

BARNSELEY METROPOLITAN BOROUGH COUNCIL

AUDIT COMMITTEE

18th April 2018

REPORT OF THE IT SERVICE DIRECTOR

INFORMATION COMMISSIONERS AUDIT

1. Purpose of the Report

The purpose of this report is to provide Audit Committee with an update of the Information Commissioners Office (ICO) audit.

2. Background

The Information Commissioner is responsible for enforcing and promoting compliance with the Data Protection Act 1998 (the DPA). Section 51 (7) of the DPA contains a provision giving the Information Commissioner power to assess any organisation's processing of personal data for the following of 'good practice', with the agreement of the data controller. This is done through a consensual audit.

The ICO sees auditing as a constructive process with real benefits for data controllers and so aims to establish a participative approach. In October 2017 the Council welcomed a consensual audit of its processing of personal data.

3. ICO Observations and Actions

As reported to Audit Committee previously the ICO made significant recognition of the strong leadership and good practice the Council have embedded. In particular, they cited the excellent online training provision, comprehensive case management system for processing Freedom of Information requests and Shortwood was identified as having very well established processes for managing paper records.

In addition, they highlighted some areas to be considered for further improvement.

The Executive Summary can be viewed here: <https://ico.org.uk/action-weve-taken/audits-advisory-visits-and-overview-reports/barnsley-metropolitan-borough-council/>

The overall audit opinion for the Council was assessed as ‘reasonable assurance’:

There is a reasonable level of assurance that processes and procedures are in place and delivering data protection compliance. The audit has identified some scope for improvement in existing arrangements to reduce the risk of non-compliance with the DPA.

The ICO have made a limited assurance assessment in respect of Records Management, and two reasonable assurance assessments, in respect of Training and Awareness and Freedom of Information, where controls could be enhanced to address the issues which are presented fully in the separate ‘action plan’, along with management responses.

A number of recommendations were made for the Council to act on but to put these into perspective the majority are medium or low priority.

An action plan was developed by the Council and is facilitated by Internal Audit and the Information Governance Board. Audit Committee will continue to receive regular reviews of progress to date.

4. Progress - ICO action plan

The ICO made 8 urgent priority recommendations, 21 high priority recommendations, 57 medium priority recommendations and 24 low priority recommendations.

The implementation timeframe calculated by the Council and accepted by ICO for *all* recommendations to be completed is 2020. This is because some recommendations are highly complex in nature – for example the full implementation of sharepoint, which is a two year ongoing programme.

The following table highlights progress as at 31st March, 2018.

Month	Number due to be completed in the month	Number Completed	Commentary
December 2017	15	2	Out of these 2 urgent recommendations were completed, 2 high recommendations were completed, 9 medium recommendations were completed and 2 low recommendations were completed.
January 2018	5	2	
February 2018	2	9	
March 2018	26	2	
Total	48	15	

It was anticipated that a total of 48 recommendations would have been completed between December 2017 and March 2018, 15 were completed. Therefore, 33 have not met the implementation date, however there are a number of recommendations (11) that have the status 'ongoing'. This means that work is in progress but the recommendation cannot be fully categorised as 'complete'.

There has recently been a lot of movement in Business Units, with change of BU's and change of management and this has hindered some progress. Some recommendations require, for example, SMT sign-off and corporate communications and implementation, this is not a 'quick' process and therefore some have exceeded the expected timescale. Because of this some Business Units have stated that the timescales for implementation are unrealistic, therefore, these are currently being revisited with the Information Governance Team to ensure that Business Units can meet the set targets, or to re-negotiate targets.

A number of the recommendations are not yet due to be implemented and have a future date scheduled. These are also in progress.

The ICO will contact us around September 2018 to request the updated action plan. The follow up audit will be a desk based review, using the updated action plan and any supporting evidence we supply.

The next internal update will be presented to the IG Board on 7th May, where progress against the plan will be reported.

5. Summary

Progress is being made across the Council and the Information Governance Team, Internal Audit and the Information Governance Board will continue to monitor progress and will escalate concerns to the relevant Executive Director / Service Director where appropriate progress is not being made.