

ABERDEEN CITY COUNCIL

COMMITTEE	Audit, Risk & Scrutiny Committee
DATE	25 th September 2019
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	Information Governance Management Annual Statement 2018-2019
REPORT NUMBER	COM/19/325
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CHIEF OFFICER	Martin Murchie
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TERMS OF REFERENCE	1.4

1. PURPOSE OF REPORT

To provide Committee with an annual report on the Council's Information Governance Performance, including information about the changes implemented through the Council's information assurance improvement plan.

2. RECOMMENDATION(S)

It is recommended that committee:

- 2.1 Note the information provided about the Council's information governance performance at sections 3.1 – 3.5 and in the Information Governance Report at Appendix 1.

3. BACKGROUND

Annual Information Governance Performance Report

- 3.1 The Council's Audit, Risk and Scrutiny Committee agreed the Council's revised and updated Information Governance Management & Reporting Framework in September 2016; as part of this the Committee agreed to receive an annual report in relation to the Council's information governance performance, this is the third of these reports.
- 3.2 Ensuring the proper use and governance of the Council's information and data is an ongoing activity. New and changing legislation, systems, staff, and ways of doing business, as well as new and emerging cyber threats all shape and change the environment within which the Council operates in relation to effective use and governance of its information and data.

- 3.3 Keeping up means a careful balancing between the requirement to monitor and be adaptable to our changing environment, and the requirement to agree and implement assurance improvements over the medium term.
- 3.4 To this end, actions to improve assurance in the medium term are identified, actioned and monitored through the Information Governance and Cyber Security risks on the Corporate Risk Register; regular updates on which are reported separately to the Council's Audit, Risk & Scrutiny Committee.
- 3.5 Please refer to Appendix 1 for the consolidated Annual Report on the Council's Information Governance Performance from July 2018-June 2019.

4. FINANCIAL IMPLICATIONS

There are no direct financial implications arising from this report. There are potential indirect financial implications related to penalties for non-compliance, as outlined at section 5.3, below.

5. LEGAL IMPLICATIONS

- 5.1 The Council's use and governance of its information is subject to a variety of legislation including: The General Data Protection Regulation, the Data Protection Act 2018, the Public Records (Scotland) Act 2011, the Freedom of Information (Scotland) Act 2002, the Environmental Information (Scotland) Regulations 2004, and the Re-use of Public Sector Information Regulations 2015.
- 5.2 The Annual Information Governance Performance Report at Appendix 1 forms part of the Council's wider Information Governance Management and Reporting Framework and is a key component of ensuring that the Council is undertaking adequate monitoring of its compliance with the above legislation.
- 5.3 The General Data Protection Regulation and the Data Protection Act 2018 came into force on 25 May 2018 and brought significantly increased penalties for non-compliance with data protection law than was previously the case. The maximum penalty for non-compliance is now 4% of turnover, or €20 million, whichever is higher. 4% of the Council's turnover is £32.3 million, based on its overall revenue budget of £806 million.
- 5.4 As outlined in this report, the General Data Protection Regulation and the Data Protection Act 2018 has introduced other changes to data protection law which the Council have been required to address to ensure compliance. The approach taken to date has been focussed on ensuring that the Council is in a position to comply with the provisions of the new General Data Protection Regulation, to mitigate the risk that the Council would be subject to enforcement action and financial penalty.

- 5.5 When the UK leaves the EU the General Data Protection Regulation will be incorporated into UK law under the European Union (Withdrawal) Act 2018. It is therefore not anticipated that Brexit will impact significantly this compliance requirement.

6. MANAGEMENT OF RISK

	Risk	Low (L), Medium (M), High (H)	Mitigation
Financial	There are no risks arising directly from the presentation of this report. This report is part of the Council's wider Information Assurance framework which mitigates against information related risk	N/A	N/A
Legal	As above.	N/A	N/A
Employee	As above.	N/A	N/A
Customer	As above.	N/A	N/A
Environment	As above.	N/A	N/A
Technology	As above.	N/A	N/A
Reputational	As above.	N/A	N/A

7. OUTCOMES

Local Outcome Improvement Plan Themes	
	Impact of Report
Prosperous Economy	Information and data are key assets of the Council and recognised in the Aberdeen City Local Outcome Improvement Plan 2016-26 and the Strategic Aberdeen City Council Strategic Business Plan as critical enablers of the Council achieving its priorities for people, place and economy. The activities outlined in Appendix 1 of this report framework are focussed on ensuring that the Council's information is good quality, accurate, and up to date to inform decision-making, that it is used and governed in a way which is effective and

	lawful, that the Council has the right arrangements in place to enable data to be shared appropriately and safely with partners, where this is necessary, and to ensure that our information can effectively evidence our decisions and actions so the Council can be held accountable.
Prosperous People	As above
Prosperous Place	As above

Design Principles of Target Operating Model	
	Impact of Report
Customer Service Design	The activities outlined in Appendix 1 of this report framework support the Customer Service Design principles by improving the quality and availability of information to enable early resolution and problem solving, to enable customer insight and to support evidence based decision making based on accurate and up to date data.
Organisational Design	The activities outlined in Appendix 1 of this report support the Council's Organisational Design principles by ensuring that the Council has the right role and supports, in the right place to ensure the effective and lawful governance and use of the Council's information.
Governance	The activities outlined in Appendix 1 of this report support the Council's Governance Design principles by ensuring that the Council's information is able to support evidence-based decision making, is open wherever possible so the Council can demonstrate transparency and promote stakeholder engagement, and is sufficiently robust to act as evidence in support of the Council's accountability.
Workforce	The activities outlined in Appendix 1 of this report support the Council's guiding principles by ensuring that the Council's workforce has information it needs to be effective and empowered. Staff can take pride in how they handle information and for what purpose.
Process Design	The activities outlined in Appendix 1 of this report support the Council's approach to process design by that new processes appropriately consider information governance and are designed and implemented with a privacy and security by design approach.

Technology	The activities outlined in Appendix 1 of this report support the Council's approach to technology by ensuring new digital solutions are designed and implemented in a way which are secure, lawful, and in a way which respects our customers' privacy, and so fosters trust in new ways of interacting with the Council.
Partnerships and Alliances	The activities outlined in Appendix 1 of this report support the Council's approach to partnerships and alliances by ensuring that robust and lawful arrangements are in place for the information sharing required to enable effective partnerships and alliances.

8. IMPACT ASSESSMENTS

Assessment	Outcome
Equality & Human Rights Impact Assessment	<i>Not Required</i>
Data Protection Impact Assessment	<i>Not Required</i>
Duty of Due Regard / Fairer Scotland Duty	<i>Not applicable</i>

9. BACKGROUND PAPERS

[Internal Audit Report AC1904 – GDPR](#)

10. APPENDICES (if applicable)

Appendix 1: Annual Information Governance Report 2018-2019

11. REPORT AUTHOR CONTACT DETAILS

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