

AUDIT COMMITTEE
19 JUNE 2019

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 remains 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) Changes to secure email following the Government's withdrawal of GCSx.
 - (c) Implementation of information classification and handling functionality across emails and Microsoft documents as part of the Microsoft 365 upgrade.
 - (d) Work to achieve our target for the completion of on-line mandatory information governance training courses.
4. The areas of highest priority in the information governance programme are
 - (a) the delivery of the compliance programme for GDPR.

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. 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 15 October 2018 the Council has now implemented its GDPR compliance programme, with the exception of completing a review of CCTV to ensure it is compliant with the GDPR, the advice of Surveillance Camera Commissioner and reasonable expectations of privacy. This work is ongoing.
9. While the Council has now implemented the vast majority of its GDPR compliance programme it must be recognised that the data processing activities of the Council continually evolve and Information Asset Registers (IAR), Privacy Notices and Information Sharing Agreements (ISAs) are live documents that require periodic review to ensure they accurately reflect the Council's processing activities. The processes implemented by the Council include a review mechanism.
10. Full details of progress against the GDPR compliance programme are contained in Appendix 1.

CCTV

11. The Data Protection Officer (DPO) issued advice to Information Asset Owners (IAOs) on 20 November 2018 setting out the necessary steps to ensure the Council's CCTV was GDPR compliant. The DPO also advised IAOs that as a data controller the Council must take into account the Surveillance Camera Commissioner's advice and provided a link to the Data Protection Impact Assessment Template developed by the Surveillance Camera Commissioner and the Information Commissioner's Office (ICO).
12. Subsequently the Surveillance Camera Commissioner wrote to the Managing Director, the DPO and the CCTV Manager providing some additional advice. The DPO intends to update the advice issued on 20 November 2018 to include this and convene a meeting to progress the work required to ensure the Council's CCTV complies with the relevant legislation.

Information sharing

13. The Multi-Agency Information Sharing Protocol Covering North East and North Yorkshire Area has now been reviewed and was signed off by the DPO and the Caldicott Guardian on 13 November 2018.

14. The Complaints and Information Governance (CIG) Team will continue to work with services and key public sector partners to review existing and implement new service-level ISAs where required.
15. 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.

Training and awareness

16. The table in Appendix 2 shows the position at the beginning of April with regard to the completion of the mandatory on-line information governance courses. 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.
17. The current position shows this target has been met for the Information Security and Social Media courses. While we remain slightly below target for the DPA 2018 course, at 92.81%, this is a significant increase from 52.44% at the time of the last report and it is anticipated we will achieve the target over the coming weeks.
18. As noted in the previous report, the decrease in the completion rate for this particular course can be attributed the fact it is a relatively new course, introduced to reflect the changes in data protection legislation during 2018.

Connection to the Health and Social Care Network (HSCN)

19. The link to the HSCN has now been installed and will provide a method of 'seamlessly' sharing information with our Health Service partners.
20. The NHS has requested the Council completes the latest NHS Data Security and Protection Toolkit (DSPT) to allow the NHS to share NHS numbers with the Council in order to improve data quality and the effectiveness of commissioning arrangements in relation to Special Educational Needs (SEN).

Secure Email

21. As of 1 April 2019, the Government withdrew the GCSx email service. Xentrall ICT Services have ensured that the required security measures are in place for our darlington.gov.uk email addresses to be used securely moving forward with partner organisations. This has been communicated to all GCSx users and public sector partners.

Information Classification and Handling

22. In January 2019 SIGG agreed the following options would be made available for all employees when classifying emails and Microsoft documents as part of the Microsoft 365 upgrade. The options are based on the Local Government Association document 'Understanding Secure Email' with two additional options to meet the Council's need:

OFFICAL

This option should be used to classify the majority of Council emails and documents with the exception of those that contain sensitive personal or sensitive business information.

OFFICAL-SENSITIVE

This option should be used to classify emails and documents that contain sensitive personal or sensitive business information. For example, a report under Part 3, Schedule 12 A of the Local Government Act 1972 or the minutes of a Child Protection Conference.

INTERNAL EMAIL ONLY

This option is for emails only. It can be used to send “*Official-sensitive*” information and “*Official*” information that contains personal data. This option will prevent emails being inadvertently sent to people outside of the organisation.

