

**Decision Maker:** Governance & Audit Committee

**Subject:** Information Commissioner's Office Data Protection Audit Recommendations & Proposed Actions

**Date of decision:** 28<sup>th</sup> June 2012

**Report from:** Michael Lawther City Solicitor and Strategic Director

**Report by:** Peter Harding Corporate Information Governance Officer

**Wards Affected:** All

**Key decision (over £20k)** N/A

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## 1. Summary

The Information Commissioner's Office (ICO) audit team have undertaken a final "desk top review" and sought evidence of implementation of the 35 initial recommendations. They conclude PCC has successfully implemented 24 with the remainder partially or to be implemented. The final report has been accepted by the ICO and PCC and an Executive Summary is on the ICO website.

## 2. Purpose of report

To update Members on the progress of the Information Commissioner's Office audit findings.

## 3. Background

Following a series of Data Security Breaches reported to the Information Commissioner's Office (ICO), PCC was required to sign an undertaking, agreeing to comply with the Data Protection Act. We subsequently agreed that a consensual Data Protection Audit would be carried out by the ICO which focused on the following areas

- Data Protection Governance
- Training
- Records Management (manual & electronic) – primarily in Social Care
- Requests for Personal Data- primarily in Social Care

The Audit contains 35 recommendations but the overall opinion was that PCC offered "reasonable assurance" that processes and procedures are in place and being adhered to but identified some areas for improvement to reduce the risk of non-compliance with the Data Protection Act.

## 4. Recommendations

It is recommended that Members of the Governance & Audit Committee:

- 4.1 Note the completion and publication of the Audit;
- 4.2 Note the status and progress of the remaining recommendations.
- 4.3 Note that fines currently in the order of £70- £90k are being issued to Local Authorities for data breaches.

## **5. ICO recommendations**

Progress of implementation of recommendations has been good and on time.

PCC provided a final response in March to the ICO desktop review and proposed Executive summary. The overall finding is that PCC has maintained Reasonable Assurance (second highest rating). Three of the four (4) topic areas improved from Reasonable Assurance to High Assurance. The remaining topic area (Records Management) was reassessed from Reasonable Assurance to Limited. The rationale provided by the ICO was that while it was recognised progress had been made, PCC's reliance on system alterations and integrating PCC wide recommendations into the Knowledge Management workstream extended timescales.

The final position submitted by PCC:

29 recommendations have been completed including those where previously it was determined no PCC action required. These have been evaluated to confirm that position.

4 are Amber where satisfactory progress is being made and the likelihood of implementation is high.

2 are Red (these are interrelated) and the ICO will be advised these will be integrated into Knowledge Management work stream within the Transformation programme.

Work on these latter two recommendations will be monitored through the Transformation programme.

Copies of the final ICO audit report and Executive summary are attached

## **6. Equality impact Assessment**

Equality Impact Assessment is not required as this is only an update report.

## **9. Head of legal services' comments**

*Failure to implement recommendations may cause another breach leaving PCC vulnerable to enforcement action by the ICO. The implication of this is that there could be a financial penalty imposed on PCC.*

## **10. Head of finance's comments**

*The scope of work and therefore resource is still to be determined (30/06/2011). Although the FOI officer has estimated that an additional 20 days work could be required by the FOI team, representing an additional cost of approximately £3,500, the resource and financial implications to other services have yet to be quantified. Whilst it may be possible to fund this identified additional cost within*

*the overall budget of the Resources portfolio, budget provision for the remaining actions can only be identified once the scope of this work is quantified.*

No deviation from G&A reports presented 30<sup>th</sup> June 2011, 29<sup>th</sup> September 2011, 29<sup>th</sup> January 2012 and 9<sup>th</sup> March 2012.

11. Signed off:

pp Michael Lawther Strategic Director & City Solicitor

**Appendices: None**

The recommendation(s) set out above were approved/approved as amended/deferred/

rejected by.....on.....

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Signed by: