance Manager
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## IMPLICATIONS

### Financial and Value for Money

- 1.1 The additional costs of compliance are £25 per employee who uses PSN email from 2014/15 and £ 25 per employee for any employee who connects to a network in which the PSN network is accessible.
- 1.2 The estimate costs are £ 15,000 in 2014/15 rising in 2015/16 subject to further clarification of the rules. These will be met by the employing service as part of the costs of employment.

### Legal

- 2.1 Failure to apply these extended security arrangements may increase the risk of not complying with one or more legislation, most notably the Data Protection Act.
- 2.2 The HMG Baseline Personnel Security Standard describes the pre-employment controls that must be applied to any individual who has access to government assets. Its rigorous and consistent application also underpins national security vetting.

### Personnel

- 3.1 The additional compliance requirements will have implications for staff; in particular:
  - a. For all staff with computer access to complete the on line policy training and verification.
  - b. For all new staff and all existing staff with PSN access to undertake baseline Personnel Security Checks.
  - c. For managers to ensure that the policies are being followed and that staff are aware of requirements in respect of managing data, data classifications and protective marking and use of government datasets.
- 3.2 Applying the BPSS will ensure pre-employment checks controls are tighter and will provide assurance and confidence that risks are being appropriately managed.

### Equalities Impact

- 4.1 None - BPSS will be applied equally to all staff where such is required from 2014.

### Health and Safety

- 5.1 None

## **Environmental Sustainability**

6.1 None.

## **Property and Asset Management**

7.1 None.

## **Risk Management**

8.1 The new controls are all aimed at reducing risks; risks of technical network security breaches; risks of organisation security breaches and risks of failure to comply with regulations or data protection obligations. The Cabinet office Zero Tolerance letters make it clear that central government view these as being fundamental changes required to reduce risks.

## **Corporate objectives and priorities for change**

9.1 Maintaining compliance certification helps protect a number of high profile and critical services and to maintain the reputation of the Council. Failing to achieve this could be as damaging as failing other inspection and audit regimes.

## Baseline Personnel Security Standard (BPSS)

### SUMMARY

1.1 Issued by the Cabinet Office, BPSS is the minimum standard to ensure the identity and integrity of an employee who has access to official information via a Public Services Network (PSN). It involves four main elements:

- Identity check
- Nationality and immigration check
- Employment history (past 3 years)
- Verification of Criminal Record (unspent convictions only)

1.2 Compliance is expected in 3 stages:

- 2013 – all users of PSN service or data
- 2014 – all users of PSN email
- 2015 – all users of a PSN connected network

Derby City Council has already complied with the 2013 stage. Due to the way the Derby City Council email service works, the Council will need to meet the 2014 level of compliance.

1.3 As BPSS describes pre-employment controls the responsibility for applying BPSS will tend to rest with HR.

A range of pre-employment checks are currently undertaken by Derby City Council but BPSS requires a tighter control across a wider range of employees.

1.4 It should be noted that the criminal records verification element of BPSS raises a financial concern. Currently Disclosures can only be carried out for posts that legally meet the requirements to do so and these look at spent and unspent convictions.

The cost of all Disclosures is met by the employing department.

The BPSS requirement will require a Basic Disclosure on all other council posts not already subject to a Disclosure; this will only look at unspent convictions. This currently is only done through Disclosure Scotland at a cost of £25 per person.

To illustrate the impact, between April and October 2013 there have been 347 new employees join Derby City Council who would be subject to BPSS compliance. Of these only 67 have required a Disclosure, therefore 280 Basic Disclosures at a cost of £7,000 would have had to be carried out to ensure compliance with BPSS.

## **RECOMMENDATION**

- 2.1 To conduct a full audit of current recruitment practices and identify areas for immediate improvement to ensure compliance for 2014, especially regarding the recording of pre-employment checks.
- 2.2 To ensure compliance, BPSS checks will need to apply to all recruitment activity including internal transfers and use of agency/contract workers. Contracts with contractors/agencies will need to be reviewed in line with BPSS requirements to ensure checks have been carried out satisfactorily and that these may be audited
- 2.3 To develop a recruitment policy and associated processes that clearly explains the Council's commitment to meeting BPSS and the steps that will be taken before allowing an individual to commence employment.

## **REASONS FOR RECOMMENDATION**

- 3.1 Derby City Council will need to ensure evidence is available to show compliance with BPSS. It is fully expected that the new HRIS will be used to record all pre-employment checks and force full compliance through tighter process controls.
- 3.2 There is no expectation to carry out checks retrospectively but they will need to be done where assurances have not been obtained or are in place to allow for access to government assets.

## **SUPPORTING INFORMATION**

- 4.1 HR Operations administers the recruitment process for Derby City Council however there is great reliance on the appointing manager to collect a variety of evidence from the candidate at interview. This is not always obtained or thoroughly and HR often has to chase candidates for the correct information in order to carry out the required checks. This then delays the process.

A snapshot looking at current processes indicated that:

- There does not seem to be concerns regarding Identity checks.
- Immigration and asylum checks are done to check to see if the paperwork is present but it is felt to be the appointing manager's role to verify right to work. Where the candidate is a Non EEA national HR do carry out extra checks, but they do not currently cover all the UK Border Agency regulations.
- Employment History this is collected as part of application process but gaps are not identified or filled by HR. Appointing managers are expected to explore gaps at interview.
- And again questions regarding convictions are part of application process but nothing done with this data by HR. Appointing managers are expected to explore concerns if highlighted as part of a Disclosure discussion

The review will clearly need to look at the responsibility of the appointing manager in their recruitment, the overall process and how best to carry out pre-employment checks to ensure compliance with BPSS.

<b>OTHER OPTIONS CONSIDERED</b>
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5.1 None – the personnel security controls **must** be applied to any individual who, in the course of their work, has access to government assets.

**This report has been approved by the following officers:**

<b>Legal officer</b> <b>Financial officer</b> <b>Human Resources officer</b> <b>Estates/Property officer</b> <b>Service Director(s)</b> <b>Other(s)</b>	Hannah Parry, HR Operations Manager  Karen Jewell, Director of HR & Business Support Nick O'Reilly, Director of ICT
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