

<b>DECISION-MAKER:</b>	GOVERNANCE COMMITTEE		
<b>SUBJECT:</b>	FREEDOM OF INFORMATION, DATA PROTECTION AND REGULATION OF INVESTIGATORY POWERS ACTS: ANNUAL REVIEW 2016-17		
<b>DATE OF DECISION:</b>	12 JUNE 2017		
<b>REPORT OF:</b>	SERVICE DIRECTOR, LEGAL & GOVERNANCE		
<b><u>CONTACT DETAILS</u></b>			
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#### STATEMENT OF CONFIDENTIALITY

None

#### BRIEF SUMMARY

A report detailing the statistical information for the financial year 2016-17, the twelfth year of implementation of the Freedom of Information Act (FOIA) and associated legislation. This report also details statistical information on requests received under the Data Protection Act 1998 (DPA) and the Council's activity under the Regulation of Investigatory Powers Act 2000 (RIPA). Members are also made aware of the implementation of new Data Protection legislation in May 2018, the General Data Protection Regulation (GDPR) and the likely impact on the Council.

#### RECOMMENDATIONS:

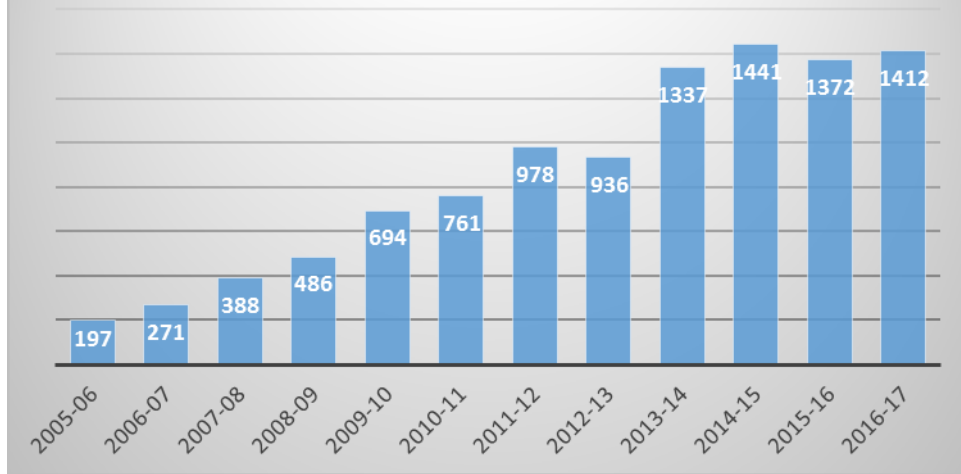
	(i)	To note and comment on the update of the statistical information for the year 1 <sup>st</sup> April 2016 – 31 <sup>st</sup> March 2017 relating to:	
		(a)	FOIA and associated legislation
		(b)	DPA 1998
		(c)	RIPA 2000
	(ii)	To note the likely impact of the forthcoming GDPR on the Council	

#### REASONS FOR REPORT RECOMMENDATIONS

1.	To keep Members informed as to the impact of the legislation to the Council and to detail the form and type of requests received in 2016-17, the twelfth full year of FOIA implementation.
2.	To keep Members informed as to the type of DPA requests received and the Council's activity under the RIPA.
3.	To ensure that Members continue to be aware of the Council's statutory obligations

	under FOIA and associated legislation, DPA and RIPA.
4.	To ensure that Members are kept informed as to new legislation in the field of information law, preparations that are being made and the likely impact on the Council.
<b>ALTERNATIVE OPTIONS CONSIDERED AND REJECTED</b>	
5.	The alternative to bringing this report before members is to not report the yearly analysis. This was rejected because it is considered to be good governance to report such matters to Members, provides an audit trail to demonstrate to the Information Commissioner that the Council has a robust structure in place to comply with the legislation, and to maintain the profile of information law requirements and resource implication within the organisation.
<b>DETAIL (Including consultation carried out)</b>	
6.	This report will be published on the Council's website.
	<b>FOIA</b>
7.	The FOIA came fully into force on 1 <sup>st</sup> January 2005, marking a major enhancement to the accessibility of information held by public authorities.
8.	Running parallel to the FOI regime is the Environmental Information Regulations (EIRs) that give a separate right to request environmental information from public authorities, the DPA which gives the individual the right to access their own personal data and the Re-Use of Public Sector Information Regulations (RUPSIRs) which allow a requester to re-use (under licence) information provided to them by a public authority.
9.	Under the FOIA and associated legislation, anybody may request information from a public authority with functions in England, Wales and/or Northern Ireland. Subject to exemptions, the FOIA confers two statutory rights on applicants: <ul style="list-style-type: none"> <li>(i) The right to be told whether or not the public authority holds that information; and</li> <li>(ii) The right to have that information communicated to them</li> </ul>
10.	There are two types of exemptions that may apply to requests for information – absolute and qualified.
11.	Information that falls into a particular exemption category, for example information relating to commercial interests, will have to be disclosed unless it can be successfully argued that the public interest in withholding it is greater than the public interest in releasing it. Such exemptions are known as qualified exemptions.
12.	Where information falls within the terms of an absolute exemption, for example, information reasonably accessible by other means or information contained in court records, a public authority may withhold the information without considering any public interest arguments.
13.	The Council has now experienced the twelfth full year of the FOIA and statistics show a slight increase in the number of information (FOI/EIR) requests received.

