Name of meeting: Corporate Governance & Audit Committee
Date: August 13ᵗʰ 2021
Title of report: IG response to the pandemic

Purpose of report: To report on the main Information Governance pandemic response

This report is for information and comment.

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	No
Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports)?</u>	Key Decision – No
The Decision - Is it eligible for call in by Scrutiny?	Not Applicable
Date signed off by <u>Strategic Director</u> & name	Rachel Spencer-Henshall
Is it also signed off by the Service Director for Finance?	N/A
Is it also signed off by the Service Director for Legal Governance and Commissioning?	Julie Muscroft
Cabinet member **portfolio**	Councillor Paul Davies

Electoral wards affected: not applicable

Ward councillors consulted:

Public or private: public

Has GDPR been considered? Yes

1. **Summary**

   This paper is brought in response to the information governance activities carried out within pandemic

2. **Information required to take a decision**

   There is no decision to be made, this paper is just for information.

IG response to the pandemic

Introduction

The pandemic brought several information governance requirements into focus, which was very useful and presented several opportunities where we have taken learning, but also had challenges in terms of complexity and time pressures. They can be summarised as

- requirements to share information with new organisations, without having previous infrastructure in place to enable the sharing to happen securely.

- requirements to support vulnerable individuals, without the council having full understanding of where those individuals were.

- the importance of maintaining good information governance

Information Sharing

Issue

Issues arising in March 2020 highlighted that there was very little infrastructure in place to enable personal data sharing to happen easily. It also highlighted that certain organisations had very different data sharing cultures to the council and very different interpretations of data protection law.

This was identified by central government and led to the Secretary of State for health and social care issuing a Notice for the Control of Patient Information (COPI). This enabled organisations with health and social care responsibilities to use the COPI gateway to share information. This notice opened up the opportunities to share and request information from our CCG and health trust partners. It also allowed us to refresh our thinking in terms of working with other council partners. However, some of the smaller but more vital organisations to residents, maintained their limitation on personal data with local government. This has been highlighted to central government and new laws are being developed to help overcome these difficulties. This is going to bring into focus, the use of personal data to improve outcomes for individuals.

Response

To respond to the pandemic in a holistic and effective manner, the council needed to create information sharing infrastructure with a wide range of partners. Whilst this was fairly straightforward when dealing with government departments or local NHS trusts, it became more difficult when dealing with voluntary response groups, set up purely to deliver essential services to residents. Information sharing agreements needed to be put in place as well as the provision of information governance training to volunteers who would be carrying out many of these essential activities with residents.

Action

The information governance team checked all of the information sharing agreements, before they were approved by service directors. The team also works with colleagues in the community's service to develop training and guidance notes for all of the individuals responding to the pandemic.

Having set up information sharing agreements with the Department for Health, the council received a list of shielding patients on a weekly basis. This list was matched against the council tax register, to identify people living on their own and/or people with mental health exemptions. Having this information available to the services responsible for the Covid response, allowed them to target their resources in a more effective and appropriate way.

Later on, these combined lists were used to enhance the contact tracing efforts of the council. This allowed more successful contacts with individuals who well linked to all those who had tested positive for COVID-19 and it allowed the council to support the efforts to reduce transmission within the area.

The council also worked with CCG's to identify patients who required additional support.

Lawful, fair and transparent information use

It was important that transparency of the council's activities was maintained. So, a range of privacy notices were written and posted on the council's website, to ensure that the use of personal data by the council was clear and residents understood their personal data was being used fairly and lawfully.

Data protection risk assessments

The work council officers needed to carry out in relation to the pandemic, was quite different to business as usual. Many of the activities which needed to be carried out, had never received a data protection risk assessment and so a new short form was developed to ensure that the council had full awareness of its exposed risks. This allowed services to identify the risks and appropriate mitigations, whilst still progressing with pandemic response activity.

Targeted service support

The information governance team was not structured to enable service specific support. However, in this unprecedented time, the team worked differently by asking for volunteers to take a lead on the focus areas identified by executive team. This provided the council with identified individuals to focus their information governance-related work and opportunities for individuals within the team to develop their own skills and knowledge.

Throughout the financial year 2020/21 individuals within the information governance team worked tirelessly to ensure that the Covid response was enabled by information governance.

Information Security

The pandemic lock down required the majority of office-based staff to transfer into their homes, in order to carry on working. This caused significant pressure on the IT infrastructure, but it also meant that officers were carrying out confidential activities in an insecure environment. This required much adaptation and consideration for data protection matters in a very high pressured and difficult climate.

The information governance team worked closely with the IT service and colleagues in communications team to ensure that appropriate support and guidance was provided to all members of staff.

