

Cabinet – 9 December 2020

Walsall Council Information Governance Policy

Portfolio: Councillor Bal Chattha

Related portfolios:

Service: ICT

Wards: All

Key decision: No

Forward plan: Yes

1. Aim

- 1.1 Information governance is an accountability and decision making framework put in place to ensure that the creation, storage, use, disclosure, archiving and destruction of information is handled in accordance with legal requirements and to maximise operational efficiency. The changes outlined below, to this overarching Information Governance Policy will support the vision and priorities of the council and ensure that it is complying with its legal obligations while supporting the enabling technology roadmap and delivery of essential services.

2. Summary

- 2.1 Since 2012 the council has operated an Information Governance Policy Framework consisting of an overarching policy and three related policies for Information Security, Information Rights and Records Management. This Framework document was presented to Cabinet biannually for approval.
- 2.2 Following the implementation of the General Data Protection Regulations 2016 (GDPR) and the UK Data Protection Act 2018 (DPA) and more recently the introduction of remote and new ways of working, it has been become clear that the policies required updating to ensure the council could implement new ways of working quickly and efficiently while complying with our legal obligations.
- 2.3 To this end, the policy is being brought before cabinet, for their approval of these changes in the following format.

- The main overarching policy will now act as the foundations for information governance, security and records management by which all staff must comply.
- The policy is then underpinned and supported through embedded standards and procedures rather than additional policies.
- The standards and procedures will enable the Information Governance team to capture and amend such standards in connection with any changes made to the delivery of council services.
- Changes to these standards and processes will be presented to the Corporate Management Team (CMT) for consultation before being finally approved through the Forum for Information Governance and Assurance (FIGA) as required.
- This ensures that the council can comply with the principles of accountability and privacy by default quickly and effectively.
- Once a standard or process has been approved through FIGA, it will then follow a publication and communication schedule to all staff.

2.4 Any required standards amendments or changes will not impact on the overarching information governance policy. Where a required change or update has any impact on the policy directly, this will follow the process for review and approval by cabinet.

3. Recommendations

3.1 That the updated Information Governance Policy be approved

3.2 That cabinet approve the process for the creation, approval and implementation of supporting standards and or processes through FIGA.

4. Report detail - know

Context

4.1 This Policy states the overarching position, obligations and duties of the council in relation to Information Governance and our compliance with the data protection regulations. The policy is underpinned by embedded standards and procedures, that will ensure all staff are fully aware of their duties and responsibilities relating to the safeguarding of information and the rights and freedoms of those whose data the council processes.

Council Corporate Plan priorities

4.2 The Information Governance Policy supports the council's strategic priorities as set out in the Corporate Plan 2018-2020.

4.3 The lawful use of data and information in the work of the council ensures that services are appropriate and tailored to the needs of our residents and businesses.

- 4.4 The key priority, which this Policy supports is that of Internal Focus in that it contributes to all council services operating efficiently and effectively. Ensuring that the council complies with Data Protection law assists in improvements in service delivery through the appropriate use of accurate, up to date information that is available on a need to know basis.
- 4.5 Strategic priorities rely on high quality information for decision-making and service delivery planning; therefore, data must comply with the overarching principles of confidentiality, integrity and availability, which this policy and accompanying standards enforce.

Risk management

- 4.6 This Policy is supported by data change procedures that ensure appropriate information and or technical security assessments are carried out to identify and recognise any risks to any proposed processing conditions.
- 4.7 The data incident management and reporting processes have been reviewed and updated, to ensure that any risks are identified and actioned accordingly.

Financial implications

- 4.8 Any financial requirements will be captured as business as usual and do not affect the update of this Policy.

Legal implications

- 4.9 Failure to ensure that council policies and procedures reflect requirements under the DPA, the GDPR and other legislation can expose the council to significant risk of legal enforcement notices, monetary penalties, compensation claims, media exposure and/or loss of services alongside criminal proceedings.
- 4.10 The maximum monetary fine under GDPR is £17,000,000. Therefore, it is vital the council remains fully accountable for its processing activities, by ensuring it has appropriate policies and procedures in place to support all staff in maintaining compliance.

Procurement Implications/Social Value

- 4.11 This relates directly to the requirements to ensure that all contracts, sharing and or processing agreements contain the required level of control relating to the appropriate and lawful processing conditions applied to each data processing activity.

Property implications

- 4.12 None

Health and wellbeing implications

4.13 None

Staffing implications

4.14 The council must ensure that all staff including agency, consultants, Councillors and temporary members of staff have undertaken mandatory information governance training on an annual basis between 1st of April and 31st of March of each financial year.

Reducing Inequalities

4.15 This Policy and its supporting Standards aim to ensure that all individuals working in line with them are treated fairly and equally.

Consultation

4.16 Consultation has taken place with FIGA throughout the 2020 meetings.

5. Decide

5.1 The decision to split the Information Governance Framework into this overarching Policy and supporting Standards is required to enable the council to proactively update the Standards when changes in working arrangements or other influencing circumstances require it and where there no negative impacts on the overarching policy itself.

6. Respond

6.1 Subject to approval of the recommendations the document will be re - published on the council's intranet and website, disseminated via FIGA and via Core Brief.

7. Review

7.1 This Policy will continue to be reviewed and presented to Cabinet for approval on a biannual basis unless circumstances require it to be presented sooner. Supporting Standards will be reviewed at least annually and approved by FIGA again unless circumstances require more regular review.

Background papers

Appendices – Provided for Information –

1. Information Security Standard
2. Information Rights Standard
3. Records Management Standard
4. Data Change Procedure

5. Procedure for Reporting and Managing Data Breaches
General Data Protection Regulation (GDPR)
UK Data Protection Act 2018
Information Commissioner's Office Guidance.

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09 December 2020

Signed: *COUNCILLOR CHATTHA*

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Portfolio holder

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