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**INFORMATION GOVERNANCE PROGRAMME PROGRESS REPORT**

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**SUMMARY REPORT**

**Purpose of the Report**

1. The Systems and Information Governance Group (SIGG) is required to report six monthly to the Audit Committee on progress and planned developments of the information governance programme.

**Summary**

2. At present information governance is an 'above the line' risk on the corporate risk register. Delivery of our information governance programme will provide the assurance required and will reduce our information risks to an acceptable level.
3. The Council continues to make steady progress on the implementation of the information governance programme. Recent work includes
  - (a) ongoing implementation of a compliance programme for the General Data Protection regulations (GDPR)
  - (b) completion of face-to-face information security updates to senior management teams across the Council
  - (c) continued adoption of the corporate secure information sharing and collaboration system across services
  - (d) amendment of the incident management process to include the opinion of our Data Protection Officer (DPO) with regard to the need to report incidents to the Information Commissioner's Office within 72 hours
  - (e) continuing to achieve our target for the completion of on-line mandatory information governance training courses
  - (f) approval to connect to the Health and Social Care Network (HSCN)
4. The areas of highest priority in the information governance programme are
  - (a) the delivery of the compliance programme for GDPR
  - (b) connection to the HSCN

## Recommendation

5. It is recommended that progress on the implementation of the Information Governance Programme be noted.

## Reasons

6. To provide the Audit Committee with a status report on the delivery of the Council's Information Governance Programme.

**Paul Wildsmith**  
**Director of Neighbourhood Services and Resources**

Peter McCann, Information Security Manager : Extension 156494

## Background Papers

S17 Crime and Disorder	There is no specific crime and disorder impact.
Health and Well Being	There is no specific health and well being impact.
Carbon Impact	There is no specific carbon impact.
Diversity	There is no specific diversity impact.
Wards Affected	All wards are affected equally.
Groups Affected	All groups are affected equally.
Budget and Policy Framework	This report does not recommend a change to the Council's budget or policy framework.
Key Decision	This is not a key decision.
Urgent Decision	For the purposes of the 'call-in' procedure this does not represent an urgent matter.
One Darlington: Perfectly Placed	There is no specific relevance to the strategy beyond a reflection on the Council's governance arrangements.
Efficiency	Implementation of effective information governance systems and procedures has a positive impact on efficiency.

## MAIN REPORT

### Background

7. Information governance remains an 'above the line' risk on the corporate risk register. This is a reflection of the improvements required in some areas to evidence that we meet all of the relevant information assurance requirements set out by government and industry standards and best practice.

### Current Position

#### General Data Protection Regulations (GDPR)

8. Further to the report to Audit Committee on 20 December 2017, the Council has made steady progress against the GDPR compliance programme.
9. The DPO has undertaken an extensive awareness raising campaign to ensure decision makers and key people are aware that the law is changing and appreciate the impact this is likely to have.
10. The DPO has issued advice to the Head of Procurement and Principal Lawyer (Commercial) regarding the updates required to the Council's Tender Documentation and Special and Standard Contract Terms and the Contract Particulars to ensure they comply with the GDPR.
11. In order to ensure data protection is considered at the conception of new projects the requirement to seek GDPR advice has been embedded into the Council's existing project management process, ICT procurement documentation and the committee report approval process.
12. The Council has also made significant progress in compiling a comprehensive record of its processing activities, following the approval of the Information Asset Resister (IAR) template by the Systems and Information Governance Group (SIGG) on 16 November 2017.
13. Full details of progress against the GDPR compliance programme are contained in Appendix 1.

#### Information security management updates to senior managers

14. An information security management update 'roadtrip' involving face-to-face sessions with Senior Management Teams across the Council has been completed. The sessions were well received and have improved engagement and the mutual understanding of the impact of current issues and how they can be addressed more effectively.

## **Information sharing**

15. The Complaints and Information Governance (CIG) Team is continuing to work with key public sector partners to review and implement service-level information sharing agreements where required.
16. Work is also underway to review the Multi-Agency Information Sharing Protocol Covering North East and North Yorkshire Area.
17. The Council's secure information sharing system (Egress Secure Workspace) continues to be adopted by services with a need to share personal information securely with partners and third parties.

## **Incident management process**

18. Where an information security incident constitutes a data protection breach the Council needs to decide whether the breach is serious enough to report it to the Information Commissioners Office. Under the new GDPR requirements the opinion of the DPO needs to be taken into account and a decision made within 72 hours. Our incident management process has been amended to ensure that this opinion is formally documented in the decision record.

## **Training and awareness**

19. The table in Appendix 2 shows the position in mid-February 2018 with regard to the completion of the mandatory on-line information governance courses.
20. Completion rates of over 95% for all of the courses is the Council's target and represents an acceptable level of take up which must be maintained. The current position shows a completion rate of over 90% across the board, but we are slightly below our target of 95%. Managers across all services are requested to ensure that staff complete the courses in a timely manner.

