

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **CORPORATE RESOURCES OVERVIEW & SCRUTINY COMMITTEE**

DATE: **THURSDAY, 12 SEPTEMBER 2013**

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 inform Committee of the audit undertaken by the Information Commissioner's Office (ICO) on Data Protection Compliance.

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 power 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 Training and Awareness
- 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. Two of the ICO's audit staff carried out interviews with relevant officers on the 16 and 17 April. Attached to this report as Appendix 1 is an Executive Summary of the audit report issued on the 11 July. A full copy of the report is available for Members in Members' Services.

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. The Executive Summary of audit findings on pages 5 and 6 gives four examples of good practice and four examples of areas for improvement.

3.02 The Audit Report contained a total of 38 recommendations of varying significance. Some significant recommendations involve a lot of work and for those the extended implementation date the Council has given is a realistic assessment of the time it will take. Other recommendations are comparatively minor and a short implementation date has been given for those. Of the 38 recommendation, 22 have been accepted, 14 partially accepted and only 2 not accepted. Attached as Appendix 2 are details of all the recommendations together with the Council's response to them, including the implementation dates.

3.03 At the time of preparing this report the following recommendations have already been implemented:

a31, a42, a49, a50
b2, b13, b43
c13, c14, c21, c33

3.04 As the report resulted in a "reasonable assurance" rating the follow-up process by the ICO will be based on an update from the Council of the agreed action plan signed off at Corporate Management Team level. This is to be submitted to the ICO by the 17 January 2014.

4.00 RECOMMENDATION

4.01 The Committee is asked to note the results of the ICO audit and the action plan to implement the recommendations made.

5.00 FINANCIAL IMPLICATIONS

5.01 The cost of Data Protection training will amount to £5,000 in total. This expenditure will be incurred over the coming two financial years, with expenditure of £3,000 in 2013/14 and £2,000 in 2014/15. The cost 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 None as a result of this report.

11.00 CONSULTATION UNDERTAKEN

11.01 None as a result of this report.

12.00 APPENDICES

Appendix 1 – Executive Summary

Appendix 2 - Details of all the recommendations together with the Council's response to them

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

E-mail from the ICO dated 11 July attaching Executive Summary of Audit Report

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