AUDIT COMMITTEE
29 September 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) The Microsoft Office 365 Programme.

    (c) NHS Data Security and Protection Toolkit.

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

    (e) 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.

    (f) 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) 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.

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.

Elizabeth Davison
Group Director of Operations

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.
Corporate Plan	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.
Impact on Looked After Children and Care Leavers	There is no specific impact on Looked After Children and Care Leavers.

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 the 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 was completed and the Council did not experience any adverse effects in relation to its processing of personal data as a result of Brexit. On 28 June 2021 the European Commission announced that adequacy decisions for the UK had been approved. Meaning the EU has determined the UK's data protection laws to be robust enough to ensure data can safely flow to the UK from the EU (and EEA).

9. A transfer of personal data outside the protection of the UK GDPR known as a restricted transfer, most often involves a transfer from the UK to another country. UK GDPR permits the transfer of personal data from UK to the EEA and to any countries which, as at 31 December 2020, were covered by a European Commission 'adequacy decision'. This is to be kept under review by the UK Government who have the power to make their own 'adequacy decisions' in relation to third countries and international organisations. In the UK regime these are now known as 'adequacy regulations'.

10. In the absence of adequacy regulations the Council can continue to rely, in part, on the current EU Standard Contractual Clauses (SCCs) which we can amend so they make sense in a UK context for restricted transfers. However, as a result of the European Court of Justice decision in the case of the Data Protection Commissioner v Facebook Ireland and Maximillian Schrems (called "Schrems II case") which invalidated the EU-US Privacy Shield and cast doubt over the extent transfers can be legitimised by the European Commission's SCC we have to make an assessment as to whether those SCCs provide protection which is 'essentially equivalent' to the protections in the UK data protection regime, and if necessary put in place additional measures. This assessment is complex in many situations. The Information Commissioner's Officer (ICO) intends to consult on and publish UK SCCs during 2021.

The Microsoft Office 365 Programme

11. The Microsoft Office 365 Programme Team is comprised of the Systems Strategy and Development Manager, the Complaints and Information Governance Manager, the ICT Strategy and Performance Manager, the ICT Solutions Architects and the ICT Security and Assurance Team Leader and the End User Engagement Team and reports to SIGG. The Council has appointed a number of 365 Champions that will help and support staff through this transition to Microsoft 365.

12. To date the Programme has successfully migrates all Council employees home drives to One Drive. One Drive is a cloud storage solution that allows files to be held in one place so the user can access them from any device. It also makes it easier for officers to share and collaborate on documents. Xentrall ICT have produced and delivered a training video which will be made available via the intranet.

13. Following the Council embracing the use of Microsoft (MS) Teams to enable employees to work effectively from home during the early stages of the pandemic, the Programme is now seeing teams within the Council being migrated to a MS Teams structure. This will build on the success of the work to date and enable officers to access all of the functionality available within MS Teams. Again this will make it easier for officers to share and collaborate on documents and improve productivity. The Web Team, Complaints and Information Governance Team and the Systems and Process Team are now fully operational through a MS Teams interface having had all files migrated into a MS Teams structure. The user experience is being developed for each team that moves over.

14. The Transport Team, Democratic Services and HR Policy and Strategy Team will be the next teams to migrate. Help and support is being provided through the 365 Champions and the End User Engagement Team from Xentrall. Frequently asked questions and learning points from each migration are being shared on a Yammer (internal social network) site which those teams that have migrated to MS Teams can access and contribute to directly from within their MS Teams interface.

15. One Drive, Teams and Yammer are just three of the numerous applications in the 365 suite that offer new skills, ways of working and potential efficiencies to the organisation that Programme Team will continue to explore and roll out through the 365 Programme.

NHS Data Security and Protection Toolkit

16. The Data Security and Protection Toolkit replaced the previous Information Governance toolkit in April 2018. It is an online self-assessment tool that enables organisations to measure and publish their performance against the National Data Guardian's ten data security standards. All organisations that have access to NHS patient data and systems must use this toolkit to provide assurance that they are practising good data security and that personal information is handled correctly.

