

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **AUDIT COMMITTEE**

DATE: **WEDNESDAY, 26 MARCH 2014**

REPORT BY: **HEAD OF LEGAL AND DEMOCRATIC SERVICES**

SUBJECT: **DATA PROTECTION AUDIT BY THE
INFORMATION COMMISSIONER'S OFFICE**

1.00 PURPOSE OF REPORT

1.01 To report to committee on the sign off by the Information Commissioner's Office (ICO) on its audit of the Council's compliance with the Data Protection Act 1998.

2.00 BACKGROUND

2.01 The Data Protection Act 1998 is the legislation governing the processing of personal information. The ICO is the body responsible for promoting compliance with the legislation and is the enforcing authority for breaches of the Act. Whilst it does not have powers to unilaterally undertake an audit of an organisation's compliance with Data Protection, it can do so on a consensual basis. In 2012 it approached the Council about undertaking such an audit and this was agreed for April 2013.

2.02 In agreeing the scope of the audit it was agreed that it would cover the following three aspects:-

- Data Protection Awareness Training
- Records Management
- Data Sharing

Understandably because Children's Services and Adult Services routinely process sensitive personal information the audit concentrated on staff in those areas together with those corporately responsible for data protection training and records management.

2.03 Reports on the audit and the action plan agreed with the ICO were made to the Corporate Resources Overview & Scrutiny Committee meeting on the 12 September 2013 and to Audit Committee on the 7 October 2013. Both committees noted the results of the ICO audit and the processes in place to monitor the agreed action plan to implement the recommendations made.

3.00 CONSIDERATIONS

- 3.01 The overall conclusion of the audit was that there was “reasonable assurance” around the Council’s Data Protection processes and procedures. This is the second best of the four categories of audit opinion. In view of that level of assurance the appropriate follow up process by the ICO was to consider an update from the Council of the agreed action plan signed off at Corporate Management Team level. This was to be submitted to the ICO by the 17 January 2014.
- 3.02 Flintshire’s audit plan includes for 10 days work to be done relating to Data Protection each year. Representatives from the internal audit team shadowed the ICO’s audit staff during part of their work as such experience would be beneficial when undertaking future internal audit work on Data Protection. In December 2013 internal audit undertook their own progress report on implementation of the action plan agreed with the ICO. A copy of its report is attached as Appendix 1. This was then used to provide to the ICO the update required on progress with the action plan submitted by the 17 January 2014.
- 3.03 The report issued by the ICO in June 2013 included 37 recommendations of which 22 were accepted by the Council and 15 partially accepted. There were various dates set for implementation of these recommendations. At the time of the internal audit review 13% of these recommendations have not reached their implementation dates, 61% had been implemented and 26% were being implemented.
- 3.04 Attached as Appendix 2 is the e-mail from the ICO of the 7 February 2014 confirming that its follow up review had been completed. It also confirms that the overall approach to implementing the ICO’s recommendations was appropriate and particularly notes the work done in relation to implementation of some of the recommendations.

4.00 RECOMMENDATIONS

- 4.01 The committee is recommended to note the completion of the ICO audit process.

5.00 FINANCIAL IMPLICATIONS

- 5.01 The cost of implementing the recommendations can be found from within existing budgets.

6.00 ANTI POVERTY IMPACT

- 6.01 None as a result of this report.

7.00 ENVIRONMENTAL IMPACT

- 7.01 None as a result of this report.

8.00 EQUALITIES IMPACT

8.01 None as a result of this report.

9.00 PERSONNEL IMPLICATIONS

9.01 None as a result of this report.

10.00 CONSULTATION REQUIRED

10.01 With Audit Committee through this report.

11.00 CONSULTATION UNDERTAKEN

11.01 With Audit Committee through this report.

12.00 APPENDICES

12.01 Appendix 1 - Internal Audit Report
Appendix 2 - E-mail from the ICO dated 7 February 2014

**LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985
BACKGROUND DOCUMENTS**

Internal audit report on the ICO audit dated January 2014.

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