

ABERDEEN CITY COUNCIL

COMMITTEE	Audit, Risk & Scrutiny
DATE	27 June 2016
INTERIM DIRECTOR	Richard Ellis
TITLE OF REPORT	Data Protection Reporting (January - March 2016)
REPORT NUMBER:	CG/16/057
CHECKLIST RECEIVED	Yes

1. PURPOSE OF REPORT

To provide an overview for quarter 4 (January - March 2016) in relation to Council data protection matters including Subject Access Requests, Third Party Requests, breaches, complaints and training.

2. RECOMMENDATION(S)

That the Committee note the report.

3. FINANCIAL IMPLICATIONS

None.

4. OTHER IMPLICATIONS

None.

5. BACKGROUND/MAIN ISSUES

Data protection is governed by the Data Protection Act 1998 (the Act) and the Information Commissioner's Office (ICO) enforces compliance. The Council is a Data Controller under the Act and, as such, has various responsibilities.

5.1 Subject Access Requests and Third Party Requests

A Subject Access Request (SAR) is a request made to an organisation by or on behalf of an individual for his/her own personal data held by

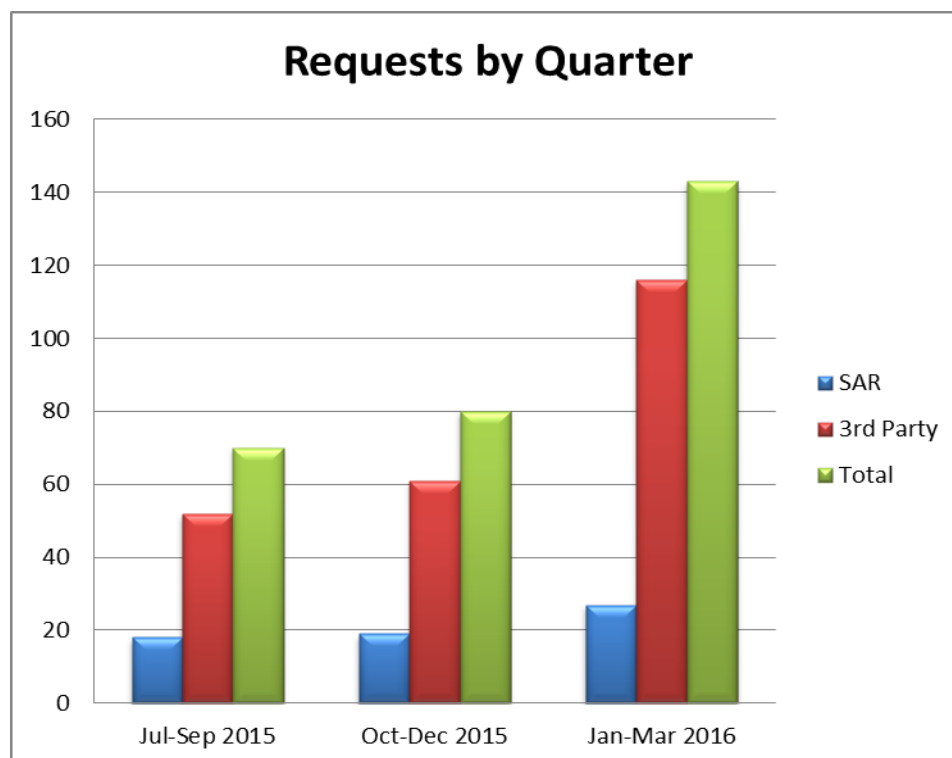
the organisation. A Third Party Request (TPR) is a request made to an organisation by a third party (e.g. Police Scotland, HMRC, the Care Inspectorate, a local authority) for personal data about an individual held by the organisation.

Numbers of Requests

Statistics are reported to this Committee on a quarterly basis and the figures for the latest complete quarter (January - March 2016) are detailed below.

Directorate/Service	SARs	TPRs
Aberdeen City Health & Social Care Partnership	20	49
Communities, Housing & Infrastructure	2	63
Corporate Governance	2	0
Education & Children's Services	3	4
Office of the Chief Executive	0	0
Sub Total	27	116
Total Received	143	

The bar chart below provides a comparison with the previous two quarters.

