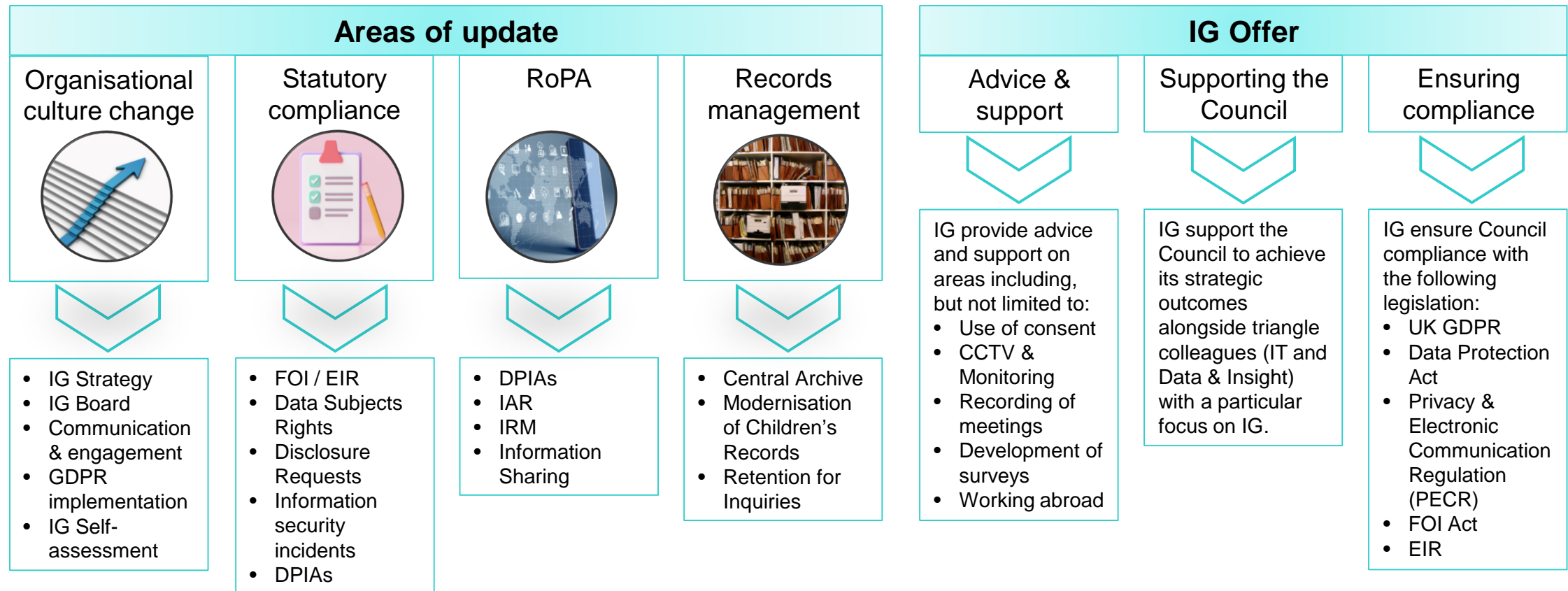# Annual Report: Information Governance 2022-2023

Corporate Governance and Audit Committee
24 November 2023

Annual Report: Information Governance 2022-2023

Kirklees COUNCIL

Purpose of report

To provide an update on the Information Governance (IG) service and offer to the Council. This report covers the period of 01 April 2022 to 31 March 2023.

Areas of update

Organisational culture change

- IG Strategy
- IG Board
- Communication & engagement
- GDPR implementation
- IG Self-assessment

Statutory compliance

- FOI / EIR
- Data Subjects Rights
- Disclosure Requests
- Information security incidents
- DPIAs

RoPA

- DPIAs
- IAR
- IRM
- Information Sharing

Records management

- Central Archive
- Modernisation of Children's Records
- Retention for Inquiries

IG Offer

Advice & support

IG provide advice and support on areas including, but not limited to:
- Use of consent
- CCTV & Monitoring
- Recording of meetings
- Development of surveys
- Working abroad

Supporting the Council

IG support the Council to achieve its strategic outcomes alongside triangle colleagues (IT and Data & Insight) with a particular focus on IG.

