

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **AUDIT COMMITTEE**

DATE: **MONDAY, 7 OCTOBER 2013**

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

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

1.00 PURPOSE OF REPORT

1.01 To inform the Committee of the processes in place as a result 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 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. 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.

2.03 A report on the audit and the action plan agreed with the ICO was made to the Corporate Resources Overview & Scrutiny Committee meeting on the 12 September. The Committee noted the results of the ICO audit and the 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. 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 recommendations, 22 have been accepted, 14 partially accepted and only 2 not accepted. Attached at Appendix 2 are the details of all the recommendations together with the Council’s response to them, including the implementation dates which comprises the agreed Action Plan.
- 3.03 At the time of preparing this report the following recommendations have already been implemented:-
a31, a40, a42, a43, a49, a50
b2, b13, b15, b43
c5, 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 17 January 2014.
- 3.05 Each year’s Audit Plan includes 10 days for work relating to Data Protection and representatives from the Internal Audit Team shadowed the ICO’s Audit staff during part of their work in order to assist them when undertaking future Internal Audit work on data protection. It is also the intention that in December Internal Audit will themselves audit progress on implementation of the Action Plan agreed with the ICO.

4.00 RECOMMENDATION

- 4.01 The Committee is asked to note the results of the ICO Audit and the processes in place to monitor the agreed Action Plan to implement the recommendations made.

5.00 FINANCIAL IMPLICATIONS

- 5.01 The cost of data protection training for implementation of recommendation a43 will amount to £5K in total. This expenditure will

be incurred over the coming two financial years, with expenditure of £3K in 2013/14 and £2K 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 A report on the ICO audit was submitted to the Corporate Resources Overview & Scrutiny Committee on 12 September 2013.

12.00 APPENDICES

Appendix 1 – Executive Summary

Appendix 2 – Details of all the recommendations together with the Council's response to them comprising the Action Plan

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

None.

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