## FOR/EIR Requests Received



The number has increased from 1372 for the year ending March 2016 to 1412 for the year ending March 2017.

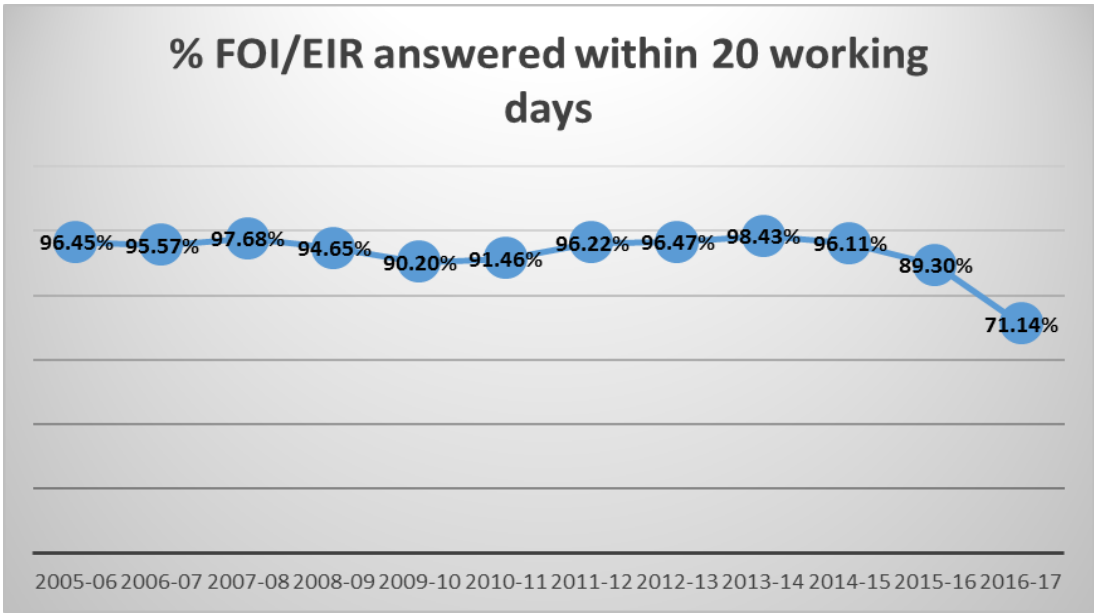
The service area breakdown of the requests is as follows:

Directorate	No. Rec'd	%	Days
Children & Families (DCS)	234	56.8%	22.2
Digital & Business Operations	106	55.7%	25.0
Growth	202	70.3%	19.5
Housing, Adults & Communities (DASS)	249	84.7%	14.5
HR Strategy	102	52.0%	25.5
Intelligence, Insight & Communications	16	81.3%	18.3
Legal & Governance	44	75.0%	18.8
Public Health	19	89.5%	15.6
Quality & Integration	2	50.0%	17.0
Strategic Finance & Commercialisation	185	64.9%	18.9
Transactions & Universal Services	241	88.8%	13.0
Unallocated	12	N/A	N/A
<b>Grand Total</b>	<b>1412</b>	<b>71.4%</b>	<b>18.4</b>

14. To summarise, the Council has received a total of 1412 requests between 1<sup>st</sup> April 2016 and 31<sup>st</sup> March 2017. This comprises 1394 dealt with as FOI requests and 18 EIR requests. This figure also includes 12 requests not allocated to a Service, as it was not clear from the request which service area held the information, and clarification from the requester was never received.

15. 2016/17 has seen an overall increase in the volume of requests received in comparison to previous years. The average number of requests received per month was 117, compared with 114 last year.

16. During the year, 71.1% of all monitored FOI and EIR requests (excluding those 'on hold' or lapsed) were dealt with within the statutory deadline of 20 working days. This is a significant decrease on previous years, and is the lowest recorded by the Council in the history of the FOIA.



17. This decrease for the past two years has coincided with the roll-out of the Business Support service, who have taken on the role of co-ordinating and responding to FOI and EIR requests

18. Compliance rates have been affected by the implementation of a new system for processing requests through the Council by Business Support Officers, many of whom had not had previous experience of processing information requests. It was hoped that as Business Support had taken on this role for a year, an improvement in compliance would be seen in 2016/17, but this is not the case, and further restructuring within the department has led to a decrease in the number of staff co-ordinating requests.

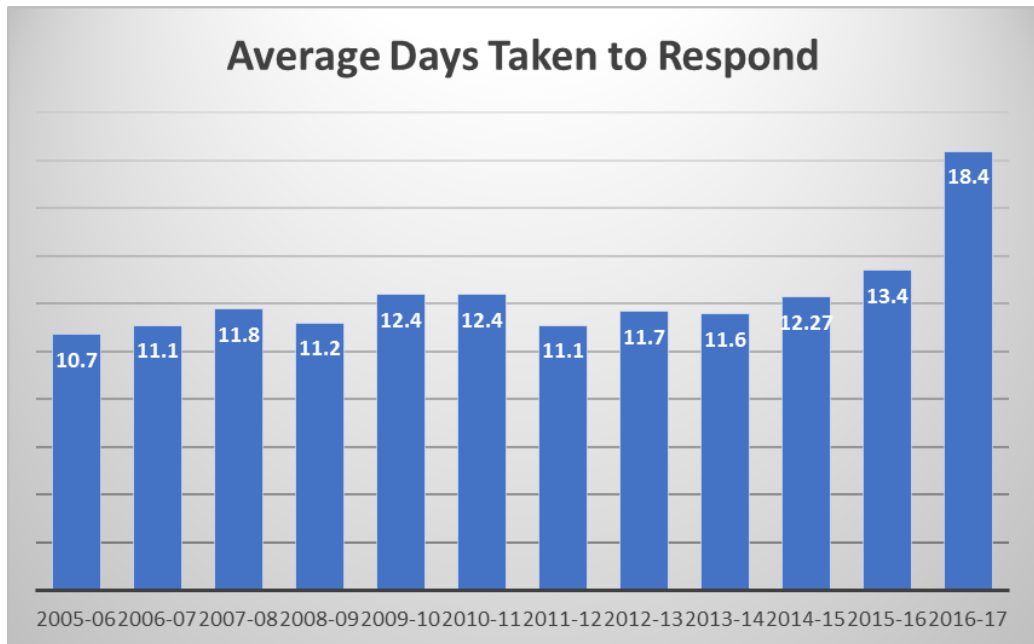
19. It should also be noted that the Information Commissioner's Office has recently revised its acceptable compliance rate for local authorities from 85% to 90%. As such, the Council is currently falling way below expected standards.

