

Walsall Council

Data protection audit report

Executive summary
February 2017

1. Background

The Information Commissioner is responsible for enforcing and promoting compliance with the Data Protection Act 1998 (the DPA). Section 51 (7) of the DPA contains a provision giving the Information Commissioner power to assess any organisation's processing of personal data for the following of 'good practice', with the agreement of the data controller. This is done through a consensual audit.

The Information Commissioner's Office (ICO) sees auditing as a constructive process with real benefits for data controllers and so aims to establish a participative approach.

Walsall Council (WC) has agreed to a consensual audit by the ICO of its processing of personal data.

An introductory meeting was held on 24 August 2016 with representatives of WC to identify and discuss the scope of the audit.

2. Scope of the audit

Following pre-audit discussions with WC it was agreed that the audit would focus on the following areas:

- a. Records management (manual and electronic) – The processes in place for managing both manual and electronic records containing personal data. This will include controls in place to monitor the creation, maintenance, storage, movement, retention and destruction of personal data records.
- b. Subject access requests - The procedures in operation for recognising and responding to individuals' requests for access to their personal data.
- c. Data sharing - The design and operation of controls to ensure the sharing of personal data complies with the principles of the Data Protection Act 1998 and the good practice recommendations set out in the Information Commissioner's Data Sharing Code of Practice.

3. Audit opinion

The purpose of the audit is to provide the Information Commissioner and WC with an independent assurance of the extent to which WC, within the scope of this agreed audit, is complying with the DPA.

The recommendations made are primarily around enhancing existing processes to facilitate compliance with the DPA.

Overall Conclusion	
Reasonable assurance	<p>There is a reasonable level of assurance that processes and procedures are in place and delivering data protection compliance. The audit has identified some scope for improvement in existing arrangements to reduce the risk of non compliance with the DPA.</p> <p>We have made two reasonable assurance assessments in relation to records management and data sharing and one limited assurance assessment in relation to subject access requests where controls could be enhanced to address the issues which are summarised below.</p>

4. Summary of audit findings

Areas of good practice

It is mandatory that all WC staff have to complete the e-Learning module 'Protecting Information level 1' every 2 years.

All SAR exemptions and redactions are considered on a case by case basis and are carried out using Adobe Pro software.

WC is part of the Black Country, Birmingham and Solihull Sharing Partnership. The partnership has created the Black Country, Birmingham and Solihull High Level Information Sharing Protocol. The protocol comprises of the principles and rules that all the partners sign up to when they are sharing information.

WC has a generic privacy notice on their website, which explains why personal information is collected and this links to the WC Data Protection Protocol page which contains a statement about the sharing of data with third parties and the creation of data sharing agreements to ensure WC procedures are followed and that data is lawfully processed.

Areas for improvement

The process for reporting information risk to the SIRO is unclear.

Privacy Impact Assessments have not been routinely carried out for significant changes to data handling process, or for data sharing agreements.

WC's SAR compliance for subject access requests is 61.3% which is much lower than the at least 90% the ICO would expect.

There is no specific training plan to follow for new subject access request handlers, which may result in inconsistency of approach to dealing with subject access requests.

Although all of the Assurance Team have received SAR training, only two members of staff are experienced enough to handle subject access requests, which is likely contributing to WC's low SAR compliance rate.

The matters arising in this report are only those that came to our attention during the course of the audit and are not necessarily a comprehensive statement of all the areas requiring improvement.

The responsibility for ensuring that there are adequate risk management, governance and internal control arrangements in place rest with the management of Walsall Council.

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