

Committee Name and Date of Committee Meeting

Audit Committee – 30 November 2021

Report Title

IG/GDPR Annual Report 2020/21

Is this a Key Decision and has it been included on the Forward Plan?

No, but it has been included on the Forward Plan

Strategic Director Approving Submission of the Report

Judith Badger, Strategic Director of Finance and Customer Services

Report Author(s)

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Ward(s) Affected

Borough-Wide

Report Summary

This report is an annual report on the council's compliance with the General Data Protection Regulation and the Data Protection Act.

Recommendations

The Audit Committee is asked to:-

1. Note the production of the GDPR Annual Report 2020/21.
2. Note that it is legal requirement that the council continues its maintenance of its Information Governance policies and processes in compliance with legislation.

List of Appendices Included

Appendix 1 FOI & RoAR Statistics

Background Papers

Information Commissioner's Office

<https://ico.org.uk/>

A-Z of Information Management Documents

http://rmbcintranet/Directorates/FCS/CIDS/IM/Pages/A-Z_of_Documents.aspx

Consideration by any other Council Committee, Scrutiny or Advisory Panel

No

Council Approval Required

No

Exempt from the Press and Public

No

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1. Background

- 1.1 This report is an annual report on the council's compliance with General Data Protection Regulation and the Data Protection Act.
- 1.2 The General Data Protection Regulation (EU) 2016/679 (GDPR) sets out the key principles, rights and obligations for processing of personal data. The GDPR came into effect on 25 May 2018.
- 1.3 The Data Protection Act 1998 sits alongside the GDPR, and tailors how the GDPR applies in the UK - for example by providing exemptions. It also sets out the Information Commissioner's functions and powers. Despite exiting the EU, the DPA and GDPR, both remain law.
- 1.4 The Information Commissioners Office is the UK's independent body set up to uphold information rights and it is responsible for enforcement of the rights and responsibilities set out in the GDPR and DPA.
- 1.5 Monitoring of the council's compliance with GDPR and DPA is carried out by the Corporate Information Governance Group (CIGG) which has representatives from all Directorates and is chaired by the Council's Senior Information Risk Officer (SIRO).
- 1.6 Any risks relating to Information Governance, including GDPR and Data Protection are monitored on a regular basis by this group. Risks and actions are logged and reviewed at CIGG meetings and, if necessary, are escalated in line with the Council's risk management processes.

2. Key Issues

2.1 Maintain Compliance:

- 2.1.1 The key issue is to ensure that compliance with data protection legislation is maintained.
- 2.1.2 Compliance with Data Protection principles is a continuous project. CIGG fulfils a core function in monitoring and overseeing information risks by regularly monitoring the effectiveness of the council's Data Protection policies and each directorate's information governance and data protection processes.

2.2 Monitor Performance of Freedom of Information and Right of Access Requests:

- 2.2.1 Completion 'in time' of validated Right of Access requests has fallen due to a decrease in requests that are easier to resolve and turnaround. Large, complex requests have remained at similar levels. Fewer 'easier' and straightforward requests lowers performance.

- 2.2.2 Performance is well below the target of 100% completion within the statutory time limits. This remains due to the large number RoARs that are complex in nature involving large volumes of historical data, children's services and are often linked to CSE. To place this in context, some requests can take an officer several months to complete.
- 2.2.3 There has been a slight increase in Freedom of Information Requests that have been completed 'in time' and a reduction in the volume of requests received. Analysis of the data did not raise any significant concerns during the year's performance.
- 2.2.4 Appendix 1 provides performance for the last four financial years.
- 2.2.5 Performance will continue to be closely monitored with the focus on improvement.
- 2.2.6 One key issue is that requests vary substantially in complexity and workload making analysing, allocating resources and forecasting problematic. In practical terms this means that until a request is received it can not be known whether it may take four weeks or four months to complete.

3. Options considered and recommended proposal

- 3.1 There are no new proposals or recommended options. However, it is a requirement that the council continues the maintenance of its Information Governance policies and processes in compliance with Data Protection requirements.
- 3.2 It should be noted that continued compliance to GDPR and the Data Protection Act 2018 can only be achieved by the continued support of all Council Staff and Councillors. Key roles such as Information Asset Owners and Data Protection Officer can use existing governance structures to ensure ongoing compliance.

4. Consultation on proposal

- 4.1 None

5. Timetable and Accountability for Implementing this Decision

- 5.1 None

6. Financial and Procurement Advice and Implications (to be written by the relevant Head of Finance and the Head of Procurement on behalf of s151 Officer)

- 6.1 There are no direct financial or procurement implications arising from this report.

7. Legal Advice and Implications (to be written by Legal Officer on behalf of Assistant Director Legal Services)

7.1 There are no legal implications arising from this report, except to reiterate that the council has a duty to comply with Data Protection legislation.