Ensuring compliance

IG ensure Council compliance with the following legislation:
- UK GDPR
- Data Protection Act
- Privacy & Electronic Communication Regulation (PECR)
- FOI Act
- EIR

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Organisational Culture Change

IG Strategy

- Outlines the principles, vision and objectives for information management alongside the Cyber Security and Data & Insight Strategies
- Outlines the action plan for engagement and embedding of IG practices across services
- The IG Strategy is currently being refreshed and aligned to the Technology Strategy and Data & Insight Strategy

Next Steps

- Finalise and launch the refreshed IG Strategy
- Continue to develop and achieve objectives and action plan

IG Board

- IG Board meets every 8 weeks
- Terms of Reference have been refreshed to ensure an appropriate balance between operational and strategic objectives

Next steps

- Review membership

Communication and engagement

- Launched new mandatory training modules for all staff
- Developed a communications plan for IG

Next steps

- Continue to engage with services to ensure compliance and embed best practice

GDPR Implementation & IG Self-assessment

- Work prior to 2020 focused on organisational & cultural change with the aim of embedding a privacy by design & default approach
- In 2021, an IG self-assessment was conducted across the council to gain a baseline for GDPR implementation
- Results were analysed and work is ongoing to implement the required support, overseen by the IG Board
- Knowledge and training identified as a key delivery item to support services

Next steps

- Implement appropriate mandatory training modules for all staff
- Identify need and deliver specialist training as needed
- Re-run the assessment to track developments and monitor GDPR implementation

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Statutory compliance

FOI & EIR

- Combined figures for FOI & EIR
- Information requests must be responded to within 20 working days, services required to provide the information within 15 working days to the IG Team
- Requestors can request a review; the council have a further 20 working days to respond
- In exceptional circumstances, 40 days may be allowed

FOI & EIR requests made

Requests	2019/20	2020/21	2021/22	2022/23
Requests	1547	1229	1308	1245
Compliance	88%	84%	74%	71%

FOI & EIR review requests made

Reviews	2019/20	2020/21	2021/22	2022/23
Requests	27	40	75	45
Compliance	64%	55%	66%	87%

Comparison between authorities

Authority	21/22	22/23
Bradford	1576	1520
Calderdale	1106	1122
Kirklees	1308	1245
Leeds	NR	NR
Wakefield	1150	1155
WY F&R	83	114

Analysis

- Slight decrease in the number of requests on last year
- Almost half the number of requests for review with review compliance up significantly
- Compliance for FOI responses lower than previous years due to complexity of requests and demands on services
- Figures remain stable across West Yorkshire authorities

Next Steps

- Working with services where demand is high/struggling to meet timescales & exploring potential solutions
- Aim to build compliance rates year on year – ideal 95%
- Improved communications and training for staff

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Statutory compliance

Data Subjects Rights & Disclosure Requests
- 7/8 subjects rights requests (excluding SARs)
- Disclosure requests are personal data requests made by Police, Solicitors etc. for a specified purpose
- Requests must be responded to within a calendar month, or 3 months for complex requests

Next steps
- Aim to build compliance year on year with an aim to achieve 95% compliance in all areas

SAR Backlog 2022/23	Jun	Aug	Sep	Nov	Jan	Mar	May	Jul	Aug
Requests on backlog	47	30	22	29	33	43	41	38	43
No. of which are complex	28	24	18	18	21	21	21	20	23

SARs	2019/20	2020/21	2021/22	2022/23
Requests	293	299	279	344
No. of which are complex	14	23	24	20
Compliance	72%	68%	67%	66%

DSR Requests	2019/20	2020/21	2021/22	2022/23
Requests	46	48	52	65
Compliance	66%	68%	78%	87%