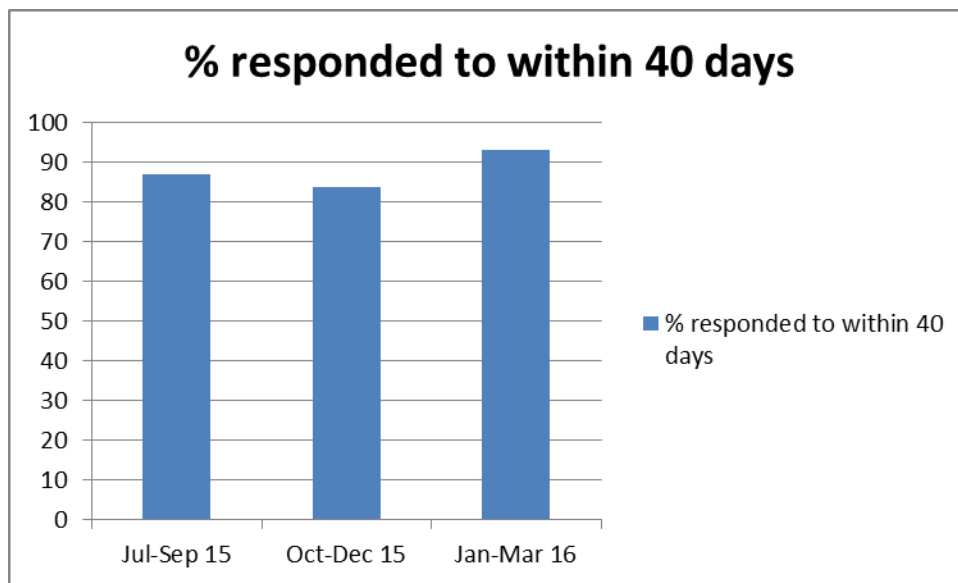


This quarter's figures have increased significantly, particularly in relation to TPRs. Communities, Housing & Infrastructure consider that the dramatic increase in their TPRs figure (61 of which are from Police

Scotland) is due to increased staff awareness of the need for corporate reporting of TPRs.

Response Times

In respect of this quarter, 132 of the 143 requests **(92%)** were responded to within 40 days. The Act requires SARs to be responded to within 40 days and the Council would normally expect to respond to TPRs within that timescale. The bar chart below provides a comparison with the previous two quarters (for SARs and TPRs combined).

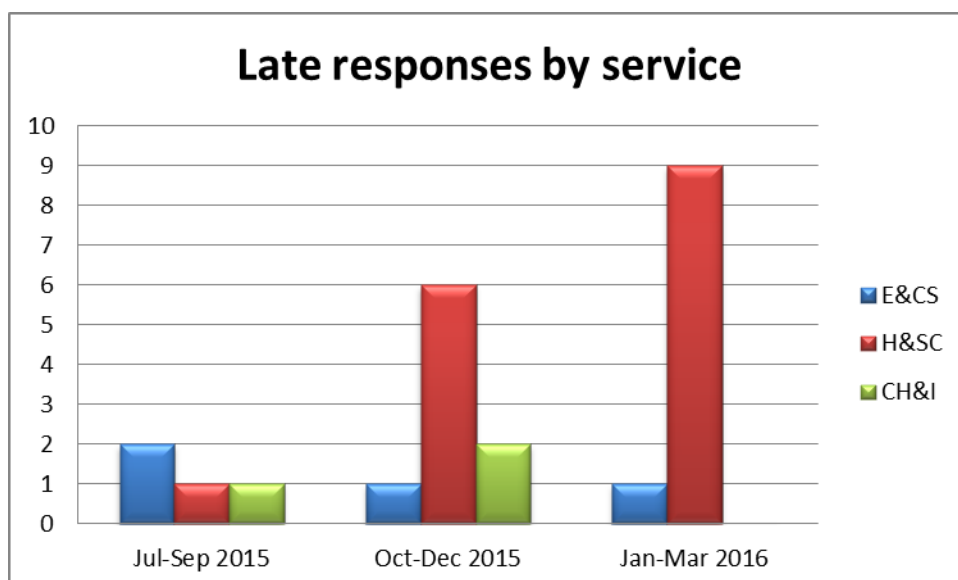


Late Responses

There were **10** late SAR or TPR responses in this quarter:

The lateness of these responses was largely due to the relevant staff requiring to take on additional outstanding SARs and the extensive staff resource involved in examining multiple voluminous records to remove third party data and make appropriate redactions. Some requests may require the careful review of thousands of pages.

The bar chart below provides a comparison with the previous two quarters, broken down by Directorate/Service (as requested by this Committee).



Timescales for this quarter's late responses are as follows:

Directorate/Service	Type (SAR/TPR)	Response Time (days)
Aberdeen City Health & Social Care Partnership	TPR	43
	SAR	45
	TPR	50
	TPR	60
	TPR	66
	TPR	66
	SAR	73
	SAR	82
	TPR	93
Education & Children's Services	SAR	42

Charging Fees for SARs

The Council may charge a fee (maximum £10) prior to responding to a SAR. Each Directorate/Service determines whether it will charge a fee in an individual case. In this quarter, fees were charged in respect of **2** SARs. The table below provides a comparison with the previous two quarters.

Quarter	SAR fees charged
Jan – Mar 16	2
Oct – Dec 15	2
Jul – Sep 15	0

For information, one of the fees charged was never paid by the individual and his/her SAR was therefore not responded to.

