

**NORTH LINCOLNSHIRE COUNCIL**

**AUDIT COMMITTEE**

**INFORMATION GOVERNANCE UPDATE**

**1. OBJECT AND KEY POINTS IN THIS REPORT**

- 1.1 To provide the Audit Committee with a position statement on the development of the council's Information Governance function.
- 1.2 Key points are:
- The council is required by law to comply with a range of information related requirements.
  - An Information Governance Framework with associated policies is in place and is reviewed annually to support the council in complying with legislative requirements.
  - The council has undertaken a number of internal and external assessments which indicate assurance in its discharge of these functions.

**2. BACKGROUND INFORMATION**

- 2.1 Information is a key council asset and it is crucial that it is looked after with the same care as other critical assets, such as finance, people and land/property.
- 2.2 The council has a legal obligation to comply with information related legislation, notably the Data Protection Act 1998, Freedom of Information Act 2000 and the Environmental Information Regulations 2004. Collectively we refer to these requirements and activities as 'Information Governance'.
- 2.3 An internal Information Governance Framework underpinned by associated policies sets out how the council will comply with legislation and good practice. Significant enhancement of the Framework has taken place during 2012-13. An annual review process ensures that any changes in legislation or good practice are incorporated.

- 2.4 The council is committed to the ongoing strengthening of its Information Governance arrangements and continues to strive to meet the standards set by both internal audit and external assessment. Examples of assurance include:
- a) The recent integration of Public Health functions required the council to provide assurance to the NHS that it had adequate Information Governance policies, procedures and processes in place. This was achieved in March 2013 with the council gaining 'Level Two' compliance with an acceptable action plan. Level Two means that any Information Governance policies and procedures required are in place and made available to all staff. This compliance must be renewed annually.
  - b) Internal Audit awarded the council's Data Protection Act and Freedom of Information Act processes 'adequate assurance' in June 2013
  - c) Internal Audit awarded the council's Information Governance Framework 'adequate assurance' in January 2014.
- 2.5 The Information Commissioner's Office (ICO) regulates the Data Protection Act 1998, the Freedom of Information Act 2000 and the Environmental Information Regulations 2004 in the UK. The council continues to work closely with the ICO to enhance processes and to ensure compliance.
- 2.6 A key element ensuring compliance with Information Governance legislation is the training of employees. A three year training plan covering the period 2013-16 has been produced with the key point being that basic Information Governance training is mandatory for all employees and that key employees with higher level responsibilities must complete expert level training. Expert e-learning packages will be developed during 2014.
- 2.7 The appropriate exchange of information is considered essential to deliver effective and efficient services for citizens, to meet their needs and ensure their welfare and protection. However there is a balance between the need to share sufficient information to deliver effective services, and preserving the privacy of the individual. A Humber Information Sharing Charter was developed and agreed during 2012, as a three tier framework for the effective and secure sharing of information across the Humber region. This was reviewed in 2013 and revised to be a simpler two tier Charter. In addition the council agreed an Internal Information sharing charter in November 2013, to cover the internal sharing of information.
- 2.8 Compliance with Information Governance legislation requires that the council responds to requests for information within a set period of time, usually twenty working days for Freedom of Information and Environmental information requests and forty calendar days for Data Protection Requests. Performance is monitored on an ongoing basis through the internal Performance Management System.

- 2.9 Physical improvements to security have been made including the encryption of all laptops and the restriction on the use of portable USB devices, to minimise the risk of accidental information loss.
- 2.10 Compliance with Information Governance legislation also requires that good care is taken of records so that, for example they are stored with the appropriate level of security and can be found if required. As a result corporate archive facilities have continued to be developed and enhanced and the council has taken part during 2013 in a national project to update national records retention information. This work will be further enhanced during 2014.
- 2.11 The council's Information Governance arrangements will be subject to a further NHS based assessment in March 2014. Outcomes from this will be used to inform an ongoing action plan.

### **3. OPTIONS FOR CONSIDERATION**

- 3.1 As detailed below.

### **4. ANALYSIS OF OPTIONS**

- 4.1 **Option 1** – That the Audit Committee considers the current progress and recommended developments provide sufficient assurance of the adequacy of the council's Information Governance arrangements.
- 4.2 **Option 2** – That the Audit Committee considers the current progress and further recommended developments are not sufficient and requests that additional work is undertaken.

### **5. RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)**

- 5.1 The risks in not identifying and addressing weaknesses in Information Governance compliance include the inefficient working of the council if for example records cannot be easily located to complete internal work or to answer requests for information, possible reputational damage and action by the Information Commissioner that could result in the council being fined up to £500k for any one incident.

### **6. OUTCOMES OF INTEGRATED IMPACT ASSESSMENT (IF APPLICABLE)**

- 6.1 An integrated impact assessment is not required for this report.

### **7. OUTCOMES OF CONSULTATION AND CONFLICTS OF INTERESTS DECLARED**

- 7.1 There are no consultations or conflicts of interests to report.

## **8. RECOMMENDATIONS**

- 8.1 The Audit Committee should consider whether the report provides sufficient assurance of the adequacy of the council's Information Governance arrangements.
- 8.2 That a further update on Information Governance is submitted in January 2015.

### **DIRECTOR OF POLICY AND RESOURCES**

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