



**POLICY AND RESOURCES SCRUTINY COMMITTEE -
15TH APRIL 2014**

SUBJECT: INFORMATION GOVERNANCE

REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES AND SECTION 151 OFFICER

1. PURPOSE OF REPORT

- 1.1 To inform Members of progress in assuring that the governance of information across the Council is effective.
- 1.2 To inform Members about requests for information received under the Freedom of Information Act 2000 (FOI), and other associated legislation.

2. SUMMARY

- 2.1 The Council's Information Governance Work Programme is progressing. A number of measures have been implemented to improve guidance for staff and contribute towards assurance of the Council's information holdings.
- 2.2 The demands of Freedom of Information and associated information rights legislation are an ongoing challenge, as numbers of requests increase year on year, and the Council is endeavouring to meet these challenges through a number of key actions.

3. LINKS TO STRATEGY

- 3.1 Information governance is connected to the Council's corporate governance and the Annual Governance Statement which is contained in the Statement of Accounts. Effective governance of the Council's information underpins all Council activities, including the Council's Improvement Objectives and Community Strategy.

4. THE REPORT

Background

- 4.1 The Council's Information Governance Work Programme has been rapidly developing over the last three years, building on previous work to implement Freedom of Information (FOI), Data Protection (DPA) and associated information legislation.
- 4.2 The Work Programme addresses recommendations made by Price Waterhouse Cooper (PWC) and Wales Audit Office (WAO) on governance of Council information, as part of reviews of information governance across the public sector in Wales. Both organisations reported that the Council's approach to information governance is generally sound, but recommendations were made to avoid undermining the Council's information strategy.

Information Governance Progress

- 4.3 The Senior Information Risk Owner (SIRO) role has been formally assigned to the Head of ICT and Customer Services, with responsibility for assuring the Council's information and raising awareness of information governance Council-wide.
- 4.4 The SIRO reports the activities of the cross-organisational Information Governance Project Team regularly to Corporate Governance Review Panel, and via this forum to Corporate Management Team (CMT), and contributes information to the Council's updates to WAO.
- 4.5 The procedures contained within the Information Risk Management Policy, approved by Cabinet in Oct 2013, have been implemented to provide the SIRO with evidence to enable an information assurance statement to be compiled for inclusion in the annual Corporate Governance Statement. At present, Heads of Service have scored all information risks low enough to be dealt with by service areas, although occasionally Corporate Information Governance Unit is called upon to assist on behalf of the SIRO. If high scoring risks are identified they would be reported to CMT.
- 4.6 The Records Management Policy was approved by Cabinet in Oct 2013 to comply with the Lord Chancellor's Code of Practice on compliance with Section 46 of the Freedom of Information Act. This is supplemented by practical guidance on records management, for example file naming conventions to assist in retrieval of information, and assistance for service areas in complying with a British Standard on legal admissibility of electronic information (BS10008). The data mapping exercise recommended by WAO is now complete, resulting in an information asset register for the Council based on its functions and activities, rather than departmental structures which are likely to change over time. The data gathered is being analysed to verify appropriateness of storage, access, retention of information, and identification of vital records that require extra protection.
- 4.7 Work at Glamorgan and Gwent Archives continues to safeguard and make available historically important information on behalf of the Council, and Corporate Information Governance Unit attends quarterly Joint Committee meetings with CCBC Members to ensure close links with current records management practice within the Council are maintained.
- 4.8 Information Governance training has progressed, with over 98% of computer-using staff passing a Protecting Information elearning course, which will be updated and repeated annually. In addition, all staff received copies of the Council's Data Protection Policy and guidance leaflets together with the Code of Conduct, raising awareness of the need to handle personal data securely. Members' training has been repeated during 2013, with a further session planned for 17 March 2014. 42 Members attended these sessions, which received very good feedback, and it is essential that the remaining Members attend the next session to protect both themselves and the Council. In addition the report due to be presented to Council on 11 March 2014 includes a recommendation that mandatory training should be introduced for Members. This training includes elements relating to Information Management and Data Protection.
- 4.9 Awareness of best practice and safeguarding of the sharing of personal information is continually being improved through the Caerphilly Local Service Board's ESF Sharing Personal Information Project. The project is managed by the Council's Corporate Information Governance Manager on behalf of the LSB and its constituent organisations. The project has led to Information Sharing Protocols being developed under the Wales Accord for Sharing of Personal Information (WASPI) for Team Around the Family, Missing Children, Multi-Agency Partnership Services (mental health) and Multi Agency Risk Assessment Conference (MARAC - domestic abuse). A short elearning package supplemented by Apps which can be used on mobile devices is being developed which will be used across the Council, Aneurin Bevan Health Board, Gwent Police, GAVO and its associated voluntary sector partners to provide consistent guidance and reduce uncertainty around information sharing. It is intended that once the ESF funding has ceased in Dec 2014, the elearning will be offered to any organisation across Wales, thereby bolstering the WASPI scheme and ensuring a real national benefit results from a Caerphilly LSB project.