The council experienced an increase in information security incidents during this year, the majority of which were the result of emails and letters going to the wrong address or recipient, or emails going to the correct with the wrong attachment. Many of these incidents can be put down to the change in working conditions for the majority of staff, throughout the pandemic. The IG team continued distribute guidance to individuals and provide teams with information security presentations at team meetings.

Information Requests

The IG team has in some ways led a restricted service from a business as usual stand point through the pandemic. UK GDPR Subject Access Requests have had a number of delayed responses due to a number of reasons including assisting and supporting the pandemic response, for example members of staff

from the service assisting and supporting other teams, the new information sharing and data protection issues the pandemic response required, outlined above and the inability to access premises due to lock down restrictions. The social distancing restrictions imposed by the pandemic initially required the archive facility to be closed then opened with limited access and restricted numbers in accordance with appropriate risk assessments required. The result is that the council now has a backlog of subject access request of 300-person days.

For freedom of information responses, officers who would normally provide information have been committed to the Council's wider pandemic response. This has meant that the compliance rate for 2020/21 is lower than usual. However, response rates are now improving as officers return to their business as usual role.

The figures for Subject Access Requests, Environmental Information Regulation requests and Freedom of Information requests can be found below.

	Freedom of Information	Subject Access Request	Information rights requests
Requests received	1229	299	48
Requests responded to within deadline	1019	203	38
Compliance rate	83.53%	67%	68%

Transforming information into intelligence

Council services which had previously operated independently, where being asked to collate data sets and provide coordinated solutions for residents. This resulted in a number of challenges, including the lack of digital platforms to carry out the required work and question marks around how lawful the consolidation of these data sets was.

The council's Granicus platform was used to build a system which could cope with the influx of information and automatically generate tasks. This information also allowed the response teams to make phone calls and speak to patients to see if there were any additional needs within the household.

This opening up of datasets, to enable the range of services to use the council's information had a significant benefit to service delivery. It also demonstrated that with better interconnections of data, services can deliver more effective and appropriate solutions to residents.

Achieving better outcomes

It has long been recognised that the council needs strong links with its partners to deliver the range of services required by communities. Having the detailed information of the collated datasets allowed the response teams to provide a more formal level of support to residents. It also enabled the council to involve the voluntary sector partners to deliver food parcels and prescriptions, a lifeline for many residents. This activity requires the formal of information sharing agreements between the organisations. These information sharing agreements were established with partner organisations in each area, allowing effective and targeted responses to the most vulnerable residents.

As the pandemic progressed, improvements were made to working practices which resulted in an improved information flow between partners at all levels.

Learning from the pandemic experience

IG strategy

Six months into the pandemic, it was becoming clear that the council needed to learn and adopt into business as usual practice, many of the excellent approaches we were using to deliver positive outcomes for residents. The council's Information Governance Board decided to use the opportunity to refresh the IG strategy, which was due to end on April 1, 2021.

Using connections built up during the pandemic, the IG Board's Strategic Task Group consulted with Cabinet members, colleagues in the local health trusts, CCG's, the police and third sector partnership organisations. Discussions were held with Huddersfield University and Kirklees College as well as colleagues in neighbouring local authorities. Finally, discussions were held with Service Director SLT's and the IG board task groups to identify and help target the areas of focus required for the new IG strategy.