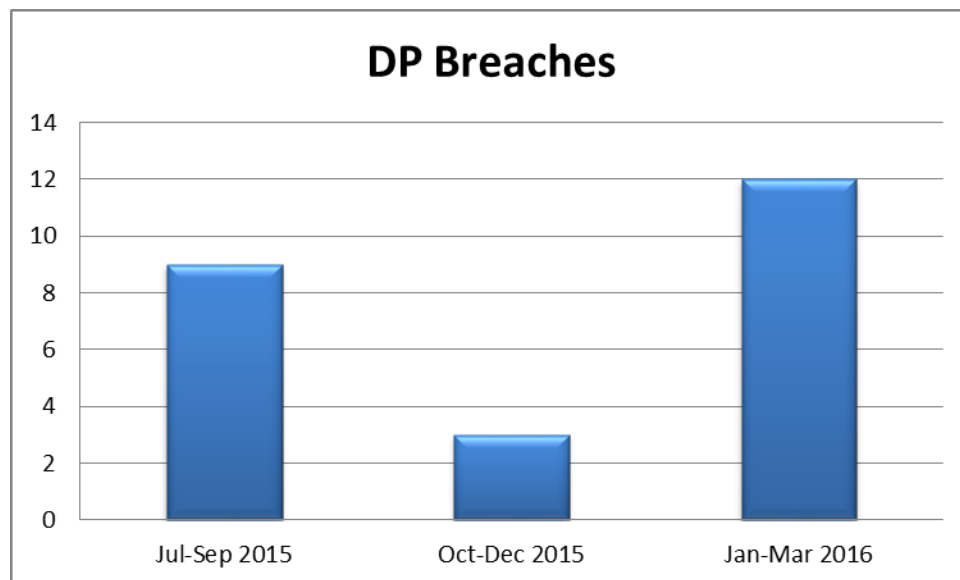
5.2 Data Protection Breaches

In this quarter, the following breaches occurred (by Directorate/Service and breach type):

Directorate/Service	No. of Breaches
Aberdeen City Health & Social Care Partnership	4
Communities, Housing & Infrastructure	3
Corporate Governance	3
Education & Children's Services	2
Office of the Chief Executive	0
Total	12

Type of Breach	No. of Breaches
Human Error	9
Unauthorised Disclosure	3
Unauthorised Access	0
Loss	0
Theft	0
Other	0
Total	12

The bar chart below provides a comparison with the previous two quarters.



It is considered that the increase in breaches is due in part to increased staff awareness of the need to report and also individual training issues - which are being addressed.

Data breaches are reported to the Head of Legal and Democratic Services. Legal Services liaise with the relevant Service in order to provide advice and determine what action requires to be taken. Breaches are dealt with according to their nature and seriousness, with careful regard being had to ICO guidance. Where there is significant actual or potential detriment - whether because of the volume of data, its sensitivity or a combination of the two - the Council as Data Controller will normally 'self-report' the breach to the ICO.

In this quarter, **1** self-report was made to the ICO. This related to unauthorised disclosure, in error, of an individual's sensitive personal data to a family member.

The table below provides a comparison with the previous two quarters.

Quarter	No. of Self-Reports
Jan – Mar 16	1
Oct – Dec 15	0
Jul – Sep 15	1

There have been **0** determinations by the ICO of outstanding breach investigations during this quarter.

5.3 Complaints about Data Handling

If an individual is dissatisfied with the Council's response to his/her complaint about data handling, s/he may make a complaint to the ICO. The ICO will investigate and may take action against the Council.

In this quarter, **0** complaints were received by the Council. **1** complaint from the previous quarter is ongoing.

In this quarter, there have been **0** notifications from the ICO regarding complaints against the Council.

5.4 Data Protection Training

The e-induction module was launched in late May 2016. Further consideration will be given to how completion rates for this training will be monitored.

6. IMPACT

Improving Customer Experience – it is in the interests of all the Council's customers and service users that the Council handles their personal data lawfully and that they are able to access it timeously on request.

Improving Staff Experience – the provision of appropriate training, as mentioned above, should ensure Council staff are confident and capable in undertaking their data protection responsibilities.

Improving our use of Resources – by reporting to Members on statistics and trends, this report should assist the Council in fulfilling its data protection responsibilities more efficiently.

Corporate – compliance by the Council with its data protection responsibilities is integral to individual Service Plans and the “Aberdeen – the Smarter City” vision.

Public – this report may be of interest to the public in that it concerns the Council’s compliance with its data protection obligations. This report will not impact adversely on any particular group and so neither an Equality and Human Rights Impact Assessment (EHRIA) nor a Privacy Impact Assessment (PIA) is necessary.

7. MANAGEMENT OF RISK

Compliance with the Act and the Council’s relevant policies and procedures is essential to the management of the risk associated with data handling. Strong monitoring of the Council’s compliance should help identify risks and the actions required to mitigate those risks.

8. BACKGROUND PAPERS

None.

9. REPORT AUTHOR DETAILS

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