



**HAMPSHIRE
FIRE AND
RESCUE
AUTHORITY**

Purpose: Noted

Date **July 2018**

Title **Information Governance**

Report of Chief Officer

EXECUTIVE SUMMARY

1. This report provides:
 - An annual update of Information Governance in Hampshire Fire & Rescue Authority including an update on our progress towards preparing for the new General Data Protection Regulation (GDPR), which will come into effect on the 25 May 2018 replacing the Data Protection directive.
 - A summary of our performance in Subject Access Requests (Data Protection), Freedom of Information & Environmental Information Regulations Requests and our use of the Regulations of Investigatory Powers Act.

THE GENERAL DATA PROTECTION REGULATION (GDPR) – UPDATE

2. The new legislation went live on the 25 May 2018 and has now replaced the Data Protection Act (1998). To help us prepare for these changes we appointed a Data Protection Officer in January to lead on the requirements for readiness and to ensure future compliance with the legislation.
3. Our Data Protection Officer has been working on a number of workstreams through careful consideration of guidance and identifying any potential gaps. The first of these areas was the establishment of an Information Asset Register. This register will detail all our information assets we hold as a Service and how we use that information in an appropriate manner. Our Data Protection officer has been meeting with all teams to build this picture for us, whilst at the same time providing departments with the advice and support they need.
4. Training has been a considerable gap for the Service. In the past training was delivered to all staff in a lecture style presentation which was extremely resource intensive and therefore not delivered on an annual basis. Now we have procured an e-learning package adapted for Fire & Rescue Services, which will be rolled out to all staff. This will enable us to ensure that all staff are undertaking the regular training but also test their knowledge. Using the test results, we will be able to better target communications on areas where we are perhaps lacking a bit of understanding and also seek to deliver more hands-on training for particularly complex areas.

DATA PROTECTION BREACHES

5. For the financial year 2017/18 we had no reportable breaches of the Data Protection Act to the Information Commissioner (IC).
6. We did however have 22 data incidents/non-reportable breaches that have been successfully managed and closed internally with no requirement to report to the IC.
7. Under the new legislation, there are more controls and guidance to determine what breaches require formal reporting to the IC and subsequent reporting to those data subjects who have been affected by the breach. Under these new guidelines we may find that more breaches will need reporting to the IC.

SUBJECT ACCESS REQUESTS

8. In 2017/18 the Service received 13 subject access requests (individuals wishing to access personal information relating to them). This is a significant increase to the previous year where we only received 6.
9. Now under GDPR data subjects have more rights, including the right to deletion. With these increased rights and more public awareness, it is anticipated that the number of varied data subject requests will continue to rise over this financial year 2018/19.

FREEDOM OF INFORMATION (FOI) & ENVIRONMENTAL INFORMATION REGULATIONS (EIR) REQUESTS

10. Although the legislation relating to FOIs remains largely unaffected by GDPR, much of the work to be undertaken will greatly improve our ability to quickly locate, access and where appropriate disclose the information to the requester. The information asset register will indicate the type of information, where it is held and who the Information Asset Owner is.
11. In 2017/18 we completed 148 requests for information which is a slight increase on 2016/17, where we had 144. Out of the 148, 82% of these were completed within the 20-day limit. To improve this, we have shortened the amount of time given to teams to provide the data from 15 days to just 10 with greater emphasis on escalation. This gives us more time to assess the return and redirect to another team if required. In addition to this, we are preparing FOI training to be delivered to teams across the Service. This will increase understanding and highlight the importance of providing accurate and timely information.

INFORMATION COMMISSIONERS OFFICER (ICO) CASES

12. Last financial year we received 3 complaints made to the IC. Two of the complaints were regarding our handling of an EIR request. During the proceeds we made several voluntary disclosures to the complainant but despite these disclosures the

claimant kept pursuing additional information which subsequently lead to the IC decision that in both cases no further action was to be taken against the Service.

13. The other complaint was made about our handling of a Subject Access Request where we had exceeded the statutory time limit for completion. In this instance the IC acknowledged we had exceeded this time but due to the steps we had taken to resolve the issue and provide the data subject with as much information as we could, they too concluded that no further action was to be taken against the Service.

REGULATIONS OF INVESTIGATORY POWERS ACT (RIPA)

14. The Regulation of Investigatory Powers Act 2000 (RIPA) was introduced to ensure that investigatory powers used by public authorities complies with human rights law, in particular the European Convention on Human Rights (ECHR). Its main purpose is to ensure that any surveillance on, or the gathering of communications data about any person is a justified infringement of Article 8 of the European Convention on Human Rights (the rights to privacy).
15. HFRS have not had any incidents identified in 2017/18 that have required us to access communications data using the Authority's power under RIPA.
16. Each year we are required to undertake an inspection/audit from the Investigatory Powers Commissioner's Office to ensure we have the appropriate controls in place to exercise these powers. In our last return it was found that a number of areas had slipped from our previous position and required immediate attention. This included the requirement for our dedicated Authorising Officers to receive certified training. Our policy defines our Authorising Officers as our Assistant Chief Officers and these have only just been recruited to post. Now both ACOs are in post, it is planned that they will undergo this training.
17. Another area identified in the return was that our policy required updating to incorporate new guidance on the use of Social Media. The policy is now under review and will be updated accordingly.

COLLABORATION

18. The Knowledge Management team have been collaborating with Hampshire County Council colleagues to exchange expertise and discuss complex issues in relation to Information governance. We are also working with the Office of Police & Crime Commissioners to establish shared agreements, particularly in respect of CCTV in building where we co-locate.

RESOURCE IMPLICATIONS

19. No additional resources are required at this time.

LEGAL IMPLICATIONS

20. Information Governance law as detailed in this report.

PEOPLE IMPACT ASSESSMENT

21. The proposals in this report are compatible with the provisions of equality and human rights legislation.

RISK ANALYSIS

22. Failure to comply with GDPR and other Information Governance law will put the Service at risk of incurring significant financial penalties, and reputational damage, both with our staff and the public. Furthermore, compensation can be given to those individuals whose information has been compromised or unlawfully released.

RECOMMENDATION

23. That the Hampshire Fire and Rescue Authority note our performance in respect of Information Governance.

BACKGROUND PAPERS

Guide to the General Data Protection Regulation (GDPR) – Information Commissioners Office

<https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr>

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