

NORTH LANARKSHIRE COUNCIL

REPORT

To: CORPORATE SERVICES COMMITTEE		Subject: ANNUAL REPORT ON DATA PROTECTION
From: HEAD OF DEMOCRATIC AND LEGAL SERVICES		
Date: 23 July 2015	Ref: GJG/AT	

1. Purpose of Report

- 1.1. The purpose of the report is to provide Committee with information on the Council's data protection compliance for financial year 2014/15.
- 1.2. The report focuses on the areas of data sharing, breaches, complaints, training and the work of the Information Governance Working Group (IGWG), a high level officer working group, chaired by the Senior Information Risk Owner (SIRO), who is the Executive Director of Finance and Customer Services.
- 1.3. Each subject head of this report is reported on by the Head of Democratic and Legal Services in his capacity as Corporate Data Protection Officer (CDPO) to each meeting of the IGWG, which meets six times per year.

2. Data Sharing Register

- 2.1. Following on from the ICO Data Protection Audit of North Lanarkshire Council in 2012, part of the Council's Audit Implementation Plan involves developing data sharing agreements between the Council and those external organisations it currently shares data with. All Services continue to contribute to the population of a Register of Data Sharing Agreements. This Register is maintained by the Council's Corporate Data Protection Officer (the Head of Democratic and Legal Services). This Report summarises work undertaken in this area in financial year 2014/15, namely the ongoing maintenance of the Register, taking account of the volume, sensitivity and regularity of data being shared with each external agency in order to rationalise the approach taken to prioritising the process of entering into, and reviewing, data sharing agreements where appropriate.
- 2.2. The Register of Data Sharing Arrangements is available on Connect. Members of the IGWG are required to consider the Register and notify any amendments to the register to the CDPO. The Register should by necessity be a constantly evolving document. It is the opinion of the CDPO that the work undertaken in compilation and maintenance of the Register allows the Council to take sufficient comfort that the register represents an accurate picture of the scale and regularity of data sharing by the Council.

3. Complaints

- 3.1. The Council was the subject of one complaint to the Information Commissioner's Office in financial year 2014/15. The matter was resolved before the ICO required to make an assessment of the complaint. In the CDPO's opinion, the Council's handling

of the matter which generated the complaint (a response to a Subject Access Request in Housing and Social Work Services) was compatible with its legal duties.

3.2 The number of ICO complaints in financial year 2013/14 was two.

4. Breaches

4.1. The Council maintains a Register of Data Breaches. This is in accordance with the Council's Data Protection policy, and breach notification protocol. The total number of breaches notified to the CDPO in financial year 2014/15 was 18. This is in excess of the Council's current target for any given financial year, which is zero. It is an increase on the figure of 16 for financial year 2013/14.

4.2 Committee will note that one breach was notified to the Information Commissioner's Officer for financial year 2014/15. This breach was associated with incorrectly addressed correspondence in Finance and Customer Services.

4.3 The ICO has responded to the Council's notification of the breaches referred to at 4.2 and no formal action has been taken. The Council was asked to provide an improvement plan before 24 August 2014 and did so, to the ICO's satisfaction.

4.4 Eight breaches have been notified to date for financial year 2015/16. The CDPO awaits discussions with colleagues in various Services before coming to a view as to how to categorise the incident and as to notification to the ICO. The number of breaches notified is perhaps indicative of the success of the Council's recently renewed communications with staff on information security, of increased training activity in financial year 2014/15 and of wider awareness of the Information Governance Policy Framework.

5. Training

5.1 The IGWG approved a Training Framework during financial year 2014/15 for all Council staff and this framework now supports the Council's PRD process. This satisfies an Action Point raised in the Audit Manager's Report of February 2014 to the Audit and Governance Panel. This framework is differentiated according to the responsibility an employee has for the processing of personal data.

5.2 The Council's online modules for Data Protection and Information Security were updated in September 2014 to take account of the Information Governance Policy Framework approved by Council in September 2014 and remains a live resource for all Council employees.

5.3 The Training Framework envisages training on each module for those members of the Council's staff who are identified by their managers as requiring it, on a two yearly basis, with the online data protection and information security modules programmed for alternate years.

5.4 The Council's other resources for Data Protection training have further been assessed following approval by the IGWG of the training framework referred to. The Council has arranged a targeted seminar for employees with specific responsibility for data protection in September 2015. Members also receive training on an annual basis.

6. Performance Monitoring


6.1 The CDPO continues to receive performance information from Services relating to the following:

- Subject Access Requests;
- Other in house training;
- Privacy Impact Agreements; and
- Data sharing agreements

6.2 Subject Access Requests and other in house training are then reported to the Council's Corporate Management Team through Perform NL together with online Data Protection and Information Security training figures, breaches and near misses, data protection complaints and the number of IGWG meetings per annum. The response across Services has improved since financial year 2013/14 allowing considerable comfort to be taken as to the accuracy of performance information which informs the Council's Data Protection compliance measures.

7. Recommendations

7.1 Committee is asked to note the report.



Head of Democratic and Legal Services

Members seeking further information on the contents of this report are asked to contact Gerry Gardiner, Principal Solicitor (Contracts) on extension 2288.