

Flintshire County Council

Data protection audit report

Executive summary
June 2013

1. 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 Information Commissioner's Office (ICO) sees auditing as a constructive process with real benefits for data controllers and so aims to establish a participative approach.

Flintshire County Council (FCC) has agreed to a consensual audit by the ICO of its processing of personal data.

An introductory meeting was held on 28 February 2013 with representatives of FCC to identify and discuss the scope of the audit and after that corresponded by email to agree the schedule of interviews.

2. Scope of the audit

Following pre-audit discussions with the Democracy & Governance Manager and the Internal Audit Manager it was agreed that the audit would focus on the Adult and Children's Services parts of the Community Services Directorate in 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 will include controls in place to monitor the creation, maintenance, storage, movement, retention and destruction of personal data records.
- c. Data sharing - The design and operation of controls to ensure the sharing of personal data complies with the principles of the Data Protection Act 1998 and the good practice recommendations set out in the Information Commissioner's Data Sharing Code of Practice.

3. Audit opinion

The purpose of the audit is to provide the Information Commissioner and FCC with an independent assurance of the extent to which FCC, within the scope of this agreed audit is complying with the DPA.

The recommendations made are primarily around enhancing existing processes to facilitate compliance with the DPA.

Overall Conclusion	
Reasonable assurance	<p>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 Data Protection Act.</p> <p>We have made one limited and two reasonable assessments where controls could be enhanced to address the issues which are summarised below.</p>

4. Summary of audit findings

Areas of good practice:

The Council's internal audit service provides regular independent assessments of the policies, processes and procedures around information governance, information security and data protection. This provides assurance on the effectiveness of controls and will lead to recommendations where appropriate.

The Community Services Directorate has three designated Staff Development and Training Officers who are members of the Workforce Development Team. This team have responsibility for the provision of tailored data protection training specifically for that Directorate.

Classroom based training, including Data Protection and Information Security, is delivered by designated trainers before access to the Social Services case management system, Paris, is permitted.

A log of Information Sharing Protocols is maintained by the Information and Support Manager and a discussion of the log is a standing item on the agenda of the monthly Data Protection Team meetings.

Areas for improvement:

FCC should establish a corporate Information Asset Register to record all information assets, both electronic and paper-based, held by the Council. Identified assets should have named owners of sufficient seniority to risk assess and report on the access to and security of these assets.

The Council should identify an effective method of ensuring personal data held electronically can be deleted in line with retention schedules, clearly indicating who is responsible for ensuring it is completed within relevant timescales.

FCC does not have a corporate DP training programme in place. Training provision is identified and provided at local level but there is a lack of strategic planning, training needs analysis, and supporting KPI's to plan and monitor take up and effectiveness of DP related training across the Council.

FCC should introduce a more detailed records management policy to inform staff awareness and compliance monitoring in individual business units. Ownership for the review and update of the policy should be assigned and supported by a cover sheet identifying revision dates and version control.

The matters arising in this report are only those that came to our attention during the course of the audit and are not necessarily a comprehensive statement of all the areas requiring improvement.

The responsibility for ensuring that there are adequate risk management, governance and internal control arrangements in place rest with the management of Flintshire County Council.

We take all reasonable care to ensure that our audit report is fair and accurate but cannot accept any liability to any person or organisation, including any third party, for any loss or damage suffered or costs incurred by it arising out of, or in connection with, the use of this report, however such loss or damage is caused. We cannot accept liability for loss occasioned to any person or organisation, including any third party, acting or refraining from acting as a result of any information contained in this report.