Disclosure Requests	2019/20	2020/21	2021/22	2022/23
Requests	420	537	565	446
Compliance	81%	70%	88%	85%

Subject Access Requests
- Working with the ICO from July 22 due to delay in responding to requests and complaints
- 24% increase on number of SARs made to Kirklees from 2021/22
- 25% increase on the number of other data subjects' rights requests from 2021/22
- Maintaining contact with applicants and providing responses in batches where possible

Next steps
- Continue working with the ICO on improving compliance and managing the backlog
- Continue working with Children's Services to implement changes to reduce the complexity of requests & provide appropriate support for requestors

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Statutory compliance

Data Protection Impact Assessments (DPIA)
- DPIAs are required for all processing activity containing personal data
- A DPIA is a risk assessment for data protection & privacy
- Supports privacy by design & default approach
- DPIA process currently under review & redevelopment

DPIAs	2018/19	2019/20	2020/21	2021/22	2022/23
Submitted	179	150	76	76	71

Analysis
- DPIA submissions are levelling out, which we may not expect to see yet
- Training sessions are delivered regularly for all staff to attend and gain support from IG around completion

Next steps
- Further comms & training required for staff to be developed for new process launch outline requirement for DPIA completion
- Organisational & cultural change to promote risk-based approach
- Wider review of Records of Processing Activity (RoPA) to improve organisational compliance and information risk awareness

Information Security Incidents
- Incidents to be reported as soon as a person/service becomes aware
- IG Team determine severity of incident and advise services on appropriate next steps
- Serious incidents to be reported to the ICO within 72hrs
- Council operates a 'no blame' culture for incident reporting

Incidents	2019/20	2020/21	2021/22	2022/23
Reported total	285	253	289	318
Reported to ICO	1	1	3	6
Reported to ICO in 72hrs	100%	0%	67%	50%

Analysis
- Steady increase in the number of reported incidents is generally positive as it shows that colleagues are aware of the process and seek the support available
- Currently do not capture reporting time for incidents other than those reported to ICO

Next steps
- Would expect to see the number of incidents reported rise as comms & training improve
- Aim to improve reporting times to 100% however, it can take time to determine severity of an incident

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Statutory compliance 23/24 Q1&2 overview

FOI / EIR	Q1	Q2	Q3	Q4
2022/23	337	277	299	332
2023/24	362	427	-	-
Difference	+25	+150	-	-

DS Rights	Q1	Q2	Q3	Q4
2022/23	15	19	12	19
2023/24	11	18	-	-
Difference	-4	-1	-	-

SARs	Q1	Q2	Q3	Q4
2022/23	65	83	88	107
2023/24	120	106	-	-
Difference	+55	+23	-	-

Disclosures	Q1	Q2	Q3	Q4
2022/23	116	120	103	107
2023/24	110	128	-	-
Difference	-6	+8	-	-

*Quarter 2 figures are subject to change pending clarification or further information from requestors

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Record of Processing Activity (RoPA)

Record of Processing Activity
- Statutory requirement to document an organisations processing activities
- Acts as an inventory of the data processed, providing a clear picture of how PID is processed and whether it is compliant with applicable legislation
- It presents key information from DPIAs, data flow maps and other documentation such as contracts and sharing agreements in one central place
- A successful RoPA will enable streamlined data processing and effective information risk management

DPIAs & IRM
- DPIAs are a risk assessment carried out when processing personal data
- Risks identified as part of this process should be recorded against the Information Asset (IA) on the IA Register (IAR)
- As part of the Information Risk Management (IRM) process, risks should be escalated to appropriate risk registers as required

IAR & Data flow mapping
- IAR generally hosts the RoPA
- Outlines what information is held, where it is held & what it is used for
- IAR is in place, but further work needs to be done to embed this and progress to BAU
- Data flow mapping is integral to this work to ensure that data is being shared fairly and lawfully
- Current IAR is set to be reviewed before being developed further

Contracts & Sharing Agreements
- ISAs are currently not routinely recorded by the IG Team
- Services are able to request advice and support from the IG Team when developing an ISA
- As part of the review for the development of the RoPA, contracts will also need to be examined to help identify IA's for the IAR.

