

MEETING: HUMAN RESOURCES COMMITTEE 20 JULY 2020

SUBJECT: INFORMATION GOVERNANCE ANNUAL REPORT 2019/20

**JOINT REPORT OF THE CHIEF FIRE OFFICER, / CHIEF EXECUTIVE (CLERK TO
THE AUTHORITY), FINANCE DIRECTOR AND PERSONNEL ADVISOR**

1. INTRODUCTION

- 1.1 The purpose of this report is to provide Members with an overview of the activities relating to Information Governance (IG) over the 2019/20 fiscal year.

2. BACKGROUND

- 2.1 IG incorporates the statutory duties and obligations of Tyne and Wear Fire and Rescue Service (TWFRS) under the Freedom of Information Act 2000 (FOI) and Data Protection Act 2018.
- 2.2 The role of the IG Advisor sits within the Risk and Information function and incorporates the role of Data Protection Officer (DPO), which reports directly to the Senior Information Risk Officer (SIRO), a reference held by the Assistant Chief Officer for Organisational Development.

3. INTERNAL AUDIT

- 3.1 Compliance against the General Data Protection Regulation (GDPR) was audited by Sunderland City Council during Q3 2019/20 and a 'Moderate' level of assurance was awarded.
- 3.2 The scope of the audit consisted of:
- Reviewing the results of compliance checks undertaken by the DPO
 - Ensuring appropriate advice is given in the case of poor compliance
 - Reviewing the action by the DPO to confirm that appropriate action has been implemented by the Service
- 3.3 The audit identified several areas for improvement in the form of an action plan, all of these actions have now been completed, they included:
- *The introduction of a planned schedule of compliance checks across departments/locations – (Complete)*
 - *The recording of outcomes against the above compliance checks – (Complete)*

- *Regular meetings between the DPO and SIRO supported by an agenda and action log – (Complete)*
- *Completion of Data Protection training, in the form of a Redkite E-learning package, by all TWFRS employees. A new E-Learning package has been created and the IG Advisor now gives input during new staff inductions – (Partially complete)*
- *Regular communication to employees on any updates regarding GDPR, which is communicated via the Quarterly Risk Bulletin – (Complete).*

3.4 The audit did not reveal any matters which are considered to be high or of a significant risk.

3.5 In conclusion, the majority of controls in place were deemed to be well designed and appropriate in scope but need to be applied consistently.

4. INFORMATION ASSET REGISTER

4.1 An Information Asset Register (IAR) is a list of personal or otherwise sensitive information assets held by TWFRS, it includes assets that are business critical or required for business continuity. Examples of information held on the IAR include:

- Classification
- Information Asset Owner details
- Format
- Description and purpose of asset
- Access
- Retention and disposal schedule
- Storage

4.2 An Information Asset (IA) is a body of information, defined and managed as a single unit so it can be understood, shared, protected and exploited effectively. An asset can be a single significant document or a set of related data, documents or files; it can be shared or be confined to a specified purpose or organisational project.

4.3 TWFRS previously had an IAR held on SharePoint. In order to refresh and update this IAR, a considerable amount of work was undertaken to refresh and update the IAR. A new, simplified template was designed and one-to-one support offered to all Heads of Department for completion of their IAR.

4.4 The launch of the new IAR is in conjunction with the ICT department's roll out of Microsoft Teams. When a department requests to set up a new 'Team' it cannot be done without the inclusion of an IAR for that particular Team which identifies Information Asset Owners (IAO's) and who has access to the data within that Team.

4.5 Guidance on completion of each department's IAR from the IG Adviser has been given to IAO's.

5. FREEDOM OF INFORMATION REQUESTS

- 5.1 The introduction of the FOI enabled the right of everyone to request information on any subject they choose and be given access to the information held by the Authority.
- 5.2 This is a statutory requirement with the intention to ensure public bodies conduct their business transparently and in a way which promotes public accountability.
- 5.3 Under the FOI any individual, anywhere in the world can request information without stating the reason they want the information. An applicant is entitled to be informed in writing as to whether the information is held and to have the information communicated to them or be provided with an explanation why their request is not being fulfilled.
- 5.4 There are exemptions that can be applied within the Act which include, but are not limited to:
- Section 21 – Information accessible by other means i.e. already published
 - Section 22 – Information intended for future publication
 - Section 23 – National Security
 - Section 30 – Investigations and proceedings conducted by Public Authorities
 - Section 40 – Personal Information (The applicant has the right of access to their personal data under the Data Protection Act via a Subject Access Request)
 - Section 43 – Commercial Interests
 - Section 44 – Prohibitions on disclosure, where a disclosure is prohibited by an enactment or would constitute contempt of court.
- 5.5 During 2019/20 TWFRS received 124 FOI requests (120 received in 2018/19) from a range of requesters including, members of the public, journalists and enquiries relating to contractual arrangements. 74% (92) were responded to within the 20 day requirement and the remaining 26% (32) required further clarification and were answered within a communicated extended time limit.

6. SUBJECT ACCESS REQUESTS

- 6.1 The right of access gives individuals the right to obtain a copy of their personal data as well as other supplementary information.
- 6.2 Individuals have the right to:
- Obtain confirmation that their personal data is being processed
 - A copy of their personal data and other supplementary information which includes:
 - the purpose of processing
 - categories being processed
 - the retention period for storing personal data

- the existence of their right to request rectification, erasure or restriction
- the right to lodge a complaint with the Information Commissioners Office (ICO) or other supervisory authority
- information about the source of the data
- the existence of any automated decision making (including profiling)
- the safeguards in place if personal data is transferred to a third party.

- 6.3 During 2019/20 TWFRS received 14 SAR requests (6 received in 2018/19) from 8 individuals.
- 6.4 Due to the increase in the number of SAR received, a training course was identified and key staff attended to enhance knowledge of this area.
- 6.5 We achieved 86% compliance against the ICO guidance of one calendar month. Two SARS required extensions due to the size and complexity of the request. There was dispute over the delivery of one request, which has now been reissued and delivered to the requester.

7. FINANCIAL IMPLICATIONS

- 7.1 There are no financial implications in respect of this report.

8. STRATEGIC PLAN LINK

- 8.1 Goal Four: To deliver a modern effective service ensuring value for money with staff who reflect the communities we serve.

9. EQUALITY AND FAIRNESS IMPLICATION

- 9.1 There are no equality and fairness implications in respect of this report.

10. HEALTH AND SAFETY IMPLICATIONS

- 10.1 There are no health and safety implications in respect of this report.

11. RECOMMENDATIONS

- 11.1 Members are recommended to:
- a) Consider the content of the report;
 - b) Receive further reports as required.

BACKGROUND PAPERS

The under mentioned background papers refer to the subject matter of the above report:

- N/A