4.10 In the face of increasing numbers of Freedom of Information (FOI) and Environmental Information Regulations (EIR) requests received year on year, it has been imperative to continue identifying and implementing measures to improve compliance with the 20 working day legal deadline for response. A Working Group has recommended focusing on three key areas - performance management, awareness raising and process management - to drive further improvements. Performance is monitored quarterly so that action can be taken at an early stage if compliance rates fall below target. Action has been taken to ensure that the importance of meeting compliance targets is reinforced through a number of initiatives:

- An email reminder was sent to members of the Management Network regarding compliance with statutory timescales by the Chief Executive in October 2013.
- This message has been reinforced consistently by Information Governance Stewards throughout their directorates.
- A network of key officers involved in FOI requests Council-wide meets quarterly to share good practice.
- Internal compliance targets were introduced which encourage staff to complete requests well before the deadline.
- The Council's Publication Scheme has recently been updated, and a gap analysis is underway to highlight areas where proactive dissemination of information could be improved.
- Additional resources have been deployed through utilisation of a staff member employed elsewhere within Corporate Services Directorate to assist Corporate Information Governance Unit in handling requests when the person's existing job permits.

The following section gives further detail on information requests received during the 2013 calendar year.

Requests for information during 2013

4.11 The total number of information requests covered by FOI and EIR, as well as Data Protection Subject Access Requests (DPA SARs), received during 2013 is illustrated in the table below, alongside percentage increase on the previous year.

	2012	2013	% increase
FOI/EIR information requests	858	1057	23%
DPA Subject Access Requests (SAR)	60	84*	40%

*An additional 49 people requested more information on making a SAR application, but did not go on to formally submit the request.

The increase reflects growing public awareness of their rights, and underlines the need for the Council to govern its information correctly.

Corporate Finance, Social Services and People Management received the most FOI/EIR requests, and Social Services, Planning and People Management received the most SAR requests during this period. See appendices 1 and 2 for more detailed information on numbers of requests for each Service Area across each quarter of 2013.

In addition, Corporate Information Governance Unit also dealt with 24 FOI/EIR appeals (detailed in paragraph 4.10), over 100 requests from within the organisation for data protection advice, and investigated 8 data protection complaints/potential breaches.

4.12 Percentage of requests processed in compliance with legal timescales is illustrated in the table below, and further details can be found in Appendices 3 and 4:

	2012	2013
FOI/EIR information requests	77%	72%
DPA Subject Access Requests (SAR)	71%	62%

The decrease in compliance rate is disappointing but should be viewed in the light of the effect of the increasing numbers of requests received Council-wide. SARs typically require finding and preparing large quantities of often sensitive information, and FOI/EIR requests can also involve complex and sensitive information, disclosure of which requires careful consideration.

- 4.13 FOI/EIR applicants do not have to disclose who they are, but from the information held by the Authority numbers of requests made by AMs, MPs, and commercial organisations rose again. Requests received from the press reduced in number, although it is suspected that freelance journalists may be making requests as private individuals. Recurring themes are similar to previous years, for example council budgets/expenditure, staffing and empty properties.
- 4.14 All information was provided for 784 requests out of the 1057 received (74%), and a further 83 requests received part of the information requested. 100 requests were refused in full, of which 23 were refused as they would have exceeded the cost threshold to answer, and a total of 132 exemptions were applied. One exemption used more this year than in 2012 is 'information accessible by other means,' which directed 73 applicants to the Council website or other means of accessing the information. See Appendices 5 and 6 for further detail.
- 4.15 There was an increase in the number of requests received for internal appeal during 2013, rising from 15 in 2012 to 24 in 2013. In 13 of these cases, the original decision was upheld by the Council, In one case the original decision was partly upheld, with some of the withheld information subsequently released. Two of the applicants were not happy with the outcome of the internal appeal and contacted the Information Commissioner's Office (ICO) requesting an investigation. In addition, a further applicant contacted the ICO without going through the internal appeal process. These 3 cases are still ongoing. The remaining 10 requests for internal appeal are still being processed.

5. EQUALITIES IMPLICATIONS

- 5.1 There are no specific equalities implications arising as a result of this report.

6. FINANCIAL IMPLICATIONS

- 6.1 Financial implications may result from the programme of improvements necessary to assure the Council's information. Currently this can be met from existing budgets and the position will be regularly monitored.

7. PERSONNEL IMPLICATIONS

- 7.1 The Information Governance Work Programme has implications on the workloads of staff but it is currently being met within existing arrangements.

8. CONSULTATIONS

- 8.1 Consultations have taken place and are reflected in this report.

9. RECOMMENDATIONS

9.1 It is recommended that the contents of the report be noted.

10. REASONS FOR THE RECOMMENDATIONS

10.1 To be advised of the ongoing work to improve information governance arrangements across the Council and of increasing demands being placed on the organisation to meet legal obligations to respond to information requests.

11. STATUTORY POWER

11.1 Freedom of Information Act 2000

11.2 Environmental Information Regulations 2004

11.3 Data Protection Act 1998

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Appendices:

Appendix 1 FOI/EIR requests by Directorate/Service Area
Appendix 2 DPA SAR requests by Directorate/Service Area
Appendix 3 FOI/EIR - Timeliness
Appendix 4 DPA SAR - Timeliness
Appendix 5 FOI/EIR - Outcomes
Appendix 6 FOI/EIR - Use of Exemptions (FOI) and Exceptions (EIR)