Next steps
- Establish a working group to review requirements and develop a RoPA fit for purpose (including IAR, Data flow mapping, DPIA process, contractual agreements, privacy notice development and records management)
- Redevelop DPIA process for effective and efficient information risk management (IRM)
- Review IAR to ensure IAR is accessible & fit for purpose

Central Archive & Digitisation

Central Archive

- Currently 19,469 boxes in the archive
- Total space for 27,216 boxes
- On average, approx. 400 boxes a year are submitted for the archive – 580 boxes were submitted in 2022/23
- Ongoing work to sort, log and record the contents of each box
- Destruction of files once they have reached their retention date is ongoing

Independent inquiry into child sexual abuse

- Retention order issued in June 2015 to prevent the destruction of records
- The report of the inquiry was published in October 2022
- Letter to remove the retention order was received by the Council in November 2022
- Work to destroy any records beyond their retention will be captured as BAU

Modernisation of children's records

- Digitisation project for children's social care files
- Aims to digitise records in one place, improving records management and access to files
- Includes work with Children's Services to support care leavers with their subject access requests
- Project has previously been held due to resourcing and funding
- Work commencing in 2023/24

Project
- Organise paper files in a way that would be coherent to the care leaver
- Digitise files to legal admissibility standard, prioritising cases where a SAR has been made
- Focus will be on care leavers files where the individual is under the age of 40
- Paper records will be destroyed following digitisation

Benefits
- Business continuity
- Reduced cost of holding paper records

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Challenges

IG Team resources
- Resources were depleted through vacancies and long-term absences
- All vacant positions are now filled but some staff remain away from work on long-term absence
- Evaluating team's ways of working to identify any efficiencies to help improve compliance

SARs backlog
- Number of requests has continued to increase year on year, with increased numbers being deemed complex cases
- Working with the ICO since July 22, monitoring and working with us to reduce the backlog
- Additional support being sought from other sources including overtime & casual staff
- Evaluating processes to help improve compliance / reduce complexity of cases

Demand from other services
- Increased requests for support from services around DPIAs and appropriate data sharing

Significant projects and areas of work outstanding to continue to work on
- Modernisation of Childrens' Records project to commence in 2023/24

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Successes

Resource
- Service delivery has continued although reduced in areas through challenging circumstances
- Successful recruitment to all vacant positions

SARs backlog reduction
- Compliance figures have remained stable despite large increase in numbers of requests
- Working with the ICO to manage caseload has seen improvements

Data Security & Protection Toolkit (DSPT) submission
- DSPT was submitted on time in June 2022
- Achieved standards met status

Training & Development
- DPIA workshops & FOI Masterclass sessions were developed and rolled out to staff, offering further training, advice and guidance
- Sessions were deemed successful based on the number of attendees and the feedback received
- Procurement of new mandatory training modules

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Next steps

2023/2024

- Continue to work on the SARs backlog with the aim of reducing the number of complex cases outstanding
- Examine the effective use of resources within the IG Team to improve compliance, better support services & improve efficiencies
- Streamline processes, including DPIA & data sharing agreements, to simplify, reduce impact on services and avoid duplication
- Develop communications plan to continue to raise awareness and remind regarding basics
- Work with triangle colleagues (Data / IT) to develop a strategic co-ordinated approach & support offer
- Review IG Board ToRs & refresh
- Update mandatory training packages for all staff & review Cllr support and offer
- Review / refresh the IG strategy and develop the action plan to meet strategic outcomes
- Review / refresh the IG related policies and develop accompanying procedures to assist colleagues with compliance
- Roll out of Modernisation of Children's Records project

2024/2025

- Revised RoPA development and roll out
- Support services & Councillors to support themselves by offering further specialist training & guidance
- Continue to raise awareness through comms channels and training around IG related issues
- Develop and launch second IG Self-assessment