

HAMPSHIRE COUNTY COUNCIL**Report**

Committee/Panel:	Audit Committee
Date:	23 June 2016
Title:	Data Protection and Information Governance
Reference:	7589
Report From:	Director of Transformation and Governance – Corporate Services

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1. Summary

- 1.1. The purpose of this paper is to outline the governance arrangements the County Council has in place to ensure that the information in its care is appropriately safeguarded.
- 1.2. The Council has a legal and moral obligation to its customers, service users, citizens, employees, partners and other stakeholders to safeguard the personal and/or sensitive personal information it holds, processes or manages. It is obliged, under the terms of the Data Protection Act 1998, to ensure that all personal and sensitive personal information is protected from loss, destruction or unauthorised disclosure.
- 1.3. The Council has a range of processes, policies and systems in place to safeguard the information it holds and ensures that its staff are aware of their responsibilities through training. The Councils Digital Strategy is predicated on its ability to use the data it holds more effectively. The ability to share data with other organisations, safely and proportionately; and in compliance with the law is the key to delivering joined up services.
- 1.4. This report outlines developments since the report presented to the Audit Committee of 25 June 2015.

2. Information Governance

- 2.1. Information governance describes the approach within which accountability, standards, policies and procedures are developed and implemented, to ensure that all information created, obtained or received the County Council is held and used appropriately.
- 2.2. The Council's Information Governance consists of a number of elements that are situated across the organisation. These include Data Protection, IT Security, Records Management, Information Requests (e.g. Freedom of Information), Open Data and Surveillance Powers. The Council's use of

surveillance powers is reviewed and reported elsewhere in the agenda to this meeting.

2.3. The Council's approach to Information Governance is outlined in the Council's Information Governance Strategy that was adopted by the Risk Management Board on 22 March 2016. At the heart of this Strategy is the commitment to ensure that information is:

- Held securely and confidentially
- Obtained fairly and efficiently
- Recorded accurately and reliably
- Used effectively and ethically
- Shared appropriately and lawfully.

2.4. The Council's Risk Management Board has oversight of Information Governance as part of its remit, with its Chairman, the Director of Transformation and Governance undertaking the role of Senior Information Risk Officer (SIRO) for the County Council.

2.5. Each Department has a designated senior manager who acts as its central point for information governance matters (departmental SIRO), who sits on the Risk Management Board.

2.6. The County Council took steps to increase its resilience by adopting a Safe Information Handling Policy in 2015. This provides staff with clear principles for handling information safely, and clear practical guidelines in what to do in the most common areas where data protection incidents can happen. The Policy stresses the responsibility of individual members of staff to make a judgement call on how sensitive a piece of information is, and to take a risk based approach so that sensitive information is not released inappropriately. It is supported by the County Council's disciplinary process.

2.7. To support the introduction of the Policy and guidance, the County Council launched a programme of awareness raising and training across the County Council. Action is being taken to ensure that all staff have undertaken appropriate training either through an e-learning package or equivalent.

3. Data Protection

3.1. The County Council handles thousands of items of personal and sensitive information on a daily basis and how information is handled has never been more important to the County Council. It is fundamental to the delivery of current services and is at the heart of the changes being developed for future service provision.

3.2. Although respect for the privacy of people's data is a central part of the Council's approach to delivering services, incidents and shortcomings do arise from time to time.

3.3. The County Council takes all data protection incidents seriously. All incidents are investigated, assessed and lessons learnt are actioned. Where patterns are identified, action has been taken in particular teams to support local management. This has resulted in a number of improvements to practice and processes to prevent more serious incidents from emerging.

- 3.4. Although there have been few serious incidents, the Council has a track record of self-reporting any serious incident to the regulator, the Information Commissioner.
- 3.5. Any breach of data exposes the Council to regulatory action, including the potential for heavy fines, but also undermines public trust, adversely affects the reputation of the Council, and can disrupt the lives of vulnerable clients.
- 3.6. To check our arrangements against the best and to strengthen our overall resilience, the County Council has agreed to a consensual audit of its Information Governance arrangements to be undertaken by the Information Commissioner's Office (ICO). This will take place in the latter part of November 2016. The findings of the subsequent report by the ICO will be reported to the Audit Committee in February 2017.

4. Recommendation

- 4.1. That the Audit Committee notes the content of this report.

CORPORATE OR LEGAL INFORMATION:**Links to the Corporate Strategy**

Hampshire safer and more secure for all:	yes
Corporate Improvement plan link number (if appropriate):	
Maximising well-being:	yes
Corporate Improvement plan link number (if appropriate):	
Enhancing our quality of place:	no
Corporate Improvement plan link number (if appropriate):	

Other Significant Links

Links to previous Member decisions:		
<u>Title</u>	<u>Reference</u>	<u>Date</u>
Direct links to specific legislation or Government Directives		
<u>Title</u>		<u>Date</u>

Section 100 D - Local Government Act 1972 - background documents

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

<u>Document</u>	<u>Location</u>
None	

IMPACT ASSESSMENTS:

1. Equality Duty

1.1. The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act;

Advance equality of opportunity between persons who share a relevant protected characteristic (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation) and those who do not share it;

Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Due regard in this context involves having due regard in particular to:

The need to remove or minimise disadvantages suffered by persons sharing a relevant characteristic connected to that characteristic;

Take steps to meet the needs of persons sharing a relevant protected characteristic different from the needs of persons who do not share it;

Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity which participation by such persons is disproportionately low.

1.2. Equalities Impact Assessment:

1.1. Race and equality impact assessment has been considered in the development of this report and no adverse impact has been identified

2. Impact on Crime and Disorder:

2.1. The activities reported within this report have no effect on crime and disorder.

3. Climate Change:

How does what is being proposed impact on our carbon footprint / energy consumption?

The activities reported within this report have no effect on climate change.

How does what is being proposed consider the need to adapt to climate change, and be resilient to its longer term impacts?

The activities reported within this report have no effect on climate change.