

Audit Committee – 27th February 2017

Information Commissioner Office (ICO) – Data Protection Audit (DPA)

1. Summary of report

- 1.1 This report contains the outcome of the recent Data Protection Audit, by the Information Commissioner's Office, issued to the Council on 3rd February 2016. It confirms that the ICO has awarded the Council an overall rating of 'Reasonable Assurance' in regard to compliance with the Data Protection Act 1998. This is a significant achievement for the Council signifying that there is a reasonable level of assurance that processes and procedures are in place and delivering data protection compliance, but there is some scope for improvement in existing arrangements, in particular subject access requests, to reduce the risk of non compliance with the DPA.
- 1.2 The report is accompanied by an action plan that has been agreed with the Council. This action plan including 50 recommendations to be completed within the next 12 months.
- 1.3 The Council is required to provide a detailed update to the ICO on progress against the action plan within 6-9 months. The ICO will use this update to decide whether any further action or support is required to be given to the Council.
- 1.4 The Executive Summary, which includes findings in relation to good practice and areas of improvement will be published on the ICO website in February 2017

2. Recommendations

- 2.1 That Audit Committee note the outcome of the audit and the content of the action plan
- 2.2 That particular regard is given to the identified areas of good practice and areas of improvement as set out in the Executive Summary.
- 2.3 That Audit Committee receive an interim update on progress against the action plan prior to a response being made to the ICO

3. Background

- 3.1 The ICO approached the Council and offered to undertake a consensual audit in order to assist the council assess and improve its compliance with the Data Protection Act. Whilst the Council has made marked improvements in the use and management of information, since the giving of an Undertaking to the ICO in August 2011, the Council continues to experience data breaches. In addition the Council's performance for reply to subject access requests is considerably below the statutory requirement with around 63% of requests being responded to within the statutory timescale of 40 calendar days.

4. Resource and Legal Consideration, Performance and Risk Management issues

- 4.1 The Council is currently falling short of the statutory requirement, under the Data Protection Act, to respond to subject access requests within 40 calendar days. Due to the number and substantial size of subject access requests received, consideration is now being given to what additional resource, is required to address this. The Corporate Management Team will consider this in March 2017.

The timely completion of the action plan will assist the Council to

- reduce and or mitigate risks to personal data from Data breaches,
- implement measures to support improved handling of subject access requests and
- improve overall compliance with the Data Protection Act.

5. Citizen Impact

- 5.1 Subject access requests are submitted by the public who request this information for personal use. Data breaches often include personal data being processed by the Council. The impact on customers will vary upon the number and size of requests and severity of data breaches.

6. Equality Implications

- 6.1 There are no direct equality implications arising from this report

7. Consultation

- 7.1 The Audit was conducted by the Information Commissioner's Office and involved the collation of evidence and interviews undertaken with approximately 50 staff across the Council.

8. Supporting Papers

- 8.1 Data Protection Audit Report - Executive Summary February 2017
Data Protection Audit Report – Action Plan

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