Rotherham Metropolitan Borough Council

Public Report
Audit Committee

Committee Name and Date of Committee Meeting
Audit Committee – 28 November 2023

Report Title
Information Governance Annual Report 2022/23

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

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Ward(s) Affected
Borough-Wide

Report Summary
This report is an annual report on the council's compliance with Data protection and Freedom of Information legislation.

Recommendations
The Audit Committee is asked to:-

1. Note the production of the Data Protection/FOI Annual Report 2022/23.

2. Note that it is a 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

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1. Background

1.1 This report is an annual report on the council's compliance with Data Protection legislation and the Freedom of Information Act.

1.2 The Data Protection Act 2018 (DPA) is the UK's implementation of the General Data Protection Regulation (GDPR).

1.3 The DPA makes it a legal requirement for organisations to adhere to the 'data protection principles'. Organisations must make sure that information:

1.3.1 Is used fairly, lawfully and transparently;
1.3.2 Used for specified, explicit purposes;
1.3.3 Used in a way that is adequate, relevant and limited to only what is necessary;
1.3.4 Accurate and, where necessary, kept up to date;
1.3.5 Kept for no longer than is necessary; and
1.3.6 Handled in a way that ensures appropriate security, including protection against unlawful or unauthorised processing, access, loss, destruction or damage.

1.4 The act also provides stronger legal protection for more sensitive personal information.

1.5 The Freedom of Information Act 2000 (FOI) provides public access to information held by public authorities. It does this in two ways:

1.5.1 Public authorities are obliged to publish certain information about their activities; and
1.5.2 Members of the public are entitled to request information from public authorities.

1.6 The FOI Act covers any **recorded** information that is held by a public authority.

1.7 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 DPA and FOI.

1.8 Monitoring of the council's compliance with DPA and FOI 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).

1.9 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 and freedom of information legislation is maintained.

2.1.2 Compliance with data protection and access to information 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 and Freedom of Information policies.

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 is 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 below the statutory target there has been an increase in the number of requests that have been responded to within the statutory time period.

2.2.3 The performance for Freedom of Information requests is below the target of 100% completion within the statutory time limits. The overall number of Freedom of Information Requests received has remained static and there has been increase 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 a Single Refusal Notice in force for vexatious requests on a specific subject.

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 Two data breaches were reported to the Information Commissioner's Office in 21/22 financial year. One was inappropriate sharing of information and one was a cyber incident at a 3rd party contractor. Following full report to the Information Commissioner, no further action was required in either incident.

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 and Freedom of Information requirements.

4.2 It should be noted that continued compliance to the Data Protection Act 2018 and the Freedom of Information Act 2000 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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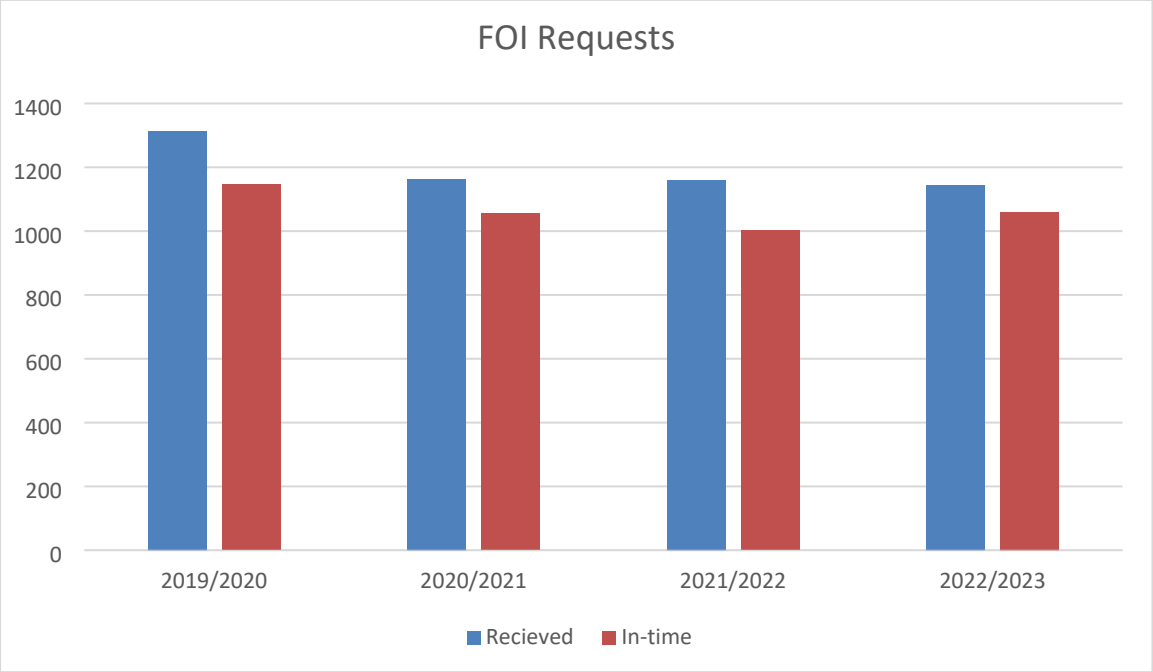
This report is published on the Council's website.