17. While the most pressing need to access NHS patient data and systems was in relation to Special Educational Needs Commissioning other areas of the Council can now benefit from the Council's corporate submission which was completed on 30 June 2021.

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

18. 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 is continuing to review of the IAR and associated privacy notices.

19. It is the Council's is working 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.

CCTV

20. 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).

21. 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 functional Microsoft (MS) Team to facilitate the completion of the CAP.

22. Progress continues to made by scheme mangers in completing the CAP and as of quarter 3 Internal Audit will start to audit compliance with the governance arrangements in place. The findings will be reported to Audit Committee and the results of the CAP will also be reported to Scrutiny.

23. The Code may require an update pending the outcome of the ongoing Government consultation on revisions to the Surveillance camera code of practice. The revisions reflect changes in legislation, in particular UK GDPR and the Data Protection Act 2018 and the Court of Appeal's decision in the Bridges v South Wales Police (SWP) facial recognition case.

Training and awareness

24. 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.

25. 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.

26. The revised table in Appendix 1 shows the position at 20 September 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.

27. The target has been met by Operations Group in relation to all three modules. While the Council has not met its overall target, it is worth noting the new Social Media policy was launched in April 2020 and the new Employees Guide to Information Security in March 2021, during the pandemic. Since the last report, compliance in relation to the Employees Guide to Information Security has increased among IT users/overall to 69.47% from 32.81%. Compliance in relation to the new Social Media policy has also improved among IT users from 69.38% to 81.98% and amongst non IT users from 27.84% to 37%. Compliance in relation to the DPA 2018 has reduced from 91.02% to 91.87% for IT users and from 33.59% to 33.81% for non IT users. The Council is considering writing a specific DPA 2018 tailored to the needs of non-IT users.

28. 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 has been chased and reported to ADs, where appropriate, on a quarterly basis. The Council has also send out a number of communications via the Briefing in relation to this issue and Assistant Directors have sent out more targeted messages.

Conclusion

29. The Council's information governance programme continues to address emerging issues, support compliance with data protection legislation and manage the Council's information risks to an acceptable level.

Outcome of Consultation

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

Appendix 1

20/09/2021	Employees Guide to Information Security - New module launched March 2021		Social Media - New Module launched April 2020		DPA 2018		Academy 10 Users - As at 20.09.21
	Comp	%	Comp	%	Comp	%	
People Group	**434**	**66.06**	**544**	**82.80**	**611**	**93.00**	**657**
Adult Services	139	78.53	157	88.70	166	93.79	177
Children's Services	108	41.38	185	70.88	237	90.80	261
Commissioning, Performance & Transformation	112	96.55	113	97.41	114	98.28	116
Educational Services	67	76.14	80	90.91	82	93.18	88
Public Health	8	57.14	9	64.29	11	78.57	14
Services Group	**188**	**53.56**	**243**	**69.23**	**280**	**79.77**	**351**
Community Services	144	52.17	185	67.03	212	76.81	276
Transport & Capital Projects	44	59.46	57	77.03	67	90.54	74
Operations Group	**333**	**95.42**	**339**	**97.13**	**345**	**98.85**	**349**
Housing & Revenues	180	97.83	183	99.46	184	100.00	184
Law & Governance	68	90.67	70	93.33	72	96.00	75
Resources	55	94.83	56	96.55	57	98.28	58
Strategy Performance & Communications	29	93.55	29	93.55	31	100.00	31
Chief Executives & Economic Growth	**28**	**48.28**	**34**	**58.62**	**52**	**89.66**	**58**
Darlington Partnership	1	33.33	1	33.33	3	100.00	3
Economic Growth	26	48.15	32	59.26	48	88.89	54
Total	**983**	**69.47**	**1160**	**81.98**	**1288**	**91.02**	**1415**
	Comp	%	Comp	%	Comp	%	None Computer Users
None AC10 Users	N/A	N/A	195	37.00	177	33.59	527
Overall	**983**	**69.47**	**1355**	**69.77**	**1465**	**75.44**	**1942**