20. Business Support have identified additional resources to address this, and a full time post will be dedicated to FOI requests for 6 months. It is hoped that this will improve compliance, at least in the short term. It will be reviewed quarterly to ensure the required improvements are made.

21. The complexity of requests have remained similar to 2015/16, with the average number of pieces of information sought per request increasing slightly from 7.5 in 2015/16 to 8.1 in 2016/17.

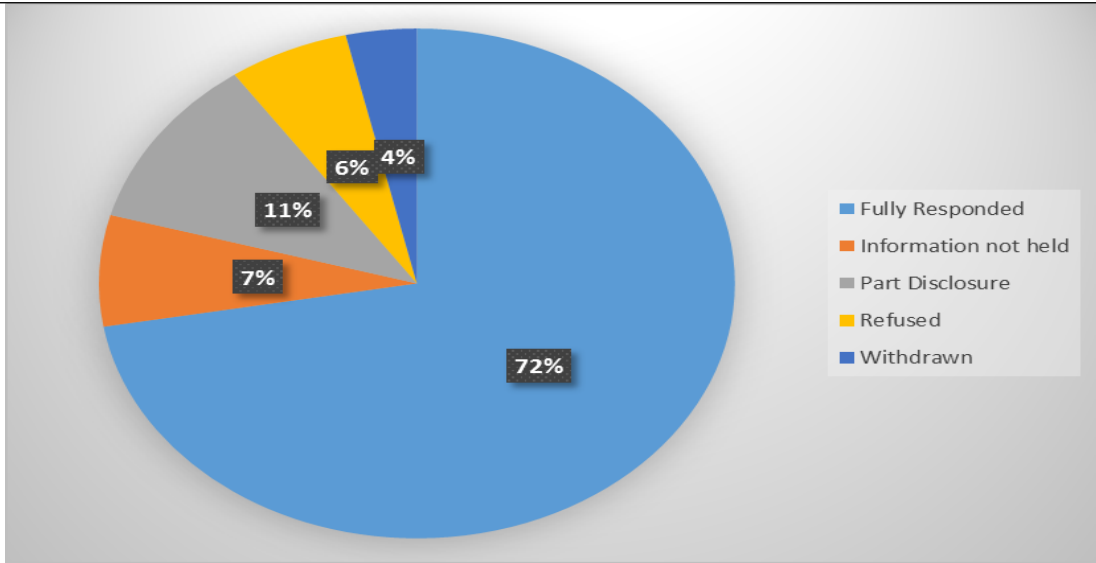
22. The overall response time has also been affected, with the Council responding to requests within 18.4 days on average. This is a sharp increase on last year (and the highest average recorded), and it is hoped that the additional resource in Business

Support will help bring the average down to previous levels.



23. Under FOIA, where the cost of responding to the request will exceed the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 (which is currently set at £450 for local authorities), the Council may refuse to comply with it. For 2016/17, the Council issued 61 Refusal Notices on fees grounds, which represents a decrease, with 73 being issued last year.

24. Of all requests received during the year, 72% of information requested was disclosed in full. Of the remaining requests, 7% of information was not held by the Council, 11% were partly responded to by the Council (i.e. some parts of the request were subject to an exemption), and 6% were completely refused as information was withheld because a fees notice was issued or it was exempt (e.g. requests for personal information such as individual/contact details or confidential/commercially sensitive contract or financial information). The remaining 4% of the requests were withdrawn or lapsed (the requester did not respond to a request for clarification after 3 months had passed).



25. Of the 1259 requests responded to (153 were withdrawn, or are still in the process of being responded to), 228 (18%) were deemed to be covered by absolute exemptions and accordingly some or all of the requested information was withheld

26. 27 (2%) requests were considered by the Public Interest Test Panel as they were deemed to be covered by one or more qualified exemptions.

27. 13 individuals requested internal reviews regarding decisions made to withhold, partially withhold information requested, or where they were generally unhappy with how their request was handled.

28. This year, there have been no occasions where an appeal was made to the ICO as a result of the Council's decision in respect of their internal review.

