

AUDIT COMMITTEE
21 April 2021

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. The ongoing delivery of our information governance programme continues to provide the assurance required to reduce our information risks to an acceptable level.
3. Ongoing work includes:
 - (a) Preparing for data protection after the EU Exit transition period ends.
 - (b) Review of the Council's Information Asset Register (IAR) and Privacy Notices.
 - (c) Provision of advice to ensure the Council's CCTV is compliant with the General Data Protection Regulations/Data Protection Act 2018 and the Protection of Freedoms Act 2012.
 - (d) Work to achieve our target for the completion of on-line mandatory information governance training courses.
4. The area of highest priority in the information governance programme is:
 - (a) Preparing for data protection after the EU Exit transition period ends.

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

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.

MAIN REPORT

Background

7. Delivery of our information governance programme has provided the assurance required to reduce our information risks to an acceptable level. While that is the case it must be recognised that the data processing activities of the Council continually evolve and must be kept under review. The processes implemented by the Council include review mechanisms to ensure this takes place.

Current Position

Preparing for data protection after the EU Exit transition period ends

8. On 15 October 2020 SIGG approved an action plan developed in response to the Government's guidance: Preparing for data protection after the EU Exit transition period ends: Guidance for Local Authorities. The action plan aimed to mitigate the impact of the UK not being granted an adequacy decision by EU under the General Data Protection Regulation (GDPR) before 31 December 2020 and ensure data flows from the EU/EEA to the UK could legally continue. Work to implement the action plan is ongoing, however, the most pressing matters have been addressed. In particular the Council has:
 - Conducted an audit of personal data processing, where the data is received from or sent to a third party;
 - Identified data flows from EU/EEA data controllers to the Council;
 - Prepared alternative arrangements to allow data flows to continue in a 'no adequacy' scenario;
 - Identified data stored by EU/EEA processors, for example cloud storage providers;
 - Discussed with EU/EEA processors what plans they have in place should the European Data Protection Board (EDPB) not have issued further guidance before the end of the transition period on whether in its view these data flows are restricted international transfers under the EU GDPR;
 - Sought advice regarding the likelihood of significant disruption to transfers of personal data to controllers in the UK;
 - Ensured the changes do not impact the ability to manage data subjects' rights; and
 - Ensured data subjects are aware of any changes to processing activity, and where applicable secure appropriate consents.

In addition the Council has updated its Standard Terms and Conditions for Goods and Services to reflect the legislative changes following the end of the transition period.

9. From 1 January 2021 GDPR was retained in domestic law as the UK GDPR and now applies as an independent law, outside the harmonised regime GDPR provided. The UK GDPR was established by the European Union Act 2018, which incorporated the body of EU law (including the GDPR) as it existed on exit day, into UK law. The Data Protection, Privacy and Electronic Communications (Amendments etc.) (EU Exit) Regulations 2019 (EU Exit Regulations) made a

number of amendments to GDPR to make it relevant to the UK, for example, it removed references to cross-border data transfers with other Member States and participation in EU wide-institutions such as the European Data Protection Board (EDPB). The Data Protection Act 2018 remains in place, effectively subordinate to the UK GDPR and is also amended by the EU Exit Regulations. The Privacy and Electronic Communications (EC Directive) Regulations 2003 will remain in place, but will now refer to the UK GDPR.

10. On 19 February 2021 The European Commission published its draft UK adequacy decisions. If adopted these decisions will allow for continued free flow of personal data from the EU into the UK. The adequacy decisions are currently being considered by the EDPB who will deliver an opinion to the European Commission and representatives from the EU member states. While this process is ongoing the Council will continue to be able to receive data from the EU under the adequacy bridge agreed in the 2020 trade and cooperation agreement.

Review of the Council's Information Asset Register (IAR) and Privacy Notices

11. Having compiled a record of the Council's processing activities i.e. an IAR in accordance with Article 30 of the General Data Protection Regulations (GDPR) the Council has now commenced a review of the IAR and associated privacy notices. This review forms part of the afore mentioned action plan.
12. It is the Council's intention to broaden the scope of the IAR to ensure that all of the data the Council holds, not just personal data, is recorded so that it can be properly governed. This review will also be essential in realising the efficiencies the Council can achieve by rolling out the functionality available within the Microsoft Office 365 suite. It will also support the Council in preparing for the end of the EU Exit transition period.