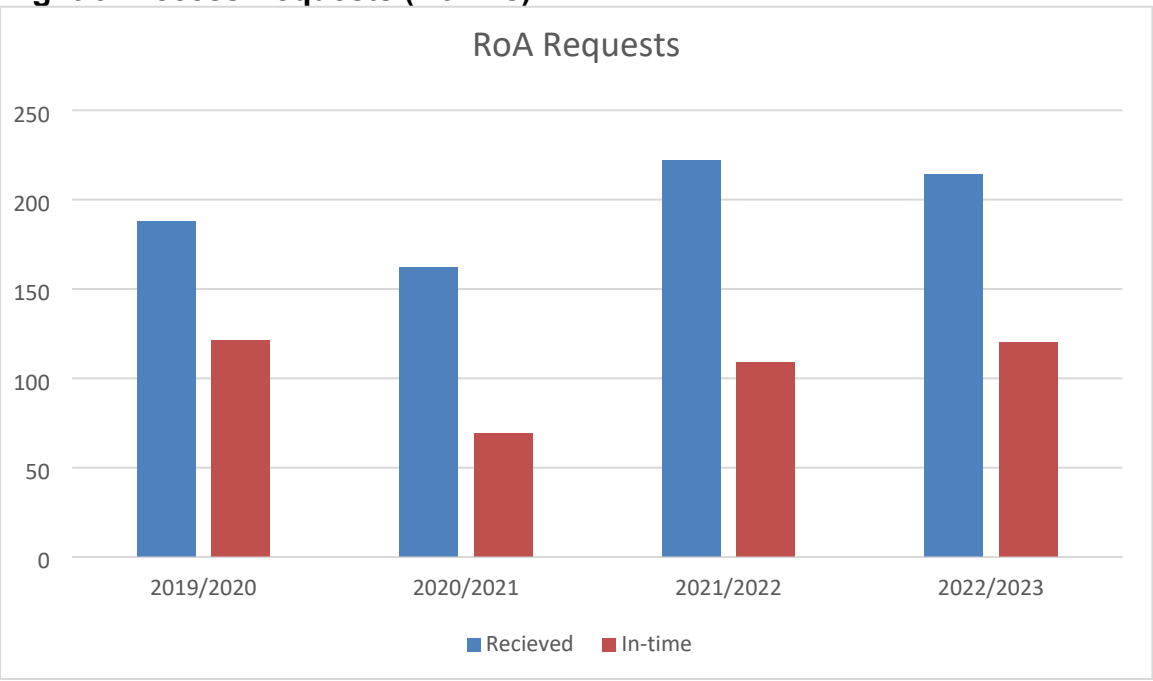
Appendix 1: FOI & RoAR Statistics

Freedom of Information (FOI) Requests



Year	Number Received	Number Completed in Time	% Completed in Time
2019/2020	1313	1146	87%
2020/2021	1163	1055	91%
2021/2022	1160	1002	86%
2022/2023	1145	1060	93%

Right of Access Requests (RoARs)



Year	Number Received	Number Completed in Time	% Completed in Time
2019/2020	188	121	64%
2020/2021	162	69	43%
2021/2022	222	109	49%
2022/2023	214	120	56%

Appendix 2: Data Incidents

Information Security Incident Stats 2022/23					
Cases Investigated	Total number of incidents	Reported to ICO	Complaints from ICO		
173	134	2	1		

Incident Category	FACS	ACH	R&E	PH	CYPS	ACX
Lost in Transit						
Lost or stolen hardware		1			4	
Lost or stolen paperwork	3	1	2		2	
Disclosed in Error	22	28	10		44	11
Uploaded to website in error						
Non-secure Disposal – hardware						
Non-secure Disposal – paperwork						
Technical security failing						
Corruption or inability to recover electronic data						
Unauthorised access/disclosure		2	1		1	
Social Media Platforms						
IG Other						
Totals No of Incidents 22/23	25	32	13	0	51	11