

Committee Name and Date of Committee Meeting

Audit Committee – 29 November 2022

Report Title

Information Governance/GDPR Annual Report 2021/22

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 2021/22.
2. Note that it is a 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

Appendix 2 Data Breaches

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

GDPR Annual Report 2021/22

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 currently 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 Right of Access requests performance is 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 six to seven months to complete.

- 2.2.2 Despite performance remaining low there has been an increase in the number of both requests that have been received and those which have been responded to within the statutory time period.
- 2.2.3 The overall number of Freedom of Information Requests received has remained static and there has been a small decline in the number of requests responded to within the statutory time period. Analysis of the data did not raise any significant concerns during the year's performance.
- 2.2.4 No valid Freedom of Information requests have been refused, except for one individual who has been issued with a Single Refusal Notice for vexatious requests.
- 2.2.5 Appendix 1 provides FOI and RoAR performance for the last four financial years.
- 2.2.6 Performance will continue to be closely monitored with the focus on improvement.
- 2.2.7 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 cannot be known whether it may take four weeks or four months to complete.

3. Data Protection Incidents and Breaches

- 3.1 The Council actively encourages services to report any suspected data incidents and all reported cases are investigated. Appendix two provides a breakdown of the number and classification of incidents.
- 3.2 Monitoring information security incidents enables the Council to proactively improve the Council's risk profile by learning lessons from an incident and reducing the likelihood of it happening again. By monitoring and responding to incidents within a 'no blame culture' has ensured that even the smallest of concerns are raised.
- 3.3 Most data breaches are assessed as low risk or below the threshold for statutory reporting.
- 3.4 One data breach was reported to the Information Commissioner's Office in 2021/22 financial year. This was a processing oversight by a small partner business and was contained. Following both the Council and the business each submitting a full report to the Information Commissioner, no further action was required.

4. Options considered and recommended proposal

- 4.1 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.

4.2 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.

5. Consultation on proposal

5.1 None

6. Timetable and Accountability for Implementing this Decision

6.1 None

7. 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)

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

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

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

9. Human Resources Advice and Implications

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

10. Implications for Children and Young People and Vulnerable Adults

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

11. Equalities and Human Rights Advice and Implications

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

12. Implications for Partners

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

13. Risks and Mitigation

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

14. Accountable Officer(s)

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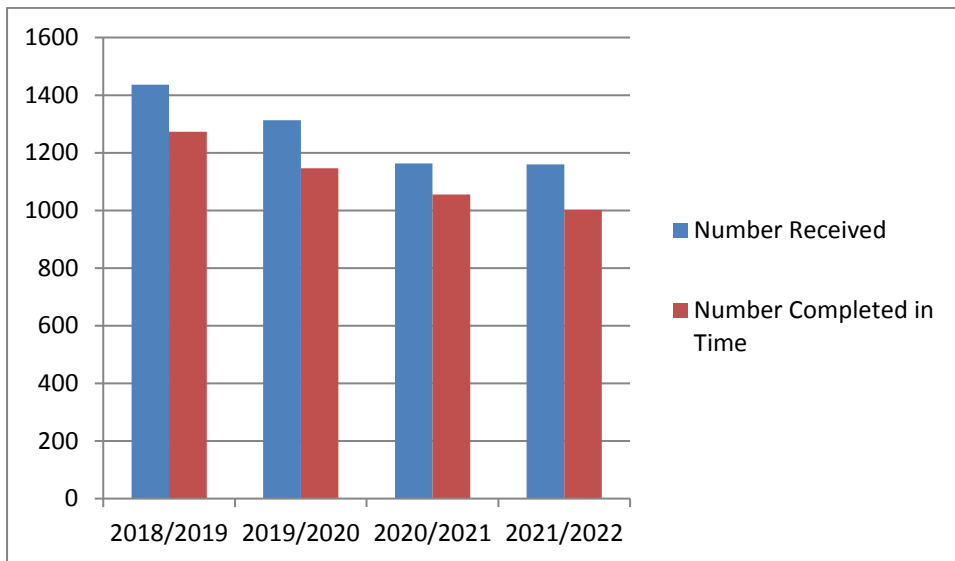
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This report is published on the Council's [website](#).

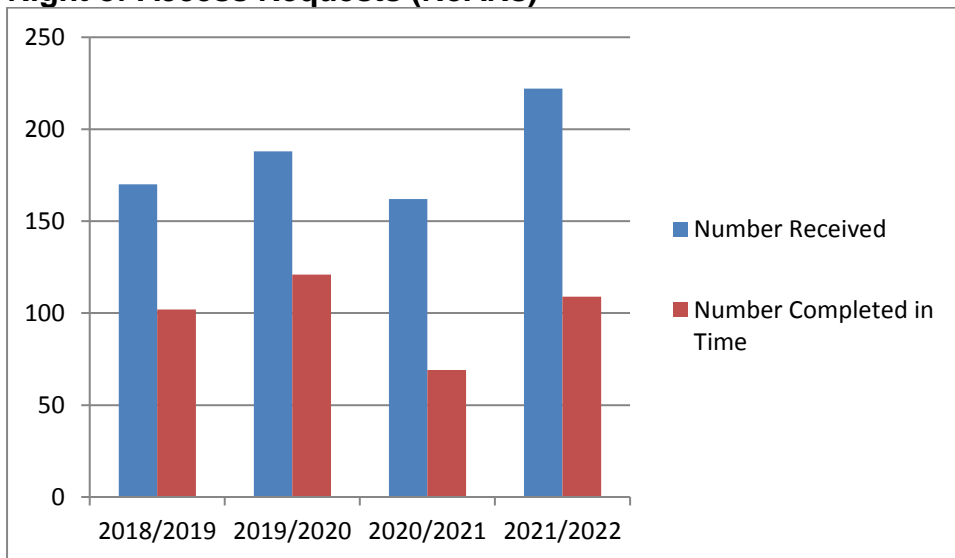
Appendix 1: FOI & RoAR Statistics

Freedom of Information (FOI) Requests



Year	Number Received	Number Completed in Time	% Completed in Time
2018/2019	1436	1273	89%
2019/2020	1313	1146	87%
2020/2021	1163	1055	91%
2021/2022	1160	1002	86%

Right of Access Requests (RoARs)



Year	Number Received	Number Completed in Time	% Completed in Time
2018/2019	170	102	60%
2019/2020	188	121	64%
2020/2021	162	69	43%
2021/2022	222	109	49%

Appendix 2: Data Incidents

Information Security Incident Stats 2021/22						
Cases Investigated	Total number of incidents	Reported to ICO	Complaints from ICO			
179	122	1	0			
Incident Category	FACS	ACH	R&E	PH	CYPS	ACX
Lost in Transit						
Lost or stolen hardware						
Lost or stolen paperwork	1				1	
Disclosed in Error	19	21	9		48	9
Uploaded to website in error			1			1
Non-secure Disposal – hardware						
Non-secure Disposal – paperwork						
Technical security failing					1	1
Corruption or inability to recover electronic data						
Unauthorised access/disclosure		1			3	3
Social Media Platforms						
IG Other			2		1	
Totals of Incidents 21/22	20	22	12		54	14