Report of the Director of Policy and Resources   Agenda Item No: 6

Meeting: 24 June 2014

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 Policy 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, Freedom of Information Act and
       the Environmental Information Regulations. Collectively we refer to these
       requirements and activities as 'Information Governance'.

2.3   An internal Information Governance Policy Framework underpinned by
       associated policies sets out how the council will comply with legislation and
       good practice. Further enhancement of the Framework took place during
       2013-14, which saw the addition of the following new policies and
       procedures:

              • Internal Information Sharing Protocol
              • Caldicott Plan
              • Information Request Charging Policy
              • Re-use of Council Information

- Information Security Classification Procedure
- Data De-identification Procedure

2.4 The Caldicott Plan and Information Security Classification Procedures will be finalised and the necessary approval sought during 2014.

2.5 An annual review was carried out March 2014 on the existing parts of the framework to ensure that any changes in legislation or good practice were incorporated. The main changes related to the inclusion in the Freedom of Information Act of requirements on how datasets should be managed, including requests for dataset information, charges, complaints, re-use of dataset information and the publication of requested datasets.

2.6 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. In March 2014 the second submission of the NHS Information Governance Self Assessment was made to the NHS. The integration of Public Health functions into the council requires the council to complete this assessment annually, to provide assurance to the NHS that our information is looked after properly and in line with legislation. This is achieved by providing evidence for 40 requirements to a minimum of level two standard.

2.7 This year's submission has been accepted and has seen the council's score increase from 51% to 75%, with one outstanding action plan task not yet at level two standard. This task is to implement the use of the NHS number in all relevant council systems and is scheduled for completion during 2014. This is a national issue, as it is only recently that local authorities have received the necessary permissions to implement fully the use of the NHS number. Level two is achieved with a score of 66% and this was exceeded by us also meeting eleven requirements to level three standard.

2.8 Internal Audit awarded the Data Protection Act and Freedom of Information Act audits adequate assurance June 2013 and the Information Governance Policy Framework adequate assurance January 2014.

2.9 The council received confirmation of continued successful compliance with the requirements of the Public Sector Network (PSN) Code of Connection (CoCo) and has continued to enhance IT related information security. Examples of improvements made are the encryption of all laptops, the disabling of USB drives other than for approved/encrypted council supplied devices and further work towards enhancing the security of mobile devices.

2.10 A comprehensive Information Governance action plan has been developed to guide improvement work over the next 12 months.

2.11 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, particularly around the protection of information.

2.12 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 making basic Information Governance training mandatory for all employees every three years. This plan requires that key employees also carry out this training to expert level, completing packages relevant to their role. To facilitate this e-learning packages on the following subjects are being produced with an expectation that they will be available by 01 October 2014:

- Requests for Information
- Information Sharing and Caldicott
- Records Management
- Information Security, Risk and PSN
- Security Classification
- Data Quality
- Data De-identification.

2.13 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. Work has continued to develop and enhance the corporate archive facilities and they are now known as corporate Record Stores, recognising that in some instances the information stored there is active information and also recognising the difference with official archive sites, for more permanent preservation. Racking has been installed in some parts of the store to make better use of space and to make it easier to locate information. A development plan is being produced that will set out aspirations for the future of the Record Stores.

2.14 How records are looked after will be further enhanced by the completion of a records retention schedule tailored to the council and further work to produce more comprehensive file plans and inventories of records. This is also a requirement for the smooth transition to the more extensive use of an Electronic Document Records Management System (EDRMS), as and when this facility becomes available. A review of how records are looked after is to be completed by all directorate Records Co-ordinators to help identify where further work is required.

2.15 The importance of individuals understanding how the council is looking after their information and what their rights are with regard to, for example requesting access to it have been recognised. As a result the council's website has an Information Governance section that was reviewed March 2014 providing access to the necessary policies and procedures.

2.16 A project commenced late 2013 to implement Security Classification within the council. The Data Protection Act requires that personal information, which could identify someone, is stored with an appropriate level of security. In addition it is sometimes necessary to protect confidential information. The

government released new guidelines April 2014 about applying a security classification to documents, simplifying the previous protective marking scheme. The new scheme suggests three levels of protection – Top Secret, Secret and Official, with the option to apply a descriptor to the Official option. The use of a descriptor will show that the information requires some form of protection. An example could be that the information includes personal information.

2.17 It is thought that virtually 100% of council information will fall in the Official category, with the other categories applying more, for example to central government. The Security Classification project will see 'Official' applied to information requiring no protection and 'Official and a Descriptor' to any information requiring some protection. Secret and Top Secret would always be considered but are not expected to be used. It is anticipated that the project will see a marking applied to most information, but a trial set to commence in Local Taxation and Benefits will confirm this thinking, before roll-out to the remainder of the council.

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

Civic Centre
Ashby Road
SCUNTHORPE
North Lincolnshire
DN16 1AB

Author: Phillipa Thornley
Date: 09 June 2014