

Standards and Governance Committee

Purpose: Noted

Date: **23 JULY 2019**



**HAMPSHIRE
FIRE AND
RESCUE
AUTHORITY**

Title: **INFORMATION COMPLIANCE REPORT 2018-2019**

Report of Chief Fire Officer

SUMMARY

1. The Information Compliance Report 2018-2019 demonstrates Hampshire Fire and Rescue Service's (HFRS) commitment to information compliance and its activities, including an update on the implementation of the General Data Protection Regulation (GDPR) and Data Protection Act (DPA) 2018.
2. This report includes a performance summary of:
 - Subject Access Requests (SARs);
 - Freedom of Information (FOI) and Environmental Information Regulations (EIR) Requests;
 - Data Protection breaches;
 - Complaints management (in compliance with HFRS Policy).
3. This report is presented to the Standards and Governance Committee for noting the Service's performance demonstrated within this report and its commitment to information compliance.

BACKGROUND

4. The General Data Protection Regulation came into effect on 25 May 2018.
5. HFRS Executive Group are accountable for the Service's information compliance obligations. The HFRS Senior Information Risk Owner (SIRO) is an Executive Group member and accountable to establish information risk strategy.
6. The GDPR introduces a duty for the organisation to appoint a Data Protection Officer (DPO). HFRS appointed a DPO in March 2018 to monitor internal compliance while also informing and advising on data protection obligations.
7. The Governance and Compliance team is responsible for the overall management of information compliance, and the DPO monitors compliance and provides risk-based advice.

GENERAL DATA PROTECTION REGULATION (GDPR) AND DATA PROTECTION ACT (DPA) 2018

8. The Service has reviewed its activities and compliance with regulation and legislation. A number of improvement workstreams have been identified, including the establishment of an Information Asset Register. This register details all the information assets held by HFRS. To establish this register, the DPO has engaged with all departments, increasing information compliance awareness, and providing support and advice.
9. Completing Data Protection training is a mandatory requirement for all staff. It is important for staff to understand the responsibility as an individual and as a Service for protecting personal data. The Service identified challenges with the completion rate and through escalation and engagement has seen significant improvement in its completion rates. Following staff feedback, the DPO led the development of a new concise online package, providing staff with an understanding of Data Protection Legislation.
10. Furthermore, following feedback from operational teams, the delivery of training will be adapted for watch managers, crew managers and firefighters. Crew managers and watch managers will have the responsibility to arrange the training to be completed for their crews and update the competency training records for their teams.
11. As part of our learning culture, the DPO working in collaboration with the Media and Communications Team is developing a Communications Strategy to raise further awareness around GDPR and data protection.

DATA PROTECTION BREACHES

12. A personal data breach means a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data. This includes breaches that are the result of both accidental and deliberate causes. It also means that a breach is more than just about losing personal data.
13. Members will note (as detailed in the table below), there has been an 100% increase in reported data breaches in comparison to the previous year. This rise correlates with the success of the Service's monitoring of internal compliance and awareness of GDPR and DPA 2018. In particular, engagement with departments of the requirement to promptly report any potential breaches to the Governance and Compliance Team.

Financial year	2017/2018	2018/2019	Notes
Data protection breaches	22	44	Variance 100%
Reported to ICO	0	5	3 ICO closed no action 2 ICO investigated (1 with remedial actions recommended and closed)

14. From those reported data breaches, 5 (11%) were notified to the Information Commissioner's Office (ICO) based on risk. The ICO confirmed investigation of 2 reported data breaches, of which, 1 has been completed and the ICO provided actionable recommendations that have now been delivered.

SUBJECT ACCESS REQUESTS

15. A Subject Access Request (SAR) is the term used to describe a request from an individual concerning their personal data held by the Service.
16. GDPR provides data subjects the following eight rights; the right to be informed on how their data is being used; the right to access their data; the right to rectify their data; the right to request erasure of their data; the right to restrict the processing of their data; the right to obtain and reuse their personal data for their own purposes across different organisations; the right to object to their data being processed and rights around automated decision making such as the right to request human intervention or challenge a decision if it has been made by an automated process or as a result of profiling.
17. With these increased rights and more general awareness of these rights, HFRS has seen an increase in the number of SAR requests received.

Financial year	2017/2018	2018/2019	Notes in relation 2018/2019
Subject Access Requests	13	16	Variance 23% 13 deadline 1 month 3 "complex" deadline 3 months

18. For the financial year 2018-2019 there were 16 Subject Access Requests (SARs), which is an increase of 3 (23%). Three of the SARs were "complex", creating a significant pressure on resources.
19. SARs are required to be completed within 1 month, unless due to significant volume of information, it is deemed "complex". In these circumstances the completion deadline is extended to 3 months.

20. Response deadlines were met for 100% of the SARs.
21. The Team experienced great success with processing and meeting response deadlines for the SARs due to establishing a robust SAR Plan Template, using bespoke software for redaction, and ensuring effective engagement with relevant colleagues, for accuracy and speed of completion within deadline.