## **Connection to the Health and Social Care Network (HSCN)**

21. The Council have been given approval to connect to the HSCN and procurement of connection services is underway. It is anticipated that the connection will be activated in April 2018.
22. HSCN connection will allow 'seamless' sharing of information between the Council and the Health Service and will improve the effectiveness and efficiency of the provision of social care services.

## **Conclusion**

23. The Council's information governance programme clearly sets out key objectives, roles and responsibilities, priorities and risk treatment plans. As such we are aware of the improvements required and the importance. However, the timely delivery of

the programme remains an issue of concern given the competing demands on limited resources.

### **Outcome of Consultation**

24. No formal consultation was undertaken in production of this report.

Appendix 1

<b>What</b>	<b>Who</b>	<b>When</b>	<b>Status</b>
<b>Audit</b> To assist Council as data controller in demonstrating compliance (accountability).			
Internal Audit	Internal Audit	Post 25/05/2018	Data Protection Officer (DPO) discussed with Audit Manager
Agree scope of audit	DPO	25/05/2018	Draft questions written
<b>Awareness</b> Make sure that decision makers and key people are aware that the law is changing and appreciate the impact this is likely to have.			
Briefing, loo news, screens in collaboration	DPO	30/09/2017	DONE
SMTs and Team meetings	DPO	Ongoing	DONE
Report to COB, COE, SIGG, Audit Committee	DPO	Ongoing	Ongoing
SMN Session	DPO	31/03/2018	DONE
Update AC10 course	DPO	25/05/2018	
<b>CCTV</b> Ensure CCTV is reviewed on an annual basis and has regard to advice of Surveillance Camera Commissioner and reasonable expectation of privacy.			
CCTV	DPO/CCTV & Parking Enforcement Manager	01/04/2018	
Refuse Vehicle	DPO/Head of Environmental Services	01/04/2018	
Body Worn Video	DPO/Head of Environmental Services	01/04/2018	
Signage/privacy notices	DPO/ CCTV & Parking Enforcement	01/04/2018	

	Manager/ Head of Environmental Services		
<b>Children</b> Ensure enhanced rights for children detailed in GDPR are met.			
Consider whether we need systems in place to verify individuals' ages and to obtain parental or guardian consent for any data processing activity	DPO	Subject to completion of IAR	
Compile a list of on-line services the Council provides to children	DPO	01/03/2018	DONE
<b>Consent</b> Establish where we rely on consent at present, consider whether there are more appropriate conditions for processing on which we can rely. Where it is necessary to obtain consent, refresh to ensure it meets the requirement on the GDPR.			
Clarify condition for processing personal / special categories of personal data	Information Asset Owners (IAOs) with support from DPO	25/05/2018	To be done as part of completion of Information Asset Registers (IARs) / review of privacy notices
<b>Contracts</b> Revise contracts in light of Articles 28 and 29 to ensure compliance and transfer liabilities to data processors as appropriate.			
Issue advice on GDPR compliance to contracts	DPO	31/03/2018	DONE
Share good practice from Regional IG forum with contracts	DPO	Ongoing	
Alert contracts to any standard clauses adopted by the Commission or ICO	DPO	Ongoing	ICO consultation on contract and liabilities between controller and processors to closed on 10 Oct 2017
Update tender documentation	Head of Procurement and Principal Lawyer	25 May 2018	

	(Commercial)		
Update the Special and Standard Contract Terms and the Contract Particulars	Head of Procurement and Principal Lawyer (Commercial)	25 May 2018	
Vary existing contracts	Head of Procurement and Principal Lawyer (Commercial)	25 May 2018	
<p><b>Data Breaches</b> Ensure Council has appropriate procedures in place to manage information security incidents, including data breaches.</p>			
Revisit Information Security Incident Procedure	Information Security Manager	25/05/2018	Revised procedure written. Guidance on reporting to ICO within 72 hours to be written.
<p><b>Data Flow Mapping</b> Map data flows in and out of organisation.</p>			
To be done with individual services as part of review of IAR/ privacy notice/Information Sharing Agreements (ISA)	Service areas with support from DPO	25/05/2018	Data flows detailed in existing ISAs. To be done as part of completion of Information Asset Registers (IARs).
<p><b>Data Protection by Design</b> Ensure data protection is considered at the conception of new projects.</p>			
Embed GDPR into project management process	DPO	31/01/2018	DONE
Embed into ICT procurement documentation	Information Security Manager	Done	DONE
Add to front cover of Committee Reports	DPO	01/04/2018	DONE
Agree a DPA Impact Assessment Tool	DPO	01/04/2018	Existing tool under review
<p><b>Data Protection Officer</b></p>			