CCTV

13. The Council is committed to operating its public space surveillance camera equipment in full compliance with the regulatory framework that governs its use. In order to demonstrate this commitment the Data Protection Officer (DPO) in his role as the Senior Responsible Officer for CCTV (SRO) and the CCTV & Security Control Centre Manager in his role as the Single Point of Contact (SPOC) have established a Strategic Code of Practice for Public Space Surveillance Camera Equipment (The Code).
14. Every scheme manager is responsible for ensuring they manage their public space surveillance camera scheme in full compliance with the Code of Practice. In order to demonstrate their schemes compliance, scheme managers are required to complete the documents contained in the Code Assessment Pack (CAP) on an annual basis. As part of the roll out of the functionality available within the Microsoft Office 365 suite the Council has created a Microsoft Team to facilitate the completion of the CAP. The results of the CAP will be reported to Scrutiny and subject to internal audit.

Training and awareness

15. Internal Audit identified an issue with the figures reported in terms of completion rates i.e. that the figures provided are obtained from Academy 10 and do not include those employees who do not have access to a computer to complete the training.
16. While non-IT users are less likely to process personal data, Internal Audit recommended the figures should include completion rates for non-IT users. HR has contacted the managers responsible for those staff who do not have access to a computer and asked for both the Data Protection 2018 and Social Media modules to be prioritised.
17. The revised table in Appendix 1 shows the position at 31 March 2021 with regard to the completion of the mandatory on-line information governance courses for IT and where applicable, non-IT users. Completion rates of over 95% for the courses remains the Council's target and represents an acceptable level of take up which must be maintained.
18. The current position shows the target has been met by Resources in relation to Data Protection 2018. While the Council has not met its target in relation to any of the three modules, it is worth noting the new Social Media policy was launched in April 2020 and the new Employees Guide to Information Security on 9 March 2021.
19. In order to drive up completing rates, in October the Council moved to the Traffic Light Facility in Academy 10. This dashboard enables managers to monitor real time progress against all essential modules. The facility also sends prompts in relation to outstanding modules. With regards to completion rates for non-IT users, this will be chased and reported to ADs, where appropriate, on a quarterly basis. The Council is also considering writing a specific DPA 2018 course for non-IT users.

Conclusion

20. The Council's information governance programme clearly sets out key objectives, roles and responsibilities and priorities. Having implemented the majority of its GDPR compliance programme, which was based on the advice of the ICO, it is reasonable to conclude the Council has significantly reduced the risks associated with information governance.

Outcome of Consultation

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

Appendix 1

31/03/2021	Employees Guide to Information Security - New module launched March 2021		Social Media - New Module launched April 2020		DPA 2018		Academy 10 Users - As at 31.03.21
	Comp	%age	Comp	%age	Comp	%age	
Children & Adult's Services	217	33.80	468	72.90	578	90.03	642
Adult Services	56	31.11	133	73.89	160	88.89	180
Children's Services	66	25.19	164	62.60	227	86.64	262
Commissioning, Performance & Transformation	59	52.21	103	91.15	112	99.12	113
Educational Services	33	41.77	64	81.01	72	91.14	79
Public Health	3	37.50	4	50.00	7	87.50	8
Economic Growth & Neighbourhood Services	174	29.00	365	60.83	553	92.17	600
Community Services	55	22.45	115	46.94	221	90.20	245
Economic Growth	12	21.82	30	54.55	48	87.27	55
Housing and Building Services	80	36.04	162	72.97	213	95.95	222
Transport & Capital Projects	27	34.62	58	74.36	71	91.03	78
Resources	73	43.20	148	87.57	166	98.22	169
D'ton P'ship & Creative D'ton	0	0.00	1	33.33	3	100.00	3
Finance, HRM, Systems & Strat, Perf & Comms	46	50.55	78	85.71	89	97.80	91
Law & Governance	27	36.00	69	92.00	74	98.67	75
Total	464	32.81	981	69.38	1299	91.87	1414
	Comp	%age	Comp	%age	Comp	%age	None Computer Users
None AC10 Users	N/A	N/A	135	27.84	164	33.81	485
Overall	N/A	N/A	1116	58.77	1463	77.04	1899