

**AUDIT COMMITTEE**  
**20 November 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. Information governance is no longer an 'above the line' risk on the Corporate Risk Register. Delivery of our information governance programme has provided the assurance required to reduce our information risks to an acceptable level.
3. Ongoing work includes:
  - (a) Undertaking of a risk assessment in relation to data flows from the European Economic Area (EEA) to the UK in the event of a no deal Brexit.
  - (b) Commencement of the annual review of the Council's Information Asset Register (IAR) and Privacy Notices.
  - (c) The provision of advice by the Data Protection Officer to Council services.
  - (d) Implementation of information classification and handling functionality across emails and Microsoft documents as part of the Microsoft 365 upgrade.
  - (e) 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) Ensuring appropriate mechanisms are in place to enable the transfer of data between the Council and its data processors in the event of a no deal Brexit.

**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 and Climate Change	There are no specific impacts.
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.
Impact on Looked After Children and Care Leavers	This report has no impact on Looked After Children or Care Leavers

## MAIN REPORT

### Background

7. Information governance is no longer an 'above the line' risk on the Corporate Risk Register. 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 documents including 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 data processing activities. The processes implemented by the Council include review mechanisms to ensure this takes place.

### Current Position

### Risk assessment

8. On 4 March 2019 the Ministry of Housing, Communities and Local Government (MHCLG) issued guidance for Local Authorities entitled Accessing data from the European Economic Area (EEA) under no deal Brexit. The guidance stated the UK will transitionally recognise the EEA as though they have been subject to an affirmative adequacy decision by the UK. This means that, for example, personal data can continue to flow freely from the UK to the EEA as if such transfers were made on the basis of an adequacy decision. However, it is not expected that the European Commission will have made an adequacy decision regarding the UK at the point of exit. Therefore, for the purposes of the EU GDPR the UK will be treated as a third country without an adequacy decision. The transfer of personal data from the EEA to the UK will be restricted unless appropriate safeguards are in place, or the transfer benefits from one of the statutory exceptions (known as derogations for specific situations).
9. The guidance went on to say that the Government expects the European Data Protection Board (EDPB) to provide guidance on the transfer of personal data between data processors located in the EEA and organisations in the UK in the event of a no deal Brexit but suggested local authorities take their own legal advice about the likelihood of significant disruption to transfers of personal data from processors in the EEA to controllers in the UK. MHCLG strongly encouraged local authorities to conduct a risk assessment with regard to any personal data for which they are the data controller or data processor.
10. The Council has undertaken a risk assessment and is satisfied that on the balance of probabilities the transfer of personal data from the EEA to the UK and from the US to the UK will continue in the event of a no deal Brexit and there will be minimal disruption to services.

### Annual 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 is due to undertake its first annual of the IAR and associated privacy notices.

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 process will be essential in realising the efficiencies the Council can achieve by rolling out the functionality available to the Council as part of the Microsoft Office 365 suite.
13. It was agreed by SIGG on 17 October 2019 that the update of the IAR will be used to pilot some of this functionality and that those officers involved in updating the IAR will be given access to Microsoft Teams.

## **CCTV**

14. As set out in the last update to Audit Committee the Data Protection Officer (DPO) updated the advice issued on 20 November 2018 to include the Surveillance Camera Commissioner's advice and convened a meeting to progress the work required to ensure the Council's CCTV systems comply with the relevant legislation.
15. The DPO continues to work directly with those services that use CCTV to ensure compliance.

## **Information sharing**

16. 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.
17. 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.
18. 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**

19. The table in Appendix 2 shows the position at the end of October 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.
20. The current position shows the target has been met by Resources and by Economic Growth & Neighbourhood Services in relation to Information Security and Social Media. Overall the Council met its target in relation to Social Media and work to improve performance is ongoing.

## **Information Classification and Handling**

21. All officers are now required to classify emails and Microsoft Office documents as 'official', 'official-sensitive', 'internal email only' or 'not work related' using the Azure Information protection functionality within the Microsoft Office 365 suite.

22. There have been no incidents of disruption to services and following successful implementation the Council's Information Classification and Handling Guidelines will be updated to reflect these changes.

### **Conclusion**

23. 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**

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

## Appendix 2

29/10/2019	Info Sec 2015		Social Media		DPA 2018		Computer Users - As at 28.10.19
	Comp	%age	Comp	%age	Comp	%age	
<b>Children &amp; Adult's Services</b>	<b>518</b>	<b>93.67</b>	<b>522</b>	<b>94.39</b>	<b>509</b>	<b>92.04</b>	<b>553</b>
Adult Services	127	96.21	128	96.97	124	93.94	132
Children's Services	205	89.13	208	90.43	202	87.83	230
Commissioning, Performance & Transformation	98	98.00	98	98.00	98	98.00	100
Educational Services	83	96.51	83	96.51	80	93.02	86
Public Health	5	100.00	5	100.00	5	100.00	5
<b>Economic Growth &amp; Neighbourhood Services</b>	<b>489</b>	<b>96.07</b>	<b>488</b>	<b>95.87</b>	<b>473</b>	<b>92.93</b>	<b>509</b>
Community Services	161	93.06	161	93.06	157	90.75	173
Economic Growth	49	92.45	48	90.57	48	90.57	53
Housing and Building Services	216	98.63	216	98.63	216	98.63	219
Transport & Capital Projects	63	98.44	63	98.44	52	81.25	64
<b>Resources</b>	<b>159</b>	<b>95.78</b>	<b>159</b>	<b>95.78</b>	<b>159</b>	<b>95.78</b>	<b>166</b>
Darlington Partnership & Creative Darlington	3	100.00	3	100.00	3	100.00	3
Finance, HRM, Systems & Strat, Perf & Comms	84	95.45	84	95.45	84	95.45	88
Law & Governance	72	96.00	72	96.00	72	96.00	75
<b>Total</b>	<b>1166</b>	<b>94.95</b>	<b>1169</b>	<b>95.20</b>	<b>1141</b>	<b>92.92</b>	<b>1228</b>