Designate a suitably qualified Data Protection Officer (DPO)	Complaints & Information Governance Manager	01/04/2017	DONE
DPO must have direct reporting line to highest level of senior management	Senior Information and Risk Owner (SIRO)	01/04/2017	DONE
Resources required – time, financial resources, infrastructure (premises, facilities, equipment) and staff	DPO	Ongoing	DPO forms part of existing role. Supported by Information Governance Officer as part of existing role
<p><b>Individual Rights</b> Check procedures to ensure they cover all the rights individuals have, including deleting personal data or providing data electronically and in a commonly used format.</p>			
Update SAR Procedure	DPO	25/05/2018	
Consider producing Corporate 'Information Rights Procedure'	DPO	25/05/2018	DONE
Establish and document service specific rights – privacy notice	DPO	25/05/2018	Advice issued to IAR on what needs to be included in privacy notice. Subject to completion of IAR.
<p><b>Information Sharing Agreements (ISAs)</b></p>			
Review existing ISAs	Service areas with support from DPO	25/05/2018	Ongoing
ISAs need implementing in those areas that do not currently have one	Service areas with support from DPO	31/01/2018	DPO to issue advice to all services who process personal data
		25/05/2018	ISAs implemented
Develop central record of ISAs	DPO	Ongoing	
<p><b>Information we hold (Information Asset Register/Privacy Notices)</b> Need to maintain records of processing activities - document the personal data held, where it came from and who it is shared with, etc.  Review current privacy notices and put a plan in place for making any necessary</p>			

changes in time for GDPR implementation.			
Organise information audits where necessary.			
Agree Corporate Information Asset Register (IAR) Template	SIGG	16/11/2017	Agreed and rolled out. Draft IAR completed by almost all service areas.
Rolled out across Council	DPO	17/11/2017	DONE
Review existing privacy notices on web	Service areas with support from DPO	31/01/2018	Advice issued to IAR on what needs to be included in privacy notice. Subject to completion of IAR.
Privacy notices need implementing in those areas that do not currently have one	Service areas with support from DPO	25/05/2018	Advice issued to IAR on what needs to be included in privacy notice.
<p><b>Joint Controllers</b></p> <p>Identify any joint data controllers in order to comply with Article 26 of GDPR.</p>			
To be done with individual services as part of review of IAR/ privacy notice/ISAs	Service areas with support from DPO	25/05/2018	Ongoing.
<p><b>Public Task</b></p> <p>Document the Council's public task to identify those areas of processing which are undertaken on the basis it is '... necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller' – GDPR Article 6 (e)</p>			
Document public task and have approved by SIGG	DPO	25/05/2018	Statement of Public Task approved by SIGG on 5 March 2018.

## Appendix 2

19/02/2018	Info Sec 2015		Social Media		DPA		Users
	Comp	%age	Comp	%age	Comp	%age	
<b>Neighbourhood Services &amp; Resources</b>	<b>470</b>	<b>94.38</b>	<b>471</b>	<b>94.58</b>	<b>467</b>	<b>93.78</b>	<b>498</b>
Community Services	112	89.60	112	89.60	114	91.20	125
Strategy, Perf & Communications	12	92.31	12	92.31	12	92.31	13
D'ton P'ship & Creative D'ton	2	100.00	2	100.00	2	100.00	2
Finance & Human Resource Management	74	96.10	75	97.40	76	98.70	77
Housing and Building Services	203	97.13	204	97.61	203	97.13	209
Law & Governance	67	93.06	66	91.67	60	83.33	72
<b>Economic Growth</b>	<b>150</b>	<b>92.59</b>	<b>148</b>	<b>91.36</b>	<b>147</b>	<b>90.74</b>	<b>162</b>
Economic Initiative	29	85.29	29	85.29	28	82.35	34
Capital Projects, Transport and Highways	64	94.12	64	94.12	64	94.12	68
Regulatory Services	57	95.00	55	91.67	55	91.67	60
<b>Children &amp; Adult's Services</b>	<b>503</b>	<b>90.47</b>	<b>508</b>	<b>91.37</b>	<b>501</b>	<b>90.11</b>	<b>556</b>
Public Health	5	83.33	5	83.33	5	83.33	6
Children's Services	186	88.57	188	89.52	187	89.05	210
Educational Services	91	94.79	90	93.75	82	85.42	96
Adult Services	124	86.11	128	88.89	130	90.28	144
Strategy and Commissioning / Transformation	97	97.00	97	97.00	97	97.00	100
<b>Totals</b>	<b>1123</b>	<b>92.35</b>	<b>1127</b>	<b>92.68</b>	<b>1115</b>	<b>91.69</b>	<b>1216</b>