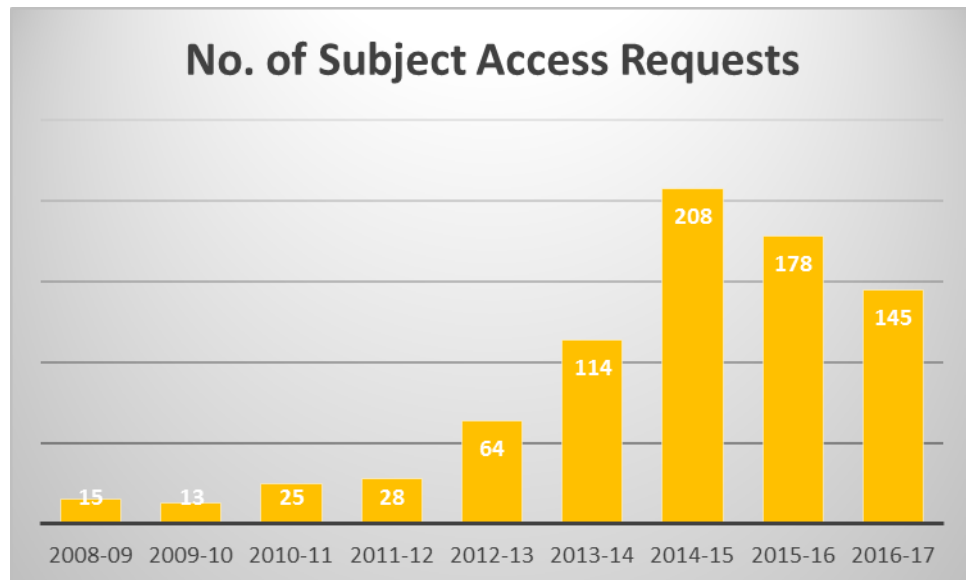
29. As with all years, types of requests have been varied and covered every service area of the Council, including budget, HR, council tax and business rates data, schools, highways maintenance, and social services.

The top ten request subjects ranked in order of popularity are as follows:

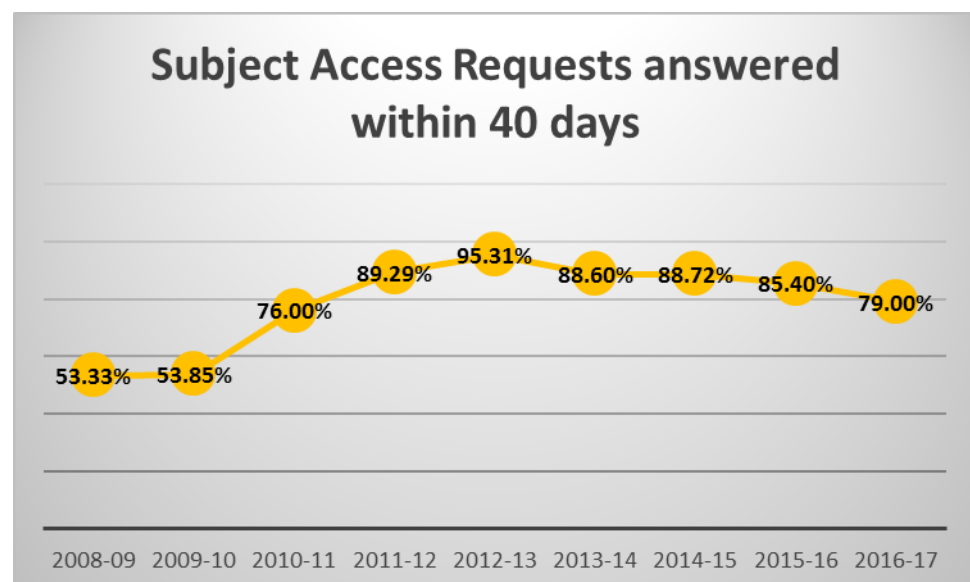
Service Area	Requests Received
Finance - Business Rates	100
Children - Schools	98
HR Strategy - HR Policies and HR Records	63
Business Operations - Contracts and Procurement	47
Planning - General	45
Digital Operations - IT	44
Children - Looked After Children / Children in Care	39
HR Strategy - General	39
Finance - council tax	34
Housing - General	32

30.	For the period covered in this report, 55% of requests came from private citizens, 19% came from companies/businesses, 12% from the media. The remaining 14% came from a combination of charities, students, researchers, lobby groups, MPs / Members and other Councils etc.
31.	Previously, Members requested information as to how much time and resources each Service spends on dealing with requests. We do not record this information. Previous years (2011/12) have shown that it took Corporate Legal approximately 2 hours to respond to each request. However, current research from Parliamentary post-legislative scrutiny of the Act indicates “the best-performing local authorities took between one and six hours for each request”. We can estimate that our time spend on requests is comparable to this, and using the £25 per hour rate that the Act allows us to charge for staff time when refusing requests, we can estimate that each request costs the Council between £25 and £150 to respond on average.
32.	As Corporate Legal accurately time record we are able to detail how much time it takes to log, monitor, and give advice on requests. For 2016/17, the average time taken per request was 1.3 hours. Most requests take less than half an hour to action within the Corporate Legal Team but, where detailed exemptions and redactions are needed, this can push time taken on a single request up to around 13 hours for very complex cases. The average therefore predominantly represents the time taken for detailed application of legal tests to requests where the Council seeks to withhold certain information from release
33.	It should be stressed that this figure does not include the time taken for Business Support or the service areas to locate, collate, and send out the information requested and the Council does not have a mechanism for capturing that resource cost (which comprises the bulk of any cost to the Council).
34.	In the Corporate Legal team there are now 2 FTE member of staff dedicated to providing advice and monitoring compliance with information law. We have added a Modern Apprentice post to the Corporate Legal Team, to assist in the administration of information law matters, but this is a “trainee” post, and requires considerable support and training alongside their contribution to workloads and is supported by day release to college during term time. Other members of Legal Services and an innovative intern scheme with local and regional universities support this function when their capacity allows it.
35.	Other members of staff who are involved in the FOI process are the Information Governance Co-Ordinators (Team Leaders within Business Support Services), who are responsible for managing information compliance within their respective Services as well as being a single point of contact for providing advice and guidance at a “local” level. However, they are not wholly dedicated to information compliance as their roles within the Council are to support business generally.
	<b>Data Protection Act</b>
36.	The Data Protection Act 1998 (DPA) gives individuals the right to know what information is held about them and provides a framework to ensure that personal information is handled properly.
37.	Under the DPA, an individual is entitled to access personal data, held by an organisation, of which that individual is the data subject. Such requests for information are known as subject access requests.

