

BARNSELY METROPOLITAN BOROUGH COUNCIL

AUDIT COMMITTEE

19th September 2018

REPORT OF THE SERVICE DIRECTOR CUSTOMER, INFORMATION AND DIGITAL SERVICE

INFORMATION COMMISSIONERS OFFICE AUDIT – FINAL ACTION PLAN AND OUTCOMES

1. Purpose of the Report

The purpose of this report is to provide Audit Committee with the final data protection audit outcomes.

2. Information and Analysis

Barnsley Metropolitan Borough Council agreed to a consensual audit by the ICO of its processing of personal data and information requests in respect of the Freedom of Information Act 2000 (FOIA) and Environmental Information Regulations 2004 (EIRs). The audit took place during October 2017.

The conclusion of the audit was that the Council has a 'reasonable¹' level of assurance that processes and procedures are in place and delivering data protection compliance. The audit identified some scope for improvement in existing arrangements to reduce the risk of non-compliance with the Data Protection Act.

Scope of the audit

Following pre-audit discussions with the Council, it was agreed that the audit would focus on the following areas:

- a) **Training and awareness** – The provision and monitoring of staff data protection training and the awareness of data protection requirements relating to their roles and responsibilities;
- b) **Records management (manual and electronic)** – The processes in place for managing both manual and electronic records containing personal data. This includes that controls are in place to monitor the creation, maintenance, storage, movement, retention and destruction of personal data records; and
- c) **Freedom of Information** – The processes in place to respond to any requests for information and the extent to which FOIA/EIR responsibility, policies and procedures, training, performance controls, and compliance reporting mechanisms are in place and in operation throughout the organisation.

¹ There is a reasonable level of assurance that processes and procedures are in place and are 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.

Follow up

The ICO will be conducting a follow up review to establish the progress made against the agreed recommendations since the audit in October 2017. The review will be desk based. The current process where a 'Reasonable' assurance rating is achieved requires the Council to provide an update against all recommendations made.

As a result of the review a formal report will not be published, nor will the ICO reassess the original assurance rating. They will however, acknowledge progress has been made and, where necessary, comment on priority recommendations which they feel have not been adequately addressed within the update.

The Council's Internal Audit service agreed to undertake a pre-audit to ensure that the evidence submitted in support of the recommendations were suitable.

The follow up was planned for 24th September 2018; however the ICO have requested this is deferred until 22nd October 2018 due to resource constraints. Due to the excellent progress made, the Council have continued their commitment to having this process completed by the end of September as planned; therefore it will be submitted to the Information Commissioners Office on 21st September 2018.

The Council are required to submit the Action Plan, supporting evidence and signed statement.

Summary of Recommendations

In total, the ICO made 108 recommendations as follows:

FOCUS	URGENT	HIGH	MEDIUM	LOW	TOTAL
Training and awareness	0	4	13	8	25
Records management	8	10	22	8	48
FOIA	0	7	20	8	35
TOTAL	8	21	55	24	108

Progress

Significant progress has been made throughout the Council against the recommendations. Out of the 108 recommendations 92 have been completed. This includes completion of some actions which had not yet reached their due date.

Below is a summary of the progress made:

a) Training and awareness

Of the 25 recommendations made; all 25 are complete.

b) Records management (manual and electronic)

Of the 48 recommendations made; 40 are complete.

There are 8 recommendations with a status of 'ongoing'. The reason is due to the completion date being in the future due to the scale of work to be completed. For example, the migration of records into SharePoint – the deadline date for this work package is 2020.

Other reasons include the fact that all of the evidence has not yet been submitted, though this is in progress. For example, the ICT systems access policy has been drafted however the task to collate evidence of compliance with the policy is yet to be completed. The deadline date is 31st December 2018 due to its scale.

c) Freedom of Information

Of the 35 recommendations made; 27 are complete.

The Council rejected 5 of the ICO's recommendations for a number of reasons, as they are not reflective of the Council's processes and procedures. For example, charging for FOIA and EIR the ICO suggested linking to a charging schedule – yet the Council do not charge for such requests. However, the Council have revised their policies to state that they 'may' charge. Therefore, if there is a change in the Council's approach then this is already incorporated in policy.

There are 3 recommendations with the status of 'ongoing'. The reason is due to the changing of processes and procedures across the Council for example reporting into a SMT performance review meeting, the new arrangements have not been in place long and therefore evidence needs to be collated. The date for completion of these recommendations is also in the future.

Summary of Recommendations by Priority

PRIORITY	Training and awareness			Records management			FOIA			TOTAL
	Complete	Ongoing	Rejected	Complete	Ongoing	Rejected	Complete	Ongoing	Rejected	
URGENT	0	0	0	3	5	0	0	0	0	8
HIGH	4	0	0	10	0	0	7	0	0	21
MEDIUM	13	0	0	19	3	0	14	3	3	55
LOW	8	0	0	8	0	0	6	0	2	24
TOTAL	25	0	0	40	8	0	27	3	5	108

Conclusion

The ICO identified a number of areas of good practice, which is really positive for the Council as the audit was extensive across a number of areas of compliance. The ICO made recommendations where processes and practice could be improved. As outlined above the Council have made fantastic progress to ensure that the ICO recommendations have been implemented and supporting evidence has been collated for verification.

It is a credit to the Directorates and Business Units of how much hard work and commitment has been put into ensuring compliance and confirming that the Council has effective controls in place, alongside fit for purpose policies and procedures to support the legislative obligations.

The Council will continue to work towards fulfilling all of the requirements and recommendations and will ensure that the programme of work is completed within the timescales detailed within the Action Plan.

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