

NORTH LINCOLNSHIRE COUNCIL

FINANCE AND GOVERNANCE CABINET MEMBER

INFORMATION GOVERNANCE FRAMEWORK UPDATE

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To consider and approve updates to several information governance policy schedules.
- 1.2 The key points in this report are as follows:
- The council undertakes a regular review of its Information Governance Framework and associated policy schedules to ensure that they reflect best practice and evolving data protection requirements.
 - Following a recent review a series of updates to several specific policy schedules are proposed as detailed in the main body of the report.

2. BACKGROUND INFORMATION

- 2.1 The Information Governance Framework comprises a series of individual policies which collectively set out how the council will manage and secure its information and personal data assets in compliance with best practice requirements including, notably, the UK General Data Protection Regulation / Data Protection Act 2018 and the Freedom of Information Act.
- 2.2 As part of an ongoing programme of policy reviews, a series of updates are required to three information governance policy schedules, specifically the:
- Access to Information Policy
 - CCTV Policy
 - Information Charging Policy
- 2.3 The proposed changes are summarised as follows:

Access to Information Policy (Appendix 1)

Summary of changes:

- a) New section 8.0 created to set out the specific policy details for handling Subject Access Requests from third parties.
- b) New section 9.0 created to set out the specific policy for handling information requests relating to deceased individuals.
- c) Section 11 updated to include a charge for the release of CCTV footage in applicable circumstances

- d) Section 12 Timeframes, amended as follows:
- to specify the timeframe for responding to requests for records relating to deceased individuals
 - to state that the timeframe for all information requests begins the day after an agreed request is received
 - to reduce the timeframe that requests, other than SARs, are placed on hold for whilst clarification is sought from 3 months to one month.
- e) Appendices updated as follows:
- Appendix C updated to include the Data Protection SAR exemption relating to “unstructured manual data”.
 - Addition of Appendix D to set out exemptions that apply to requests for information relating to deceased individuals
 - Removal of Appendix F (charges for requests for information) as this detail is now included in the Information Charging Policy.
 - Other appendices have been renumbered accordingly.

CCTV Policy (Appendix 2)

Summary of changes:

- a) Updated to include that there may be a charge, as permitted by legislation, to supply CCTV images to third parties under the exemption in the Data Protection Act 2018 in applicable circumstances, such as where an external commercial organisation requests CCTV footage for insurance claim purposes. Charging will not be applied to personal data protection-based subject access requests unless permitted by legislation, such as an individual requesting further copies of the footage or where the request is considered manifestly excessive. Charging will also not be applied where for example the council is working in partnership with public bodies such as the police.

Information Charging Policy (Appendix 3)

Summary of changes:

- a) The addition of Section 7.0 to refer to charging to release CCTV footage requested under the Data Protection Act 2018.
- b) The addition of separate sections for the different legislative charges.
- c) Content of Appendix B (how to make a payment) moved into the body of the policy to become section 10.0
- d) References to charges for fax and floppy discs removed as these formats are no longer offered as media options

3. OPTIONS FOR CONSIDERATION

3.1 Option 1: Approve the policy updates as detailed above.

3.2 Option 2: Amend or reject the policy updates.

4. ANALYSIS OF OPTIONS

4.1 Option 1 is recommended as the revised policies reflect updated legislation and national guidance.

5. **FINANCIAL AND OTHER RESOURCE IMPLICATIONS (e.g. LEGAL, HR, PROPERTY, IT COMMUNICATIONS etc.)**
 - 5.1 The Information Governance team will lead and support the implementation of the revised policies and embedding of them across the council.
 - 5.2 Failure to comply with Information Governance legislation can result in the Information Commissioner imposing significant fines under the UK General Data Protection Regulation / Data Protection Act 2018.
6. **OTHER RELEVANT IMPLICATIONS (e.g. CRIME AND DISORDER, EQUALITIES, COUNCIL PLAN, ENVIRONMENTAL, RISK etc.)**
 - 6.1 Information governance risk and related legislation has been considered as part of the review of the policies.
7. **OUTCOMES OF INTEGRATED IMPACT ASSESSMENT (IF APPLICABLE)**
 - 7.1 Data Protection is an integral part of the Integrated Impact Assessment and no adverse impacts have been identified. The updated policies make provision to meet the equality and privacy needs of individuals.
8. **OUTCOMES OF CONSULTATION AND CONFLICTS OF INTERESTS DECLARED**
 - 8.1 Consultation is not applicable.
 - 8.2 No conflicts of interest have been identified.
9. **RECOMMENDATIONS**
 - 9.1 That the proposed changes as set out in the revised Access to Information Policy, CCTV Policy and Information Charging Policy (Appendix 1, 2 and 3 respectively) are approved.

DIRECTOR OF GOVERNANCE AND COMMUNITIES

Church Square House
30-40 High Street
SCUNTHORPE
North Lincolnshire
DN15 6NL
Author: Phillipa Thornley/Jason Whaler
Date: 29 December 2021

Background Papers used in the preparation of this report

ICO Guidance
Relevant legislation and guidance
Information governance framework