38. For the year 2016/17, the Council received 145 subject access requests compared with 178 last year. A proportion of these were dealt under the corporate procedures, but requests relating to closed social services (Adult Services and Children Services and Learning requests) were processed by the Customer Relations Team, with support from the Corporate Legal Team where appropriate.



39. 79.0% of the Subject Access Requests were responded within the statutory timescales of 40 calendar days compared with 85.4% last year.

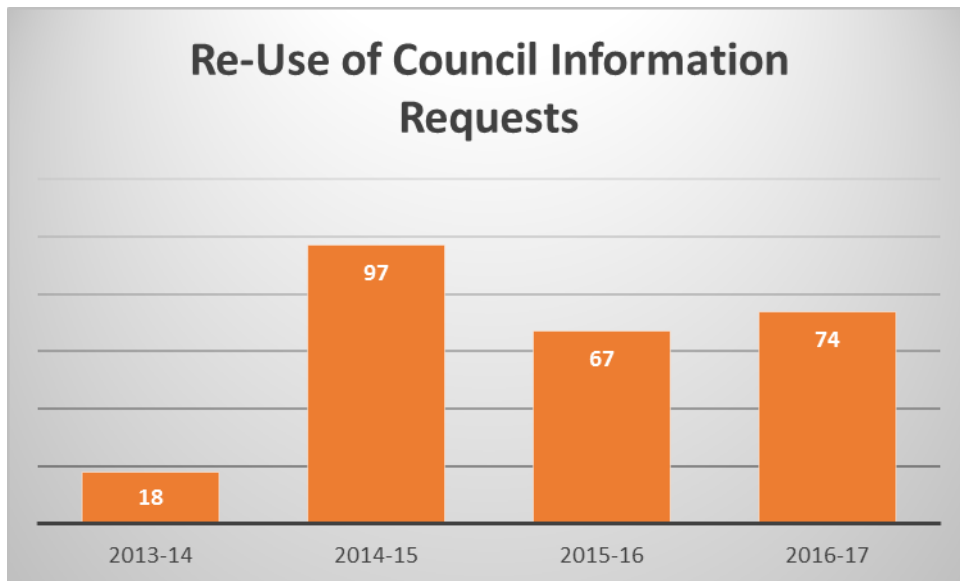




40.	<p>The Directorate breakdown is as follows:</p> <table border="1" data-bbox="347 293 1444 846"> <thead> <tr> <th data-bbox="347 293 922 367">Row Labels</th> <th data-bbox="922 293 1094 367">No. Rec'd</th> <th data-bbox="1094 293 1299 367">%</th> <th data-bbox="1299 293 1444 367"></th> </tr> </thead> <tbody> <tr> <td data-bbox="347 367 922 409">Children &amp; Families (DCS)</td> <td data-bbox="922 367 1094 409">67</td> <td data-bbox="1094 367 1299 409">67.2%</td> <td data-bbox="1299 367 1444 409">43.0</td> </tr> <tr> <td data-bbox="347 409 922 452">Digital &amp; Business Operations</td> <td data-bbox="922 409 1094 452">1</td> <td data-bbox="1094 409 1299 452">100.0%</td> <td data-bbox="1299 409 1444 452">N/A</td> </tr> <tr> <td data-bbox="347 452 922 495">Growth</td> <td data-bbox="922 452 1094 495">2</td> <td data-bbox="1094 452 1299 495">100.0%</td> <td data-bbox="1299 452 1444 495">18.0</td> </tr> <tr> <td data-bbox="347 495 922 568">Housing, Adults &amp; Communities (DASS)</td> <td data-bbox="922 495 1094 568">46</td> <td data-bbox="1094 495 1299 568">87.0%</td> <td data-bbox="1299 495 1444 568">30.6</td> </tr> <tr> <td data-bbox="347 568 922 611">HR Strategy</td> <td data-bbox="922 568 1094 611">4</td> <td data-bbox="1094 568 1299 611">100.0%</td> <td data-bbox="1299 568 1444 611">19.8</td> </tr> <tr> <td data-bbox="347 611 922 654">Legal &amp; Governance</td> <td data-bbox="922 611 1094 654">2</td> <td data-bbox="1094 611 1299 654">100.0%</td> <td data-bbox="1299 611 1444 654">27.5</td> </tr> <tr> <td data-bbox="347 654 922 728">Strategic Finance &amp; Commercialisation</td> <td data-bbox="922 654 1094 728">5</td> <td data-bbox="1094 654 1299 728">60.0%</td> <td data-bbox="1299 654 1444 728">42.0</td> </tr> <tr> <td data-bbox="347 728 922 770">Transactions &amp; Universal Services</td> <td data-bbox="922 728 1094 770">8</td> <td data-bbox="1094 728 1299 770">100.0%</td> <td data-bbox="1299 728 1444 770">5.8</td> </tr> <tr> <td data-bbox="347 770 922 813">On Hold - Awaiting Allocation</td> <td data-bbox="922 770 1094 813">8</td> <td data-bbox="1094 770 1299 813">100.0%</td> <td data-bbox="1299 770 1444 813">18.0</td> </tr> <tr> <td data-bbox="347 813 922 846"><b>Grand Total</b></td> <td data-bbox="922 813 1094 846"><b>145</b></td> <td data-bbox="1094 813 1299 846"><b>79.3%</b></td> <td data-bbox="1299 813 1444 846"><b>34.4</b></td> </tr> </tbody> </table>	Row Labels	No. Rec'd	%		Children & Families (DCS)	67	67.2%	43.0	Digital & Business Operations	1	100.0%	N/A	Growth	2	100.0%	18.0	Housing, Adults & Communities (DASS)	46	87.0%	30.6	HR Strategy	4	100.0%	19.8	Legal & Governance	2	100.0%	27.5	Strategic Finance & Commercialisation	5	60.0%	42.0	Transactions & Universal Services	8	100.0%	5.8	On Hold - Awaiting Allocation	8	100.0%	18.0	<b>Grand Total</b>	<b>145</b>	<b>79.3%</b>	<b>34.4</b>
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41.	A further 2 requests were not allocated to a directorate, as it was not clear from the request which service area held the information, and clarification from the requester was not received.																																												
42.	As with FOI requests, the decrease in compliance can be attributed to the restructuring within Business Support, who were responsible for co-ordination of SARs until Q4 2016/17.																																												