8. Human Resources Advice and Implications

8.1 There are no direct implications for HR arising from this report.

9. Implications for Children and Young People and Vulnerable Adults

9.1 There are no direct implications for children and young people or vulnerable adults arising from this report.

10. Equalities and Human Rights Advice and Implications

10.1 There are no direct equalities or human rights implications arising from this report.

11. Implications for Partners

11.1 There are no direct implications for partners arising from this report.

12. Risks and Mitigation

12.1 Risks and mitigation will be managed by CIGG and the council's risk processes.

13. Accountable Officer(s)

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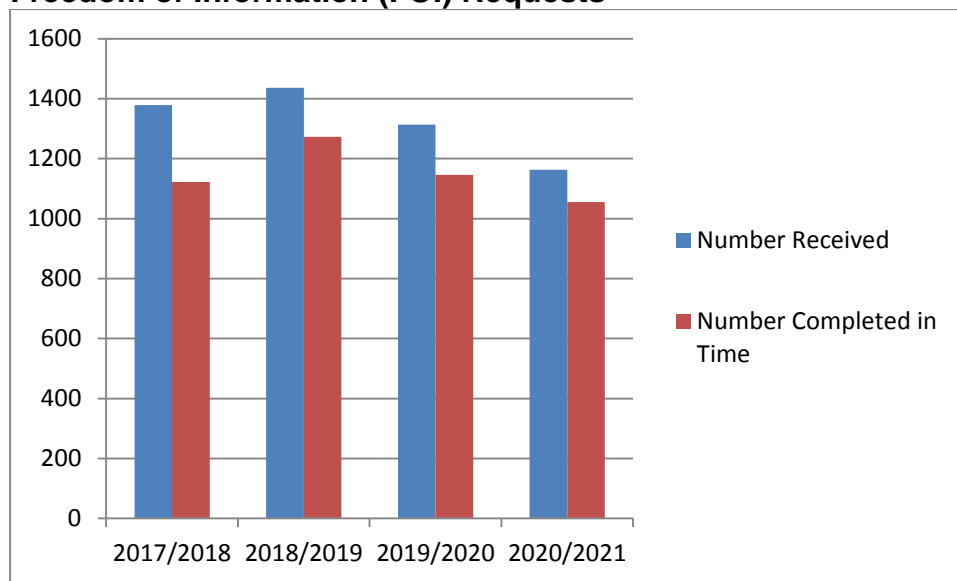
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This report is published on the Council's [website](#).

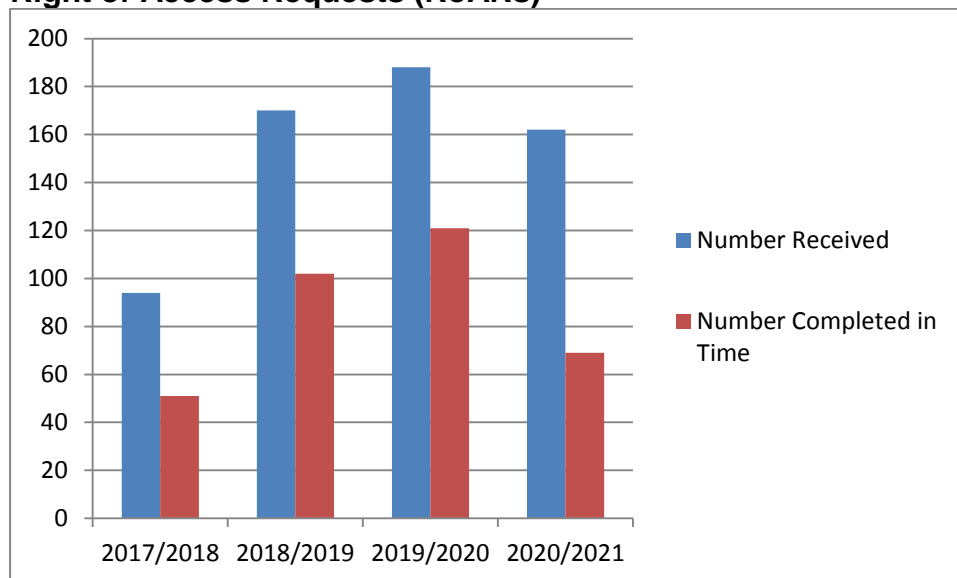
Appendix 1: FOI & RoAR Statistics

Freedom of Information (FOI) Requests



Year	Number Received	Number Completed in Time	% Completed in Time
2017/2018	1378	1122	81%
2018/2019	1436	1273	89%
2019/2020	1313	1146	87%
2020/2021	1163	1055	91%

Right of Access Requests (RoARs)



Year	Number Received	Number Completed in Time	% Completed in Time
2017/2018	94	51	54%
2018/2019	170	102	60%
2019/2020	188	121	64%
2020/2021	162	69	43%