

HAMPSHIRE COUNTY COUNCIL

Report

Decision Maker:	Cabinet
Date:	20 March 2017
Title:	Findings of Audit Inspection by the Information Commissioner's Office
Report From:	Director of Transformation and Governance

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1. Executive Summary

- 1.1. The purpose of this paper is to brief the Cabinet on the findings of the recent audit of the County Council by the Information Commissioner's Office (ICO) of the County Council's Data Protection arrangements.
- 1.2. A more detailed report will be presented to the next meeting of the Audit Committee.
- 1.3. The ICO undertook a consensual audit of the County Council in November 2016. This was a comprehensive and detailed assessment of how the County Council manages Data Protection. During the 3 day review visit over 50 staff were interviewed, in multiple locations across the County Council by a team of auditors from the ICO.
- 1.4. The ICO has awarded the County Council its highest assessment, that of "High Assurance".
- 1.5. A copy of the summary report that the County Council has agreed for the ICO to publish is appended to this report.
- 1.6. It is very unusual for the ICO to award this standard, in the 12 months prior to the County Council's inspection only 1 other organisation, the DVLA, achieved this.

2. Contextual information

- 2.1. The County Council deals with tens of thousands of highly sensitive pieces of information on a daily basis – from the mundane to the very specialised, from bank account details to adoption records.
- 2.2. The ICO is the independent regulatory office (national data protection authority) dealing with the Data Protection Act 1998 and the Privacy and Electronic Communications (EC Directive) Regulations 2003 across the UK; and the Freedom of Information Act 2000 and the Environmental Information Regulations 2004 in England, Wales and Northern Ireland. It acts as the regulator in matters relating to data protection.

- 2.3. In December 2015 the County Council agreed to the ICO undertaking a consensual audit of the County Council's data protection arrangements.
- 2.4. A considerable programme of improvements in the County Council's arrangements for information governance and data protection had been implemented over an 18 month period prior to the inspection and it was felt that it would be useful to have these validated by an independent respected source.
- 2.5. It was clear to the auditors that the County Council is a learning organisation, not only improving previous processes and practices, but also in the forefront of implementing effective best practice.
- 2.6. The audits findings provide independent assurance that the County Council has the necessary control processes and systems are in place to safeguard sensitive and business related information.

3. The Conduct of the Audit

- 3.1. Preparation and supervision of the audit was led by the Director of Transformation and Governance in his role as Senior Information Risk Officer, and the County Council's Monitoring Officer. Project management was overseen by the Head of Risk and Information Governance, with the full participation of individuals from all Departments, led by their own Senior Information Risk Officers and Data Protection leads.
- 3.2. The audit looked at 3 areas of the County Council's information governance arrangements. These were:
 - a) The processes for managing both electronic and manual records containing personal data
 - b) The technical and organisational measures in place to ensure that there is adequate security over personal data held in manual or electronic form
 - c) The provision and monitoring of staff data protection training and the awareness of data protection.
- 3.3. The ICO team reviewed several hundred documents and procedures over a 6 week period, as well as undertaking a 3 day inspection visit. A team of 2 auditors undertook interviews with more than 50 members of staff in offices across the County Council.
- 3.4. The ICO produced a detailed report of its findings, along with a summary, which the County Council has agreed to be published on the ICO's website.
- 3.5. The County Council has received the final audit report from the ICO. The ICO have given an overall finding of "High Assurance". This is the highest assessment that it can award.
- 3.6. In its report the ICO stated, "There is a high level of assurance that processes and procedures are in place and are delivering data protection compliance". It goes on to state that there is "only limited scope for improvement in existing arrangements".
- 3.7. Analysis of the 40 audits the ICO has undertaken in the last 12 months (including private sector companies) identified only 1 example of "High Assurance". This was the DVLA. We are aware of only 3 Local Authorities

that have been awarded with this grade since 2011; the latest being Essex County Council in 2015.

4. Key Messages from the Audit

- 4.1. Amongst the areas of good practice that the auditors were impressed with were:
 - a) The high level of awareness and understanding of staff in relation to data protection matters and the achievement of the Council's e-learning training programme having reached 96% of staff.
 - b) The commitment of senior managers and staff to protecting the privacy of individuals' information, and the quality of the guidance and procedures used by staff, as well as the level of compliance they found with those policies.
 - c) The County Council's IT security arrangements, particularly the quality of anti virus, firewall and the overall IT security arrangements.
 - d) The high level of security and the effective processes operated by the Records Management Service provided by CCBS.
- 4.2. The auditors were also impressed that the governance and reporting structures facilitated by the Transformation and Governance Directorate were effective and represented best practice.
- 4.3. The audit inevitably raised a small number of areas for improvement. These are limited to low areas of risk, such as ensuring consistent document management on policy and procedure documents. An audit action plan has been drawn up and the agreed management actions are being implemented as part of its commitment to continuous improvement.
- 4.4. Although the result of the audit was a significant achievement and provides a high level of assurance, the County Council acknowledges the importance of retaining focus to ensure that high standards are retained, and improved. The County Council recognises the trust placed by the public on its entire staff to ensure that sensitive information is treated with respect – as if it were our own or our children's or our parents'.

5. Recommendation

- 5.1. That the Cabinet note the contents of this report and the findings of the Information Commissioner as a result of their audit, awarding the County Council the assessment of "High Assurance" for its data protection arrangements.

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

Hampshire safer and more secure for all:	yes
Maximising well-being:	yes
Enhancing our quality of place:	yes
OR	
<p>This proposal does not link to the Corporate Strategy but, nevertheless, requires a decision because:</p> <p><i>NB: Only complete this section if you have not completed any of the Corporate Strategy tick boxes above. If it is not applicable, please delete.</i></p>	

NB: If the 'Other significant links' section below is not applicable, please delete it.

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:

- a) The need to remove or minimise disadvantages suffered by persons sharing a relevant characteristic connected to that characteristic;
- b) Take steps to meet the needs of persons sharing a relevant protected characteristic different from the needs of persons who do not share it;
- c) 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:

See guidance at <http://intranet.hants.gov.uk/equality/equality-assessments.htm>

*Inset in full your **Equality Statement** which will either state*

- (a) why you consider that the project/proposal will have a low or no impact on groups with protected characteristics or*
- (b) will give details of the identified impacts and potential mitigating actions*

Non decision is being requested that would an impact on groups with protected characteristics.

2. Impact on Crime and Disorder:

2.1. None

3. Climate Change:

- a) How does what is being proposed impact on our carbon footprint / energy consumption?
- b) None

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

None