43.	For Q4, the responsibility for the co-ordination of SARs was temporarily assumed by the Corporate Legal team, and compliance rose from an average of 75% for Qs 1 – 3, to 90% for Q4. A temporary student intern resource has been fully utilised for this purpose.																																												
44..	7 individuals requested internal reviews regarding decisions made to withhold, partially withhold information requested, or where they were generally unhappy with how their request was handled.																																												
45.	<p>There were four occasions where the ICO contacted the Council in light of data protection concerns they had about how personal information was handled.</p> <p>The concerns were:</p> <ul style="list-style-type: none"> <li>• A birth mother of an adopted child had been contacted via social media</li> <li>• Telephone calls being recorded without proper notice</li> <li>• Information being disclosed to an ex-partner without a legal basis</li> <li>• Parent being denied access to their children's records without reason</li> </ul>																																												
46.	All concerns were investigated by the Corporate Legal team, and their findings relayed to the ICO. In all cases, the ICO considered that no further action was necessary as the Council has put into action an adequate and robust remediation plan to ensure that such errors do not reoccur.																																												

47.	In the year 2016/17, the Council reported no instances of personal information disclosed in error to the Information Commissioner.																				
48.	Sometimes there is a requirement to disclose personal data which might otherwise be in breach of the Act. Where an exemption from the non-disclosure provisions applies, such disclosure is not in breach of the Act. Examples of exemptions include section 29 (the crime and taxation exemption) and section 35 (disclosures required by law or made in connection with legal proceedings). Such requests are typically made to the Council by regulatory authorities such as the police, the Department of Work and Pensions and so on as part of their investigations.																				
49.	<p>For the year 2016/17 the Council received 626 requests for data from such third party organisations compared to 928 in the previous year. This is a decrease from last year, but still above the yearly average.</p> <div data-bbox="418 728 1388 1305" data-label="Figure"> <table border="1"> <caption>No. of Third Party Requests Received</caption> <thead> <tr> <th>Year</th> <th>No. of Requests</th> </tr> </thead> <tbody> <tr> <td>2008-09</td> <td>366</td> </tr> <tr> <td>2009-10</td> <td>248</td> </tr> <tr> <td>2010-11</td> <td>275</td> </tr> <tr> <td>2011-12</td> <td>273</td> </tr> <tr> <td>2012-13</td> <td>332</td> </tr> <tr> <td>2013-14</td> <td>349</td> </tr> <tr> <td>2014-15</td> <td>536</td> </tr> <tr> <td>2015-16</td> <td>928</td> </tr> <tr> <td>2016-17</td> <td>626</td> </tr> </tbody> </table> </div>	Year	No. of Requests	2008-09	366	2009-10	248	2010-11	275	2011-12	273	2012-13	332	2013-14	349	2014-15	536	2015-16	928	2016-17	626
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50.	In addition to these requests, the CCTV control room (City Watch) and Licensing Team received 845 and 212 third party requests respectively (the majority of the Licensing requests were for footage from the vehicle Taxi Cameras). These requests are regulated by information sharing agreements, which removes the requirement to have each one authorised by Corporate Legal.																				
51.	The Corporate Legal team also monitor and authorise requests from internal Services to re-use personal information already held by the Council. Such requests are commonly made where personal information is necessary when taking enforcement action, performing a statutory function, or improving the efficiency of Council services.																				

52. In 2016/17, 74 requests were processed, with CCTV footage being the most common source of information (32% of requests), and Council Tax being the next (24%).