Below is the graphic of 2021 IG strategy, which demonstrates the stages and activities required to enable the council to achieve better outcomes for residents through an improved use of information.
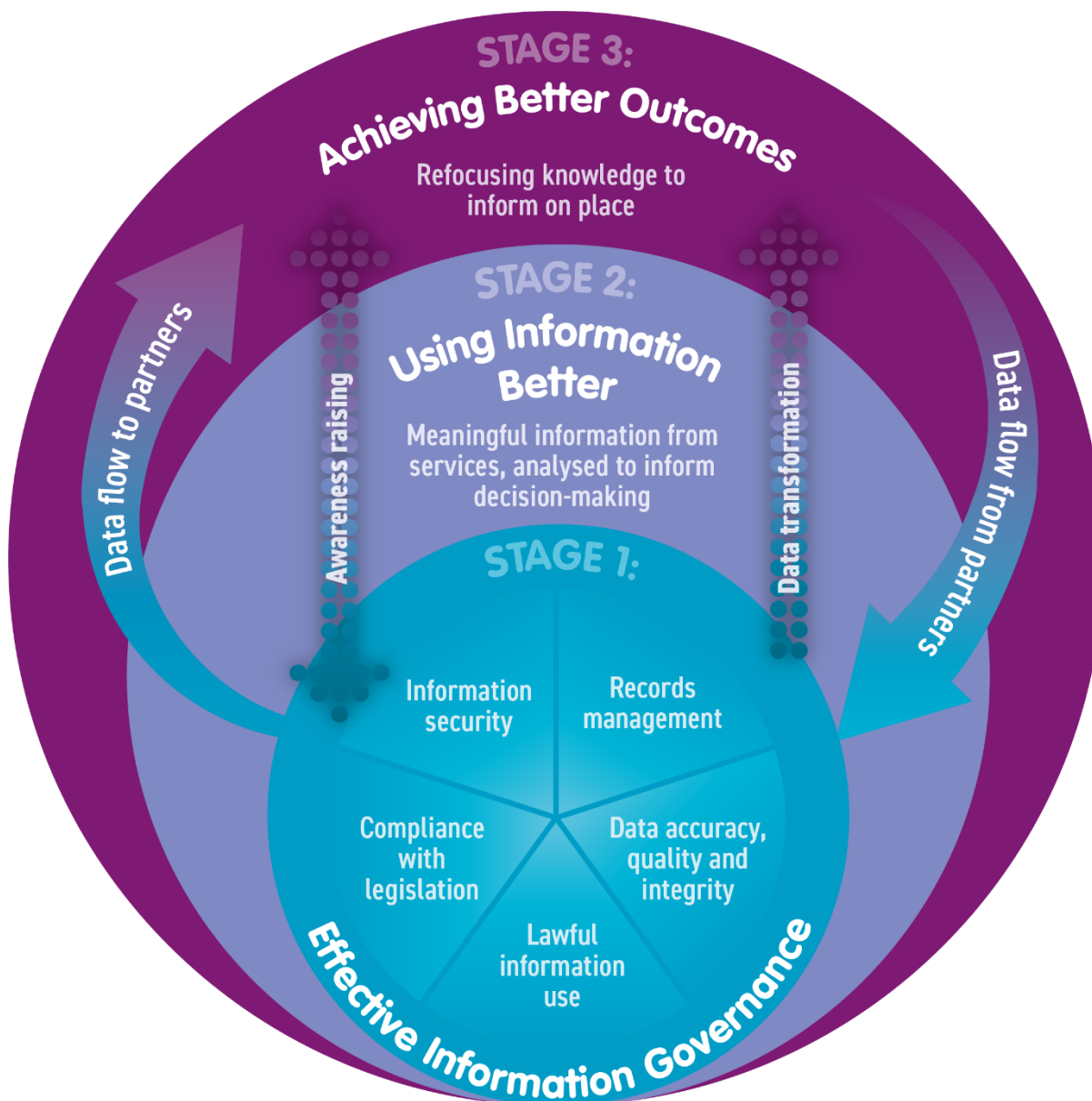
Strategy implementation

Executive Team approved the new IG strategy in July 2021. The strategy is being shared with councillors during August, then will be shared with senior officers in September.

Council services will each be asked to complete and IG strategy self-assessment, which will help them determine where their Information Governance strengths and weaknesses are. This will allow them to create an action plan, to enable them to improve their IG compliance.

The Council's Information Governance Board will oversee the implementation of the IG strategy. The IG board will review the implementation every six months, to ensure services have the support they need to achieve the strategy outcomes.

3. **Implications for the Council**

- **Working with People**
  The changes which will be made from the learning experiences of the pandemic will enable improved services for residents.
- **Working with Partners**
  Partners including the police, health trusts, CCG's, universities, colleges and other local authorities were consulted to ensure that a fully holistic strategy was created from our learning experiences.
- **Place Based Working**
  using information in a more effective way will enable a much better response for Kirklees places.
- **Climate Change and Air Quality**
  improving the use of information and the effectiveness of sharing information between the council and partners will reduce the amount of waste and travel while also improving response times.
- **Improving outcomes for children**
  Improving how we use information across the Council will improve outcomes for children, due to improved joined up working and ensuring the records the council holds are effective, accurate and up-to-date.
- **Other (eg Legal/Financial or Human Resources)**
  the learning all services have gone through during the pandemic, has improved awareness of IG matters and enabled many teams to think more clearly about their information governance responsibilities. This has opened up opportunities to update ways of working and provided an appetite for exploring how further improvements could be achieved.

Do you need an Integrated Impact Assessment (IIA)?

Not at this time

4. **Consultees and their opinions**

Councillor Davies is in full agreement with the report and said 'it is absolutely in line with the approach required'.

5. **Next steps and timelines**

The IG strategy is going to LMT in September. It will then be presented to officers, to enable them carry out the self-assessment.

6. **Officer recommendations and reasons**

Councillors are asked to review the report and raise questions as required.

7. **Cabinet Portfolio Holder's recommendations**

Not Applicable

8. **Contact officer**

Katy Deacon, Information Governance Manager and Data Protection Officer

9. **Background Papers and History of Decisions**

Not applicable

10. **Service Director responsible**

Julie Muscroft, Service Director, Legal Governance and Commissioning