ITEM NO. ....

INFORMATION GOVERNANCE PROGRAMME PROGRESS REPORT

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)   continued adoption of the corporate secure information sharing and collaboration system across services

   (c)   amendment of the incident management process to include a standard and consistent risk assessment method for deciding if a security breach should be reported to the ICO and the data subject(s)

   (d)   continuing to achieve our target for the completion of on-line mandatory information governance training courses

   (e)   connection to the Health and Social Care Network (HSCN)

   (f)   completion of the Local Government Association (LGA) Cyber Security Stocktake

4.   The areas of highest priority in the information governance programme are

   (a)   the delivery of the compliance programme for GDPR

   (b)   effective utilisation of the HSCN link for data transfer and information sharing

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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
Managing Director

Peter McCann, Information Security Manager: Extension 156494
Lee Downey, Complaints & Information Governance Manager: Extension 5451

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.

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 28 March 2018 the Council continues to make steady progress against the GDPR compliance programme, although we have not made as much progress as anticipated due to the high volume of operational issues on which the Data Protection Officer (DPO) has had to advise following the introduction of GDPR and the Data Protection Act 2018.

9. The Council now has a fairly comprehensive record of its processing activities, with almost all service areas having completed an Information Asset Registers (IAR). These are live documents and will be reviewed at least annually.

10. Having completed the IARs the Council has also made significant progress in ensuring all services have GDPR compliant privacy notices in place. These are available via the Council's website.

11. The Internal Audit Work Programme Template has now been updated to include questions aimed at gauging a services level of compliance with various aspects of GDPR/The Data Protection Act 2018.

12. The DPO has advised Information Asset Owners (IAOs) to issue variation letters to those contractors who process personal data on behalf of the Council and in conjunction with the Head of Procurement and Principal Lawyer (Commercial) provided IAOs with template variation letters. The Council has also received a significant number of contract variations from data processors and data controllers on whose behalf the Council processes personal data.

13. The Council has amendment the Information Security Incident Management Process to ensure decisions can be made and personal data breaches reported to the ICO as appropriate within the 72 hour time limit set in the GDPR. The revised process includes a standard and consistent risk assessment method.

14. Full details of progress against the GDPR compliance programme are contained in Appendix 1.

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 ongoing with regard to reviewing the Multi-Agency Information Sharing Protocol Covering North East and North Yorkshire Area. A draft has been agreed and once finalised will be signed off by each party to the agreement.

17. The Council's secure information sharing system (Egress Secure Workspace) continues to be successfully adopted by key services with a need to share sensitive personal information securely with partners and third parties.

18. Services currently using the system include Children and Adults Services, Legal Services, Health and Safety, and Complaints and Information Governance.

Training and awareness

19. The table in Appendix 2 shows the position at the beginning of October 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 that this target has been met for the Information Security and Social Media courses, but we are slightly below our target for the DPA course.

21. In response to the change in data protection legislation a new DPA 2018 course has been developed. This course has just recently been made available which accounts for the current low completion rate. It is anticipated that this will increase significantly over the coming weeks.

22. The Employees' Guide to Information Security and the Members' Guide to Information Security are currently both being updated to reflect new ways of working and to further raise awareness of the changing threat landscape. The revised guides are scheduled to be published in November supported by an updated on-line information security course.

23. On the back of the revised guides the Information Security Manager will be contacting Directors and Assistant Directors offering to visit team meetings to provide an update on the information security management programme. This 'roadshow' approach was offered last year and was well received.

Connection to the Health and Social Care Network (HSCN)

24. The link to the HSCN has now been installed and will provide a method of 'seamlessly' sharing information with our Health Service partners.

25. The conditions for accessing NHS systems via the HSCN have changed. Formerly compliance with the NHS Information Governance Toolkit (IGT) was required; the

IGT has now been replaced by the NHS Data Security and Protection Toolkit (DSPT). The DSPT requirements are currently being reviewed.

Cyber Security Stocktake

26. The Local Government Association (LGA) has recently carried out a stocktake of all 353 principal English councils' existing cyber security arrangements to understand what measures are in place and gain a high level picture of the sector as a whole. The LGA will use this information to develop a system of sector-led support and improvement.

27. The LGA have reported that they have received completed stocktakes from all 353 councils and are currently compiling reports that are due to be published by the end of October. Each council will receive their own report based upon their submission, together with a summary report presenting the high level picture as previously mentioned.