**Information Commissioner’s Office Audit (ICO)**

53. In January 2016, auditors from the ICO visited the Council. The ICO visited the Council and acted as a ‘critical friend’ to audit the Council’s data protection practices. A team of 3 auditors conducted 47 interviews with staff as well as conducting a ‘walkaround’ of the Civic building and the Sea City stores. They also visited the SDC records store at Northam. The auditors looked at three information governance areas of the Council’s choosing across the Council, these being: Governance; Records Management and Data Sharing.

54. A ‘limited assurance’ rating was given for both Governance and Records Management and a ‘reasonable assurance’ rating given for Data Sharing. Overall this meant a rating of limited assurance. A straw poll of local authorities audited by the ICO in 2016 indicates that this is the most common form of assurance rating.

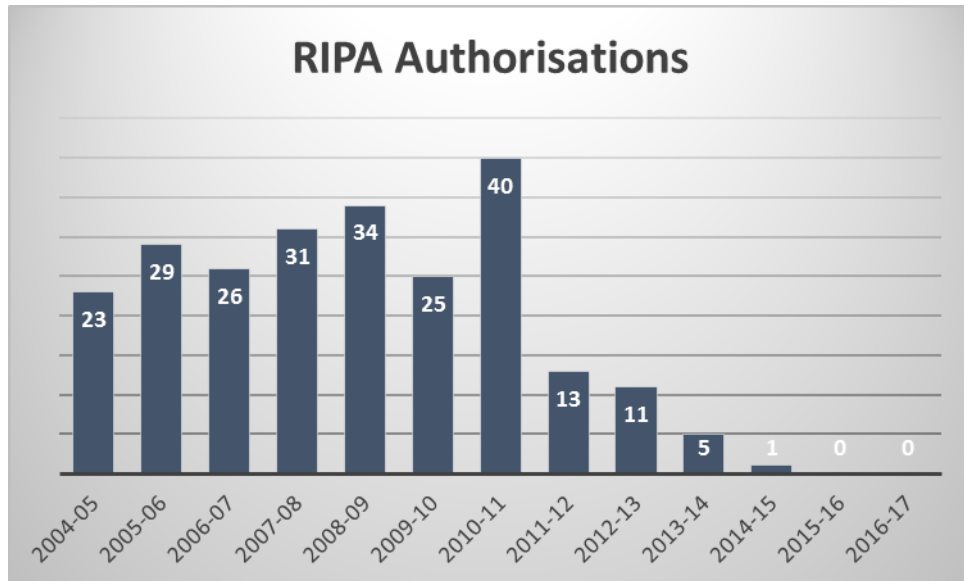
55. In March 2016, the Council signed up to a nine month ICO action plan for improvement. By September 2016, the Council was 91% compliant. Actions left to complete have been largely as a result of the Council’s significant restructure. The most significant of these has been the failure to appoint to the IT client senior manager post. This is now being actioned.

56. Although the audit recommendations individually were in the main, relatively minor, collectively they did have significant resource implications for areas already stretched.

57. Previous reports to CMT had already identified the need to strengthen the Council’s information governance structure. In quarter 2 of 2016-17, CMT approved the adoption of the Information Asset Owner (IAO) and Administrator (IAA) structure. Service Directors are the appointed IAOs and broadly speaking Service Leads are the IAAs. This structure of senior accountability and compliance oversight forms the basis of the Council’s new IG framework and is a structure recommended by the ICO. We have implemented a new quarterly compliance requirement for all IAOs. Each quarter they are asked to confirm for instance, that

	<p>staff in their service area have completed the mandatory information governance training, have their records management up to date, have completed privacy impact assessments for all new projects/policies etc. This has so far proved to be a very successful introduction and measure of the Council's compliance and the Council does appear to be in a vastly improved state than it was pre-audit.</p>
	<p><b>Caldicott Guardian</b></p>
58.	<p>Since the last IG report to CMT, the Caldicott Guardian (CG) role within the Council has been reviewed and new CGs have been appointed</p>
59.	<p>The CG carries the responsibility for protecting the confidentiality of health and social care service-user information and should enable appropriate information sharing. Acting as the 'conscience' of an organisation, the Caldicott Guardian also has a strategic role, which involves representing and championing health and social care IG issues at Board or management team level.</p>
60.	<p>To enhance IG engagement from both Children and Adults, the role has been split between the Service Director; Children &amp; Families and the Service Director; Housing Adults &amp; Communities. Informal training has been given. Specific training for the performance of the role is currently being arranged</p>
	<p><b>NHS Toolkit</b></p>
61.	<p>In order to share information with our health partners, the Council has to provide annual assurance as to the standard of its information governance compliance. In the absence of any service information governance lead, the Corporate Legal Team assumed short term responsibility for collation of the Toolkit evidence this year and, with input from the Caldicott Guardians and relevant service areas, the annual submission was made before the 31<sup>st</sup> March deadline. The Council is assessed at being 82% compliant and has achieved level 2 status as previously. Last year's score was 69%. Level 3 status is the highest assessment level and remains an aspiration.</p>
	<p><b>RIPA</b></p>
62.	<p>Under RIPA, the Council as a public authority is permitted to carry out directed surveillance, the use of covert human intelligence sources and to obtain communications data if it is both necessary for the purpose of preventing or detecting crime and/or disorder and the proposed form and manner of the activity is proportionate to the alleged offence.</p>

63. There were no authorisations made under RIPA in 2016-17. This mirrors the position last year.



64. As previously reported, the Protection of Freedoms Act 2012 is now in force, and this makes it a requirement for judicial approval for surveillance activities through application to the Magistrate Courts, therefore imposing a higher threshold for use. As such, there has been a significant decrease in applications made by the Council (and indeed all Councils).

