

ABERDEEN CITY COUNCIL

COMMITTEE	Audit, Risk & Scrutiny Committee
DATE	8 th October 2020
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	Information Governance Management Annual Statement 2019-2020
REPORT NUMBER	CUS/20/135
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CHIEF OFFICER	Martin Murchie
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TERMS OF REFERENCE	1.3

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 fourth 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 2019-June 2020.

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 The approach taken to date has been focussed on ensuring that the Council has a robust framework in place to enable compliance with Data Protection legislation, to reduce the risk that the Council would be subject to enforcement action and financial penalty.
- 5.5 The UK left the EU on 31st January 2020 and has entered a transition period which will end on 31st December 2020. At the end of this period UK General Data Protection Regulation will come into force. Post-transition the UK's data

protection regime will be based on UK General Data Protection Regulation and the Data Protection Act 2018.

- 5.6 At the end of the transition period the UK will become a ‘third country’ in data protection terms. This has potential implications for the free flow of data between the UK and the EU. One mechanism for legitimising data flows between the EU and third countries is an adequacy decision from the European Commission. The Department for Culture, Media & Sport is leading the UK’s participation in the assessment process with a view to obtaining an adequacy decision for the UK before the end of the transition period.
- 5.7 If the UK does not achieve an adequacy decision, the Council will put other measures in place to ensure the continuity of data flows between the UK and the EU. Action planning in this respect is being monitored through the Council’s EU Exit Risk, and the Council is following the relevant guidance from the Scottish and UK Government and the Information Commissioner’s Office.

6. MANAGEMENT OF RISK

Category	Risk	Low (L) Medium (M) High (H)	Mitigation
Strategic Risk	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 as presented in the Corporate Risk Register	Not applicable	Not applicable
Compliance	As above	Not applicable	Not applicable
Operational	As above	Not applicable	Not applicable
Financial	As above	Not applicable	Not applicable
Reputational	As above	Not applicable	Not applicable
Environment / Climate	As above	Not applicable	Not applicable

7. OUTCOMES

<u>COUNCIL DELIVERY PLAN</u>	
	Impact of Report
Aberdeen City Council Policy Statement	The Council's Information Governance arrangements are a vital part of enabling the Council to realise its aims across its policy statement.
Aberdeen City Local Outcome Improvement Plan	
Prosperous Economy Stretch Outcomes	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 demonstrate accountability.
Prosperous People Stretch Outcomes	As above
Prosperous Place Stretch Outcomes	As above
Regional and City Strategies	
	The Council's Information Governance arrangements are vital to the implementation of regional and city strategies.
UK and Scottish Legislative and Policy Programmes	
	The report sets out the Information Governance Management Annual Statement. It covers the Council's compliance with a variety of legislation particularly: 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.

8. IMPACT ASSESSMENTS

Assessment	Outcome
Impact Assessment	Not required
Data Protection Impact Assessment	Not required

9. BACKGROUND PAPERS

Internal Audit Report AC2020 – Information Governance

10. APPENDICES (if applicable)

Appendix 1: Annual Information Governance Report 2019-2020

11. REPORT AUTHOR CONTACT DETAILS

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