28. Any recommendations for actions or opportunities for improvement coming from the report will be considered and, as appropriate, will be fed into our information governance continual improvement programme.

Conclusion

29. 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 of their importance. However, the timely delivery of the programme remains an issue of concern given the competing demands on limited resources.

Outcome of Consultation

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

Appendix 1

What	Who	When	Status
Audit 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/Audit Manager	25/05/2018	DONE - Questions now included in Internal Audit Work Programme Template
Awareness 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	
CCTV 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	31/01/2019	
Refuse Vehicle	DPO/Head of Environmental Services	31/01/2019	
Body Worn Video	DPO/Head of Environmental Services	31/01/2019	
Signage/privacy notices	DPO/ CCTV & Parking Enforcement	31/01/2019	

	Manager/ Head of Environmental Services		

Children
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

Consent
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

Contracts
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	DONE
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 (Commercial)	25 May 2018	DONE

Update the Special and Standard Contract Terms and the Contract Particulars	Head of Procurement and Principal Lawyer (Commercial)	25 May 2018	DONE
Vary existing contracts	Head of Procurement and Principal Lawyer (Commercial)	25 May 2018	DPO issued instruction to IAOs to issue variations to existing contracts. Template letters provided. Numerous variations received from data processors and controllers.

Data Breaches
Ensure Council has appropriate procedures in place to manage information security incidents, including data breaches.

Revisit Information Security Incident Procedure	Information Security Manager	25/05/2018	DONE

Data Flow Mapping
Map data flows in and out of organisation.

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).

Data Protection by Design
Ensure data protection is considered at the conception of new projects.

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

Data Protection Officer

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

Individual Rights
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.

Update SAR Procedure	DPO	25/05/2018	DONE
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 IAOs on what needs to be included in privacy notice. Subject to completion of IAR.

Information Sharing Agreements (ISAs)

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 25/05/2018	DPO to issue advice to all services who process personal data ISAs implemented
Develop central record of ISAs	DPO	Ongoing	

Information we hold (Information Asset Register/Privacy Notices)
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 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 IAOs on what needs to be included in privacy notice. Privacy notices completed by large proportion of service areas.
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 IAOs on what needs to be included in privacy notice. Privacy notices completed by large proportion of service areas.
Joint Controllers Identify any joint data controllers in order to comply with Article 26 of GDPR.			
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.
Public Task 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)			
Document public task and have approved by SIGG	DPO	25/05/2018	Statement of Public Task approved by SIGG on 5 March 2018 and uploaded to web site.

Appendix 2

04/10/2018	Info Sec 2015		Social Media		DPA		DPA 2018		Users
	Comp	%age	Comp	%age	Comp	%age	Comp	%age	
Children & Adult's Services	**512**	**94.46**	**518**	**95.57**	**483**	**89.11**	**311**	**57.38**	**542**
Adult Services	120	95.24	124	98.41	115	91.27	71	56.35	126
Children's Services	199	91.28	201	92.20	194	88.99	111	50.92	218
Commissioning, Performance & Transformation	95	98.96	95	98.96	90	93.75	67	69.79	96
Educational Services	92	95.83	92	95.83	78	81.25	56	58.33	96
Public Health	6	100.00	6	100.00	6	100.00	6	100.00	6
Economic Growth & Neighbourhood Services	**475**	**93.87**	**475**	**93.87**	**457**	**90.32**	**239**	**47.23**	**506**
Community Services	154	92.22	152	91.02	147	88.02	66	39.52	167
Capital Projects, Transport and Highways	63	92.65	64	94.12	62	91.18	33	48.53	68
Development	25	92.59	25	92.59	25	92.59	4	14.81	27
Housing and Building Services	210	98.13	210	98.13	202	94.39	127	59.35	214
Place Policy	10	83.33	11	91.67	10	83.33	6	50.00	12
Property Services and Business Investment	13	72.22	13	72.22	11	61.11	3	16.67	18
Resources	**159**	**97.55**	**160**	**98.16**	**154**	**94.48**	**85**	**52.15**	**163**
D'ton P'ship & Creative D'ton	3	100.00	3	100.00	3	100.00	1	33.33	3
Finance, HRM, Systems & Strat, Perf & Comms	81	98.78	81	98.78	79	96.34	35	42.68	82
Law & Governance	75	96.15	76	97.44	72	92.31	49	62.82	78
Total	**1146**	**94.63**	**1153**	**95.21**	**1094**	**90.34**	**635**	**52.44**	**1211**