

## ABERDEEN CITY COUNCIL

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COMMITTEE	AUDIT & RISK COMMITTEE
DATE	26 <sup>TH</sup> NOVEMBER 2015
INTERIM DIRECTOR	RICHARD ELLIS
TITLE OF REPORT	DATA PROTECTION REPORTING – JULY-SEPTEMBER 2015
REPORT NUMBER:	CG/15/135
CHECKLIST RECEIVED	YES

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### 1. PURPOSE OF REPORT

The purpose of this report is to provide an overview for quarter 2 (July to September 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, July to September 2015, are detailed below.

In the reporting quarter Aberdeen City Council received **18** Subject Access Requests and **52** requests from 3<sup>rd</sup> parties for personal data held by it.

By Service:

Service	Subject Access Requests	3 <sup>rd</sup> Party Requests
Aberdeen City Health and Social Care Partnership	<b>11</b>	<b>44</b>
Communities Housing & Infrastructure	<b>2</b>	<b>5</b>
Corporate Governance	<b>2</b>	<b>0</b>
Education & Children's Services	<b>3</b>	<b>3</b>
Office of Chief Executive	<b>0</b>	<b>0</b>
<b>TOTAL</b>	<b>18</b>	<b>52</b>

In the quarter, **70** requests have been responded to. The requirement of the Data Protection Act 1998 is that requests are responded to within 40 days. **61** requests were responded to within 40 days in the reporting quarter, some **87%** 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 **0** 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
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Aberdeen City Health and Social Care Partnership	0
Communities Housing & Infrastructure	2
Corporate Governance	4
Education & Children's Services	3
Office of Chief Executive	0
<b>TOTAL</b>	<b>9</b>

By Breach Type:

<b>Type of Breach</b>	<b>Number of Breaches</b>
Human Error	7
Unauthorised Disclosure	1
Unauthorised Access	0
Loss	1
Theft	0
Other	0
<b>TOTAL</b>	<b>9</b>

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 on 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 a self-report to the ICO was required in **one** case. In that instance, the ICO decided that no further action was necessary and closed the case. The ICO considered it unlikely that there had been a data protection breach because, at the time of the incident, the Council had appropriate organisational and technical measures in place to protect the data.

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.

As mentioned above, there has been one determination by the ICO of outstanding breach investigations during the reporting period.

A full review of the Aberdeen City Council Corporate Data Protection policy and associated suite of procedures has been completed. Revised Policy and Procedures have been submitted to the Finance, Policy & Resources Committee for consideration. This was approved at Committee on 15<sup>th</sup> September 2015 and the recording and reporting of Data Protection near misses will commence in October 2015.

c) Data Protection Training

As previously reported to Committee, a review of induction Data Protection training has been undertaken. Information on overarching Data Protection responsibilities has been included in the content of an e-Induction module which is to be undertaken by all staff. Further, all staff who have responsibility for the processing of personal information will be required to complete the Data Protection essentials training which has been redesigned to provide an overview of the law and a focus on the responsibilities and expectations on individual staff members.

The launching of these revised training packages is being co-ordinated by the HR Service and further consideration will be given to how completion rates for this training will be monitored.

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 Council 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 1998.

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

In the reporting period, **one** complaint was received by the Council from a data subject.

Further, in the reporting period, there had been **one** notification from the ICO regarding a complaint about the Council.

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 risk.

8. BACKGROUND PAPERS

None

9. REPORT AUTHOR DETAILS

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