65. Examples of activity authorised in previous years include covert surveillance of a victim's home to detect acts of criminality, directed surveillance of individuals who were involved in fraudulent activities and a Covert Human Intelligence Source ('CHIS') was used to form an online relationship with a suspect to make a test purchase of suspected counterfeit goods.

66. The Council is required to formally appoint a 'Senior Responsible Officer' for RIPA. The Service Director; Legal & Governance is the officer who undertakes this role. The Senior Responsible Officer has responsibility for maintaining the central record of authorisations; the integrity of the RIPA process within his authority; compliance with the Act and Codes of Practice; oversight of the reporting errors to the Surveillance Commissioner; engagement with inspectors from the Office of Surveillance Commissioners and implementation of any subsequent action plan.

67. Training for Council officers involved in RIPA processes is regularly undertaken and is delivered by the Corporate Legal Team. Our documentation, procedures and training are also used as 'best practice' by a number of other local authorities and we regularly provide training for partner authorities on request.

68.	<p>The Office of Surveillance Commissioners carried out an inspection of the Council's management of covert activities in 2016. In his report, the Chief Surveillance Inspector, the Rt Hon. Lord Judge noted:</p> <p><i>"It is clear that the City Council takes care to address its statutory responsibilities, and that the arrangements for compliance are in experienced, capable hands. From the discussions after the inspection, Sir David [Sir David Clarke, Assistant Surveillance Commissioner] was impressed with the positive approach to their responsibilities taken by Mr Ivory and Miss Horspool"</i></p>
	<b>GDPR</b>
69.	<p>The last regular information governance report to CMT highlighted the additional pressures that the Council will face with the implementation of the General Data Protection Regulation in May 2018. Those pressures are significant and will have a particular impact on Children and Families. For instance, consent will be necessary to process children's data and there will be changes to the rules for obtaining valid consent. The Regulation mandates considerably tougher penalties than the DPA. The GDPR will not come into force immediately. However, as it contains some onerous obligations, it will have an immediate impact.</p>
70.	<p>The headline changes for the Council introduced by the Regulation are as follows:</p> <ul style="list-style-type: none"> <li>• The appointment of a Data Protection Officer (DPO) will be mandatory</li> <li>• The necessary establishment of an IG framework of senior management accountability and evidence of compliance</li> <li>• The introduction of a tiered approach to penalties for breaches and increased fine levels. Tier 2 fines to be up to <b>4% of annual turnover or 20,000,000 euros (whichever is the higher)</b></li> <li>• As well as administrative fines, data subjects to now have a right to compensation</li> <li>• More onerous data breach notification requirements with a lower self-reporting threshold</li> <li>• The definition of personal data is wider, bringing more data (and consequently more areas of Council work) into the regulated perimeter</li> <li>• The introduction of mandatory privacy impact assessments</li> </ul>
71.	<p>The Information Governance Board has approved a rolling 18 month IG action plan which incorporates all the necessary actions arising from the GDPR. Any corporate actions are being picked up by the Corporate Legal Team and IAOs will be responsible for any service specific actions. IAOs will be key players in getting the Council GDPR ready. At its meeting in May, the Leadership Team received a presentation on the GDPR, its likely impact and what preparations need to be made in the service areas. Separate contact will be made with the IAOs and IAAs over the next few weeks and they will be briefed as to what detailed steps they need to take in their respective areas</p>
72.	<p>The advent of the GDPR and the risk that it brings has been detailed on the Council's strategic risk register.</p>

<b>RESOURCE IMPLICATIONS</b>	
<b><u>Capital/Revenue</u></b>	
73.	None directly related to this report. The administration of information law within the authority is managed within corporate overheads, but ensuring that the Council performs to an acceptable information governance standard and complies with the new statutory standards imposed by the GDPR, places increased pressure on finite and already stretched resources. Members will see from the statistics that this is already being reflected in compliance rates.
<b><u>Property/Other</u></b>	
74.	None directly related to the report.
<b>LEGAL IMPLICATIONS</b>	
<b><u>Statutory power to undertake proposals in the report:</u></b>	
75.	The statutory obligations relating to information law are detailed in the body of this report.
<b><u>Other Legal Implications:</u></b>	
76.	None directly related to this report.
<b>RISK MANAGEMENT IMPLICATIONS</b>	
77.	The potential impact of the decision in terms of finance, service delivery and reputation is considered to be low. Although the report does highlight potential future pressures on service delivery with the advent of the GDPR, the decision of members in this report is to note the performance of the Council in terms of information governance for 2016-17.
<b>POLICY FRAMEWORK IMPLICATIONS</b>	
78.	The information contained in this report is consistent with and not contrary to the Council's policy framework.

<b>KEY DECISION?</b>	No	
<b>WARDS/COMMUNITIES AFFECTED:</b>	none	
<b><u>SUPPORTING DOCUMENTATION</u></b>		
<b>Appendices</b>		
1.	None	
<b>Documents In Members' Rooms</b>		
1.	None	
<b>Equality Impact Assessment</b>		
Do the implications/subject of the report require an Equality Impact Assessment (EIA) to be carried out.		No
<b>Privacy Impact Assessment</b>		
Do the implications/subject of the report require a Privacy Impact Assessment (PIA) to be carried out.		No
<b>Other Background Documents</b>		
<b>Equality Impact Assessment and Other Background documents available for inspection at:</b>		
Title of Background Paper(s)		Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
1.	None	