NOT WORK RELATED

This option should be used to classify any documents or emails that do not relate to Council business.

During the implementation period if the user does not select an appropriate option, emails and documents will be automatically labelled as OFFICAL, except when attaching an OFFICAL-SENSITIVE document to an email, in which case the email will automatically be labelled OFFICAL-SENSITIVE.

23. The Council’s Information Classification and Handling Guidelines will be updated to reflect these changes.

Conclusion

24. 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

25. 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	DONE - Questions now included in Internal Audit Work Programme Template
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, luo 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	DONE
SMN Session	DPO	31/03/2018	DONE
Update AC10 course	DPO	25/05/2018	DONE
CCTV Ensure CCTV is reviewed on an annual basis and has regard to advice of Surveillance Camera Commissioner and reasonable expectation of privacy.			
CCTV inc. Public spaces (Control Room); Body Worn Video Cameras; Refuse and Recycling Collection Vehicles; Children's Residential Care Homes; Council buildings, for e.g. Customer Services; Depot; Dolphin Centre; Eastbourne Sports Complex, Head of Steam, Hippodrome and the Town Hall.	DPO/ relevant officer	Ongoing	DPO issued advice to IAOs on 20 November 2018 and raised the matter at SIGG. DPO to update advice following letter from the Surveillance Camera Commissioner and progress work.

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

21/03/2019

DONE

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

01/03/2018

DONE

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)

25/05/2018

DONE

Update the Special and Standard Contract Terms and the Contract Particulars

Head of Procurement and Principal Lawyer (Commercial)

25/05/2018

DONE

Vary existing contracts

Head of

Ongoing

DPO issued

	Procurement and Principal Lawyer (Commercial)		instruction to IAOs to issue variations to existing contracts. Template letters provided. Numerous variations issued and 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	DPO	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	21/03/2019	DONE
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	13/12/2018	DONE – DPIA tool approved by SIGG and Surveillance Camera Commissioner's DPIA tool made available for staff in relation to CCTV
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	31/03/2019	DONE - 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	DONE
Information Sharing Agreements (ISAs)			
Review existing ISAs	Service areas with support from DPO	21/03/2019	DONE – Multi Agency Information Sharing Protocol for North East Region updated and signed November 2018. Numerous ISAs reviewed following implementation of GDPR although they remain live documents that require periodic review.
ISAs need implementing in those areas that do not currently have one	Service areas with support from DPO	21/03/2019	DONE – DPO advice issued to IAOs regarding the need to have up to date ISAs in place.
Develop central record of ISAs	DPO	21/03/2019	DONE

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	DONE - 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	21/03/2019	DONE- 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	21/03/2019	DONE - 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	21/03/2019	DONE
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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	DONE - Statement of Public Task approved by SIGG on 5 March 2018 and uploaded to web site.
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Appendix 2

03/04/2019	Info Sec 2015		Social Media		DPA 2018		Computer Users
	Comp	%age	Comp	%age	Comp	%age	
Children & Adult's Services	526	96.69	528	97.06	512	94.46	544
Adult Services	125	99.21	125	99.21	122	96.83	126
Children's Services	211	92.95	213	93.83	203	90.22	227
Commissioning, Performance & Transformation	100	100.00	100	100.00	99	99.00	100
Educational Services	86	98.85	86	98.85	84	96.55	87
Public Health	4	100.00	4	100.00	4	100.00	4
Economic Growth & Neighbourhood Services	496	96.31	497	96.50	467	90.68	515
Community Services	168	94.92	167	94.35	160	91.43	177
Capital Projects, Transport and Highways Development	63	92.65	65	95.59	46	67.65	68
Housing and Building Services	25	96.15	25	96.15	24	92.31	26
Place Policy	213	98.61	214	99.07	211	97.69	216
Property Services and Business Investment	12	100.00	12	100.00	12	100.00	12
	15	93.75	14	87.50	14	87.50	16
Resources	159	95.21	159	95.21	157	94.01	167
D'ton P'ship & Creative D'ton	3	100.00	3	100.00	2	66.67	3
Finance, HRM, Systems & Strat, Perf & Comms	82	96.47	82	96.47	82	96.47	85
Law & Governance	74	93.67	74	93.67	73	92.41	79
Total	1181	96.33	1184	96.57	1136	92.81	1226