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

22. The Freedom of Information Act 2000 provides public access to information held by public authorities, and the Environmental Information Regulations 2004 provide public access to environmental information held by public authorities. This access is achieved in two ways; public authorities are obliged to publish certain information about their activities and proactively publish environmental information; and members of the public are entitled to request information and environmental information from public authorities.
23. For the financial year 2018-2019 there were 170 information requests. A total of 13 requests required clarification prior to the team being able to action them, however for 9 of these requests no clarification was received and therefore were closed in accordance with internal procedure.

Financial year	2017/2018	2018/2019	Notes in relation 2018/2019
Information Requests received	153	170	9 closed due to no response to clarification.
Information Requests processed	148	161	Deadline 20 working days 144 (90%) deadline achieved 17 (10%) deadline missed

24. For the remaining 161 information requests. The response deadline (20 working days from the day after the request is received providing a full response, either supplying the information requested, or explaining why HFRS cannot supply it), was achieved for 90% of the information requests. Unfortunately, 17 (10%) of the requests were responded to outside of the legislative deadline. This is an improvement of 8% from the previous financial year when 82% were responded to within the deadline.
25. In respect of the 17 requests completed outside of the required deadline, these have been reviewed, the root cause identified and mitigations considered for safeguarding and continued improvement of the responses within the required deadline.

26. The Governance and Compliance Team are working with the Media and Communications Team to develop FOI and EIR awareness training to be delivered across the Service.

COMPLIMENTS AND COMPLAINTS

27. The Governance and Compliance Team receive compliments and process complaints made about the Service. These complaints can be both internal and external complaints. The deadline for responses to complaints is 20 working days.
28. The Service received 112 compliments during the period. These were related to performance at incidents, community activities and general compliments to the Service.
29. In the financial year 2018-2019 a total of 65 complaints were received. 48 of these complaints were closed within the response deadline of 20 working days which is set by organisational policy.

Financial year	2017/2018	2018/2019	Notes in relation 2018/2019
Complaints Received	80	65	3 still ongoing
Complaints Processed	78	62	48 were closed within the response deadline. 7 (41%) were delayed due to the Team waiting on the information from the investigating officer, 5 (29%) were delayed due to being a complex investigation taking longer to complete than 20 working days, 4 (24%) were delayed due to a lack of available resource within the Team, and 1 (6%) was delayed due to uncertainty around which department to allocate the investigation.

30. The Governance and Compliance Team are working with the Media and Communications Team to develop Complaints awareness training to be delivered across the Service.

SUPPORTING OUR SERVICE PLAN AND PRIORITIES

31. The information contained within this report supports the Service Plan and priorities. Remaining informed of national legislation and good practice guidance ensures that we maintain robust and transparent operations and protects the reputation of the organisation.
32. HFRS is committed to making Hampshire safer. HFRS takes the responsibility bestowed on us to process personal information very seriously and has made monitoring compliance with data protection legislation one of our priorities.

COLLABORATION

33. The Governance and Compliance Team continue to collaborate with Hampshire County Council, the Office of Police and Crime Commissioner, Networked Fire Service Partnership (NFSP), Hampshire Constabulary, and National Fire Chief Council (NFCC) colleagues to exchange expertise and discuss complex issues in relation to information compliance.

RESOURCE IMPLICATIONS

34. The Information Compliance Report has no resource implications and no additional cost to the Service. The work is currently carried out within existing resource and budgets.

ENVIRONMENTAL AND SUSTAINABILITY IMPACT ASSESSMENT

35. The proposals in this report are compatible with the environment and sustainability.

LEGAL IMPLICATIONS

36. HFRS have a statutory obligation to comply with Data Protection legislation as detailed in this report. The ICO can take regulatory action and fine the Service for non-compliance. Additionally, affected individuals can take legal action against HFRS if we are found to be non-compliant with data protection legislation.

EQUALITY IMPACT ASSESSMENT

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

RISK ANALYSIS

38. Failure to comply with data protection legislation 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.

EVALUATION

39. All data breaches, information requests and SARs will continue to be monitored by the Service as part of business as usual reviews. All non-compliance with legislative deadlines will be investigated and safeguards implemented.
40. HFRS will continue to summarise and report to the Standards and Governance Committee of Hampshire Fire and Rescue Authority on the compliance and performance of data breaches, information requests and SARs.

CONCLUSION

41. This report has detailed the performance and compliance of HFRS in relation to data protection legislation and information compliance.
42. Data Protection training for all staff is ongoing and being met with positive feedback.
43. The increase in reporting and recording personal data breaches is encouraging and indicative of successful implementation of data protection legislation across the Service and its commitment to operating in an open and transparent environment.
44. Furthermore, the ICO have not issued any enforcement actions against the Service in relation to the investigations they have conducted.
45. Demonstrating compliance with data protection legislation ensures staff and public confidence in the way the Service handles personal information, and information requests; with transparency and integrity.
46. The report demonstrates, notwithstanding the increased pressures on resources (due to increased volume of information requests and strict deadlines, the challenges of preparing for and embedding new data protection procedures), the Service's performance has increased from the previous financial year due to its dedication to information compliance activities.

RECOMMENDATION

47. That the Service's performance demonstrated within this report and its commitment to information compliance be noted by the Standards and Governance Committee.

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