

CABINET

Update on Information Governance 26th June 2018

Report of Interim Head of Legal & Governance

PURPOSE OF REPORT				
A report to update Cabinet on progress made with the GDPR compliance action plan now that the critical date (25 th May 2018) has passed and a summary of the relevant policies to note. To advise Councillors of their responsibilities in relation to Information that they are party to as a Councillor.				
Key Decision		Non-Key Decision	X	Referral from Cabinet Member
Date of notice of forthcoming key decision		N/A		
This report is public				

RECOMMENDATIONS OF COUNCILLOR EILEEN BLAMIRE

- (1) To note progress to date.
- (2) To note the new policies and continue to support the Council's work to ensure compliance with the new Data Protection Regulations.
- (3) To recognise that Councillors have personal liability for the information that they hold and how it is used, stored, distributed and destroyed.

1.0 Introduction

- 1.1 Cabinet was informed in a report dated 5th December 2017; that earlier in the year, Baker Lomax Solutions 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 Regulation (and associated legislation) which came into force on the 25th May 2018 and replaces the Data Protection Act 1998.
- 1.2 The new Information Governance Manager was appointed and began working for the Council on the 29th January 2018 to work with the BLS action plan and Council departments to bring the Council forward and start work on the new compliance standards that the Council must adhere to.

2.0 Proposal Details

- 2.1 It is for Councillors to note that the action plan for compliance is underway and the first phase of the plan is almost completed.

- 2.1.1 Presently 100% of staff across Regeneration and Planning have completed GDPR training.

All managers within the Council have been invited to mandatory training sessions on GDPR and as of the 29th May 2018 86% of all managers in the Council have completed this.

Members have been offered GDPR training and at the time of writing this report, 20% of members have completed this training. We hope that this number will have increased following the training booked on the 12th June. A number of members will receive their training through the county council. The IG Team propose to have all members trained. New members will be trained as part of their induction.

The IG team are introducing a GDPR E-learning module for all council staff which we hope will be up and running in June/July the Information Commissioner's Office (ICO) require organisations to have 95% of all their staff trained; the Council's target for staff training is 98%

- 2.1.2 The Council has compiled its first draft information asset register and is working on updating service specific privacy notices across the Council. The overarching Council privacy notice has been updated and uploaded to the Council's website.

- 2.1.3 A new Senior Information Risk Owner (SIRO) Nadine Muschamp (Chief Officer Resources) and Deputy, Mark Davies (Chief Officer Environment) have been appointed and they are responsible for the Council's information risk policy. The SIRO is accountable and responsible for information risk across the organisation.

- 2.1.4 The Council has appointed a Data Protection Officer (DPO) as required by the new regulations, this is the Information Governance Manager – the DPO monitors compliance with the GDPR and other data protection laws and provides advice and guidance for the Council on data protection matters.

- 2.1.5 There is significant work to do to ensure large scale compliance with the plan but progress is being made.

- 2.2 Cabinet is asked to note that there are three new/updated corporate information policies that have been created in line with the new legislation and implementation plan to create a comprehensive information governance framework. summarised as follows:

- 2.2.1 **Data Protection and Privacy Policy and Procedure:** The aim of this

policy is to ensure that the Council only holds information about people which is necessary for our functions as a Local Authority, processes this information fairly and transparently, and restricts access to this information generally to a “need to know basis”.

2.2.2 Data Protection Impact Assessment Policy and Procedure: The aim of this policy is to detail the Council’s approach to conducting Data Protection Impact Assessments (DPIAs). DPIAs are an effective way to approach privacy risks in particular projects or systems, and will help the Council to comply with its obligations under UK and EU data protection legislation.

2.2.3 Data Breach Policy and Procedure: The aim of his policy is to detail the Council’s approach to managing, recording, investigating and reporting personal data breaches. This approach should ensure that the Council protects personal data, and meets its obligations under UK and EU data protection legislation (including the General Data Protection Regulation (GDPR)).

There are a number more which will follow as they are created and approved.

2.2.4 We hope to have the following policies/procedures in place before the next Council Election in May 2019:

- Subject Access Request
- Mobile Working
- Acceptable Use
- Records Management and Retention
- Information Risk
- Data Sharing
- New Subject Rights
- Consent
- Clear Desk

2.3 The above approved policies and anticipated policies must be combined into a policy framework for Information Governance which will be provided to full Council for consideration

2.4 All members should note that they are personally liable for the information that they hold whilst operating as a Councillor and how they handle, store, use, share and dispose of that information. Training has been offered to Councillors to advise them of their obligations and the new rules which must be adhered to under GDPR. 3 sessions have been provided to facilitate this.

2.5 Presently, with the development of new policies; training of staff and members; responding to the operation priorities of the Council; and collating and responding to information requests such as FOIs, the Information Governance team are at their capacity at this time.

3.0 Details of Consultation

The Information Governance Steering Group, made up of officers from key departments has been working on the review and development of GDPR compliant policies to support the information governance framework across the Council.

The work with BLS continues and they are presently supporting some of the identified training sessions for staff.

4.0 Options and Options Analysis (including risk assessment)

	Option 1: To continue to implement the GDPR compliance action plan and accept the updated policies	Option 2: To take no action
Advantages	Greater protection for the council from enforcement action from the ICO should a breach occur. Better knowledge of the Council's information and more coherent processes for the creation, storage, use, disposal and destruction of data across the council. Staff are trained and aware of their obligations and how to use and share information more efficiently which in turn should promote improved inter-departmental working.	None
Disadvantages	The extensive work required to ensure compliance is time consuming and onerous for all departments at the Council but the Council's legal obligation will not diminish if we simply ignore the new regulations.	The Council will be at risk of partial compliance which would not protect itself from action from the ICO if an error occurred.
Risks	Moderate. Council is not compliant and although there is a forward plan in place there is still comprehensive work to be done to bring the Council in line with the new regulations.	High. Failing to execute the plan or have a plan in place puts the Council at risk of a fine if there is a data breach which could total up to £17million.

5.0 Officer Preferred Option (and comments)

- 5.1 To agree to note the information provided and for Cabinet to continue to champion the roll out of the plan for compliance from the highest level.

6.0 Conclusion

Improving the compliance and data security measures within the Council will help to evidence to the ICO that we are committed to the safety, security and appropriate sharing of information and will demonstrate to the residents of Lancaster that we are working to ensure that their rights in relation to information and data protection are upheld.

RELATIONSHIP TO POLICY FRAMEWORK

Corporate Plan – Community Leadership - commitment to good governance, openness and transparency

CONCLUSION OF IMPACT ASSESSMENT

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

N/A

LEGAL IMPLICATIONS

Officers and Members will need to have regard to the Council's responsibilities under the new Data Protection Legislation. The provided policies go some way to ensure the Council's compliance with the new rules.

FINANCIAL IMPLICATIONS

The financial implications of failing to comply with the GDPR could mean that in the event of a data breach, the Council could be liable for a fine of up to £17million.

All Departments are ensuring that they are able to evidence compliance and this will come at a cost though presently that cost cannot be measured accurately.

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

All departments of the Council will need to engage with training and other compliance measures. Human Resources are recording attendance at all training sessions.

SECTION 151 OFFICER'S COMMENTS

The Section 151 Officer has been consulted and has no further comments.

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted in the drafting of this report and has no further comments.

BACKGROUND PAPERS

Data Protection and Privacy Policy and Procedure

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Ref: IG/CAB002

Data Protection Impact Assessment Policy Data Breach Policy and Procedure (pending)	
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