

ABERDEEN CITY COUNCIL

COMMITTEE	AUDIT, RISK & SCRUTINY COMMITTEE
DATE	25 TH JUNE 2015
INTERIM DIRECTOR	ANGELA SCOTT
TITLE OF REPORT	DATA PROTECTION REPORTING – JANUARY – MARCH 2015
REPORT NUMBER:	CG/15/82
CHECKLIST RECEIVED	YES

1. PURPOSE OF REPORT

The purpose of this report is to provide an overview for quarter 4 (January – March 2015) to Committee of the following areas:

- a) Aberdeen City Council Subject Access Request statistics
- b) Data Breaches and Near Misses
- c) Data Protection training
- d) General Update

2. RECOMMENDATION(S)

It is recommended that the Committee note the report.

3. FINANCIAL IMPLICATIONS

There are no financial implications at this time.

4. OTHER IMPLICATIONS

None

5. BACKGROUND/MAIN ISSUES

a) Aberdeen City Council Subject Access Request Statistics

A recommendation of the Information Commissioners Office (ICO) inspection of the Council's compliance with Data Protection legislation was that the number of Subject Access Requests (SARs) and Third

Party Requests received by the Council be recorded and reported to the appropriate Committee. As previously advised, these figures will be reported to the Audit & Risk Committee on a quarterly basis. The figures for the latest complete quarter, January – March 2015, are detailed below.

In the reporting quarter Aberdeen City Council received **60** Subject Access Requests and **8** requests from 3rd parties for personal data held by it.

By Service:

Service	Subject Access Requests	3 rd Party Requests
Office of Chief Executive	0	0
Communities, Housing & Infrastructure	3	6
Corporate Governance	7	0
Education & Children's Services	50	2
TOTAL	60	8

In the quarter, **59** requests have been responded to. The requirement of the Data Protection Act is that requests are responded to within 40 days. **52** requests were responded to within 40 days in the reporting quarter, some **91%** of requests responded to.

The Council can charge a fee, maximum of £10, prior to responding to a Subject Access Request. In the reporting period fees were charged in respect of **6** requests.

b) Data Breaches and Near Misses

In addition to the above, the Council has an established procedure for the recording and reporting of data protection breaches. This information is reported to Members in order to provide an overview of the Council's performance in relation to keeping personal data secure.

In the reporting quarter the following breaches occurred:

By Service:

Service	Number of Breaches
Office of Chief Executive	0

Communities, Housing & Infrastructure	1
Corporate Governance	1
Education & Children's Services	4
TOTAL	6

By Breach Type:

Type of Breach	Number of Breaches
Human Error	3
Unauthorised Disclosure	3
Unauthorised Access	0
Loss	0
Theft	0
Other	0
TOTAL	6

Data Protection breaches are dealt with in a way which is dependent on the nature and potential severity of the breach. Where a breach involves or potentially involves a large volume of personal data or sensitive personal data which is likely to have an adverse impact of the data subject, then more often than not, the Council as Data Controller will 'self-report' the breach to the ICO.

During the reporting period none of the breaches were such that a self-report to the ICO was required.

The regular reports to this Committee will also provide an opportunity to update Members in relation to any significant breaches, including those where the Council has 'self-reported'. It will also allow for an update in respect of previous significant breaches, particularly where there may have been media coverage.

There has been one determination by the ICO of outstanding breach investigations during the reporting period. This determination was that regulatory action was not necessary and one recommendation was made. This recommendation related to the need to ensure that, in any future mass mailing campaign, sufficient testing is undertaken to

account for human error. An update on the Zone detailing this requirement was published on 5th May 2015.

Proposals for options for the recording and reporting of Data Protection Near Misses are to be discussed with Service Information Management Liaison Officers (IMLO's) in late June and thereafter a confirmed process for this will be introduced.

c) Data Protection Training

As previously reported to Committee, a review of induction Data Protection has been undertaken. Data Protection induction training is mandatory for all staff and the content of the training has been substantially redesigned in order to focus on the responsibilities and expectations for individual staff members rather than on the detail statutory requirements of the Data Protection Act.

Following the conclusion of this review, the revised training package will now require to be formatted into both on-line and hard copy learning materials. It is envisaged that this will be completed by the end of the Summer period and thereafter that the revised training will be available for staff in the early Autumn of 2015.

As previously reported to Committee, a further aspect which requires to be implemented is a process for monitoring completion of the Induction Training give it is a mandatory requirement for all staff. It has not yet been possible to seek the views of CMT on options for doing so, but this will be progressed once the Head of Legal & Democratic Services is in post.

d) Complaints about Data Handling

A further aspect of the Data Protection responsibilities of Aberdeen City Council is responding to any complaints received from data subjects relating to the manner in which the Council processes their personal data.

The process for handling complaints is two-fold. At the first stage, when the complaint is raised with the Council, the organisation will seek to respond to the complainant and resolve the concern. This may be by providing information relating to the manner in which personal data has been processed or by identifying and rectifying any weakness.

The second stage, if a complainant remains dissatisfied is where a data subject can make a complaint to the ICO. The ICO will invite the Council to detail its handling of the issue under consideration and thereafter investigate such complaints and determine whether or not it is likely that the Council has fulfilled its obligations and duties under the Data Protection Act.

If the Council has failed in its obligations and duties, the ICO can require the organisation to take action to mitigate any risk.

In the reporting period, 1 complaint was received by the Data Controller from a data subject.

Further, in the reporting period, there have been no notifications from the ICO that any complaints about Aberdeen City Council had been received in its office.

6. IMPACT

None

7. MANAGEMENT OF RISK

Adherence to the Council's policies and procedures for the handling of personal data is essential to the management of the risk associated with the management of information. Strong monitoring of the effectiveness of these arrangements is necessary in order to identify any areas of concern and implement appropriate arrangements to mitigate this.

8. BACKGROUND PAPERS

None

9. REPORT AUTHOR DETAILS

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