

Update on Information Governance Cabinet 5 December 2017

Report of the Chief Officer, Legal and Governance

PURPOSE OF REPORT

A report to update Cabinet on progress towards embedding principles of Information Governance into the Council and meeting the deadline (25 May 2018) for compliance with the General Data Protection Regulations 2018 (GDPR).

This report is public

RECOMMENDATIONS OF COUNCILLOR EILEEN BLAMIRE

- (1) (1) To note progress to date.
- (2) (2) To approve the governance structure appended at appendix 1.
- (3) (3) To approve the budget for the work to date and the budget for the anticipated work, as summarised in the report, with the additional funding requirement of £83.1k being met from the Budget Support Reserve, to make the Council fully compliant with the regulations.

1.0 Introduction

- 1.1. Earlier in the year, Baker Lomax Shackley Ltd (BLS) was appointed to assist the Council to put in place a set of actions that would embed principles of Information Governance into the Council and make it compliant with the General Data Protection Regulations (GDPR). This is new legislation, which will come into force on 25 May 2018 and will replace the Data Protection Act 1998.
- 1.2. The Council also appointed BLS to take on the role of Information Governance Manager (IGM), on a two day a week basis, to undertake the day-to-day activity and the actions in the project that were assigned to the IGM. The contract with BLS runs until 31 December 2017. BLS have been working closely with the Information Governance Officer. The post of permanent Information Governance Manager was advertised and first interviews were held recently. Second interviews were held on 22 November and a verbal offer has been made, subject to references, and accepted.
- 1.3. BLS have produced a comprehensive project plan that identifies a significant number of actions. However, they have focussed attention on some immediate tasks as a priority. These tasks include: developing a management

structure for Information Governance (see appendix 1), writing various policies for the Council, developing a training plan and developing privacy impact assessments.

- 1.4. As a major element of activity required is concerned with training, BLS have worked with Human Resources to produce a training plan. This plan has been approved by the Information Governance Steering Group (IGSG) but may be amended following further discussion about the Council's precise requirements for training.
- 1.5. The recent work to begin the development of capability and competency in preparation of GDPR has had a positive impact within the Council and has raised awareness.
- 1.6. A next step will be to appoint Information Asset Owners from within the Leadership Team and give them guidance on the importance of their role in promoting awareness of, and managing, Information Governance. Each Information Asset Owner will be responsible for managing the particular data within his/her department. A priority for the Information Governance Manager will also be to carry out an inventory of our information assets, so that the Council understands exactly how information is stored, accessed and controlled.

2. Finance

- 2.1. Total expenditure to date for the Information Governance Project is £85.6k, with an additional £41.9k anticipated within 2017/18, providing a total projected cost for the project of £127.5k. Savings of £44.4k have been identified to assist in funding the project; however, approval is sought to fund the remaining £83.1k from Budget Support Reserve.
- 2.2. Summary expenditure and funding requirements are noted in table 1 below,

Table 1

Information Governance Project	£
Total Expenditure (to date)	£85.6k
Estimated Additional "One Off" Costs	
BLS Additional Training	£30.4k
Various Required Professional Certifications	£11.4k
Total Estimated Additional Costs	£41.9k
Total Projected Cost	£127.5k
Savings Identified	(£44.4k)
Total Funding Required from Budget Support Reserve	£83.1k
On-going Revenue Costs:	Nil

- 2.3. Expenditure to date (£85.6k)
Spend to date has addressed immediate priorities, the provision of the role of Interim Information Governance Manager by BLS, and associated recruitment costs for a permanent position.
- 2.4. Estimated Additional “One Off” Costs (£41.9k)
Officers are currently in discussion with BLS regarding the level and cost of the additional training. Costs are for an initial Council-wide training programme. The training can be re-used in future years at no additional cost. Various professional certifications (£11.4k) are essential to provide the Information Governance staff with appropriate professional training.
- 2.5. Funding Request £83.1k
Although efficiency savings of £44.4k have been identified to date, in order to fully implement the project and address the weaknesses in Information Governance, there remains a potential shortfall of £83.1k. The Council’s Provision and Reserves Policy Funding delegates application of funding from the Budget Support Reserve to the Chief Officer (Resources) subject to consultation with Cabinet. Although clearly Cabinet can take such actions itself.
- 2.6. On-going Revenue Costs (Nil)
Adjustments have been made to the ICT salaries base budget to reflect any agreed changes. Any on-going training requirements are expected to be met from existing budgets.

3.0 Proposal Details

- 3.1 A lot of work has been done in recent months to put in place an action plan, develop policies and a training plan, in order to address outstanding Information Governance issues within the Council. It is relevant that the Council has never had a dedicated Information Governance team, therefore there is a great deal of work to do (NB there have been various Information Governance officers, but the last postholder only stayed for 6 months and left earlier this year). It is particularly important to have the proper resources in place to ensure compliance with the GDPR, which come into force in May 2018.
- 3.2 It is proposed that Cabinet recognises the continued importance of the work to support Information Governance, notes the progress so far and approves the budget set aside for this work.

4.0 Details of Consultation

- 4.1 Management Team and the Portfolio Holder have been consulted and approve the approach.

5.0 Options and Options Analysis (including risk assessment)

	Option 1: Note the actions so far, approve the plan for the future and approve the budget for the work	Option 2: Not to approve the plan and for future work and/or not to approve the budget
Advantages	Will ensure that the Council is prepared for GDPR in May 2018. Also ensures a framework for good information governance for the future.	None
Disadvantages	If the budget is not approved, it will be difficult to complete the actions under the plan and/or carry out the necessary training.	As under option 1
Risks	Risks include: Future breaches of information security leading to the possibility of investigation by the ICO and sanctions including large fines. The Council is not compliant with the requirements of GDPR. Staff are not appropriately trained in the new requirements.	As under option 1

5.0 Conclusion

- 5.1 For the reasons set out in this report, the recommendations are as set out in Section 1 (1 – 3) above.

CONCLUSION OF IMPACT ASSESSMENT

(including Health & Safety, Equality & Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing):

None

LEGAL IMPLICATIONS

The General Data Protection Regulations come into force in May 2018. This new legislation replaces the Data Protection Act 1998 and places various additional obligations on public sector organisations in respect of data management.

FINANCIAL IMPLICATIONS

The Council has put in place a comprehensive action plan to address identified weaknesses in Information Governance. Completion of the action plan should ensure that the Council meets the requirements of GDPR and has in place a robust system to guard against any breaches of personal data.

Adjustments have been made to ICT's base budgets to ensure that these arrangements are properly reflected in the 2018/19 budget. Any additional or on-going requirements are expected to be met from existing budgets.

OTHER RESOURCE IMPLICATIONS, such as Human Resources, Information Services, Property, Open Spaces:

The Council is currently undertaking recruitment for a permanent Information Governance Manager to create a team, with the Information Governance Officer, who will take the work forward.

SECTION 151 OFFICER'S COMMENTS

The Section 151 Officer has been consulted and has no further comments to add

MONITORING OFFICER'S COMMENTS

The steps set out in this report are important to ensure compliance with new legislation, the GDPR 2018.

BACKGROUND PAPERS

None

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Appendix 1 – Proposed Governance Structure

