Reassessment ANNUALLY

ABERDEEN
CITY COUNCIL

Protective Monitoring
Access to Information Procedure

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Draft

Scope

What is this procedure for?

This procedure is to be followed for requesting access to any information Aberdeen City Council collects as part of Protective Monitoring. This is a high-level procedure which covers:

The circumstances under which access may be granted to accounts or to information in relation to account or network activity.

- The procedure which must be followed when requesting such access.
- The procedure to be followed by ICT staff to fulfil that access.

Who is this procedure for?

This procedure is of importance to all staff, agency workers, elected members, contractors and sub-contractors, and to any person, without exception, who uses or requires access to the Aberdeen City Council Information Technology, Data Assets or associated Infrastructure.

This procedure applies to, and is of particular importance for:

- Anyone who has management responsibilities.
- Anyone who is leading an investigation.

- All ICT staff.

- **If you believe an investigation is likely to result in criminal charges then further advice must be sought. If in the process of an investigation this becomes the case the investigation must immediately stop, and further advice sought. Failure to do so may prevent such charges being brought.**

- **It is important that only the information necessary to any investigation is requested.**

- **Information obtained or supplied must be treated as OFFICIAL SENSITVE [PERSONAL] and held securely (e.g. password protected) so that it cannot be accessed by others.**

Information Request

A request for access to an account or for information in relation to account or network activity may be received from a manager, Chief Officer, the fraud team or official sources e.g. the police. In all cases a strict process and procedure **must** be followed so that the appropriate audit trail and evidence of authorisation can be maintained.

Any request must be justified under the principles of current Data Protection legislation. In summary, they must be:

Lawful. Access must be for legitimate and lawful reasons.

Justified. There must be reasonable suspicion of wrongdoing, not a “fishing” exercise.

Proportionate. The information requested should be proportionate to the seriousness of the suspected wrongdoing.

Necessary. Only information that is actually required should be requested. Access to that information should be the only means available of gathering evidence required for the investigation.

Examples of possible reasons for request:

- Suspected Emailing of confidential information to external or unauthorized addresses.
- As part of an ongoing investigation.
- Suspicion of unlawful activities.
- Suspected breach of the ICT Acceptable Use Policy.

Where the information is being sought in relation to an individual’s actions, the individual should in most cases be informed. A failure to do so may contravene the Data Protection and Human Rights acts and you must therefore liaise with an HR adviser in these situations.

There are specific exemptions within the Data Protection Act 1998 and General Data Protection Regulation (GDPR) for not informing the individual if it is in relation to ‘the prevention or detection of crime’. It is advised that you liaise with an HR adviser who will in turn involve the Fraud team and/or Legal and Democratic services colleagues where applicable and appropriate.

Where the Police or other external body requests access to information, specific Data Protection exemptions may also be considered. The Police will send in a completed exemption form, which will be retained for the audit trail. In all cases where an external body requests information this should be handled as a 'Third Party Request for Personal Information'. See Corporate Data Protection Policy

In performance of their duties, ICT security personnel may come across situations of concern regarding an individual. These concerns shall be relayed to the appropriate management or authority. Further analysis must not take place without instruction and approval of said management or authority. In all cases this procedure **must** be followed so that an appropriate audit trail and evidence of authorisation can be maintained.

Where a request concerns a staff member, all such requests **must** be authorised by the Chief Officer or their delegated authority and an HR advisor. Where the Chief Officer is the requester then the Senior Information Risk Owner (SIRO) or their delegated authority **must** authorise the request. Where the SIRO themselves are requesting information then the Chief Executive or delegated authority must also authorise the request.

Where the request concerns a non-staff member such as an elected member, partner organization or third party, all such requests require authorisation by the Senior Information Risk Owner (SIRO) or their delegated authority and the Chief Executive.

In all cases someone more senior than the requester **must** authorise the request.

Information requested may include:

- Browsing history (in depth analysis which may include e.g. links clicked within sites, bandwidth usage, files uploaded/downloaded)
- Email history (this may include e.g. access to logs, access to Emails)
- Access history (this may include access to e.g. logs, audit trails)

Requester Procedure

- When requesting information, the requester must ensure that they are doing so with respect to current Data Protection legislation. If in doubt further advice should be sought from their Chief Officer, IT, or Legal team.

- The requester should log a ServiceNow call either directly or after discussion with an IT Manager or the IT Security Team. This call should contain **minimal** information stating only that it is a request for access for "activity information regarding a member of their team". Details of the person being investigated or the reasons behind the request **should not** be included.

- A Security Team member will send an "Activity Report Request Form(Hyperlink when on Zone)" for completion. This form should be completed giving enough detail as to what information is required and why. The form should be authorised as appropriate (Chief Officer, SIRO, Chief Executive, DPO, HR advisor).

- Completed forms should be scanned and Emailed, hand delivered or sent via internal mail back to the Security team member dealing with the request. If internal mail is used, please ensure it is in a sealed envelope and marked OFFICIAL SENSITIVE [PERSONAL].

- The Security Team member will then acknowledge receipt to the requester and the authoriser and commence with the request.

- It is the responsibility of the requester to handle any information provided with Data Protection in mind. This may include password protecting information or redaction.

ICT Procedure

- A request coming from any source is logged as a call in ServiceNow under the Security Team. This call should contain minimal information stating only that it is a request for access to "activity information regarding a member of their team". Details of the person being investigated or the reasons behind the request **should not** be included.

- The Security Team will add the ServiceNow reference number to - and send an "Activity Report Request Form" to the requester. The Security Team will update the ServiceNow call stating that this has been done.

- On return of the form the Security Team shall check that adequate information has been supplied to allow the request to proceed and update the ServiceNow call. If adequate information has not been supplied advice should be given and the form sent back for completion. Should the Security Team have any concerns regarding the information requested or the reasons for access then they should challenge and seek further authority if deemed necessary. All actions should be referenced in the ServiceNow call.

- The Security Team **must** ensure that the form request has been authorised appropriately, (Chief Officer, SIRO, Chief Executive, DPO, HR advisor).

- On completion of the paperwork and authorisation the Security Team shall:

  - Scan the form and file the document securely.
  - Send an acknowledgement Email to the requester the authoriser and the HR Advisor if required acknowledging receipt and approval to proceed with investigation.
  - Fulfil the request.

- The information should be treated as sensitive and the following should apply:

  - Where possible mark all documents with OFFICIAL SENSITIVE [PERSONAL] in the document header or on the title page.

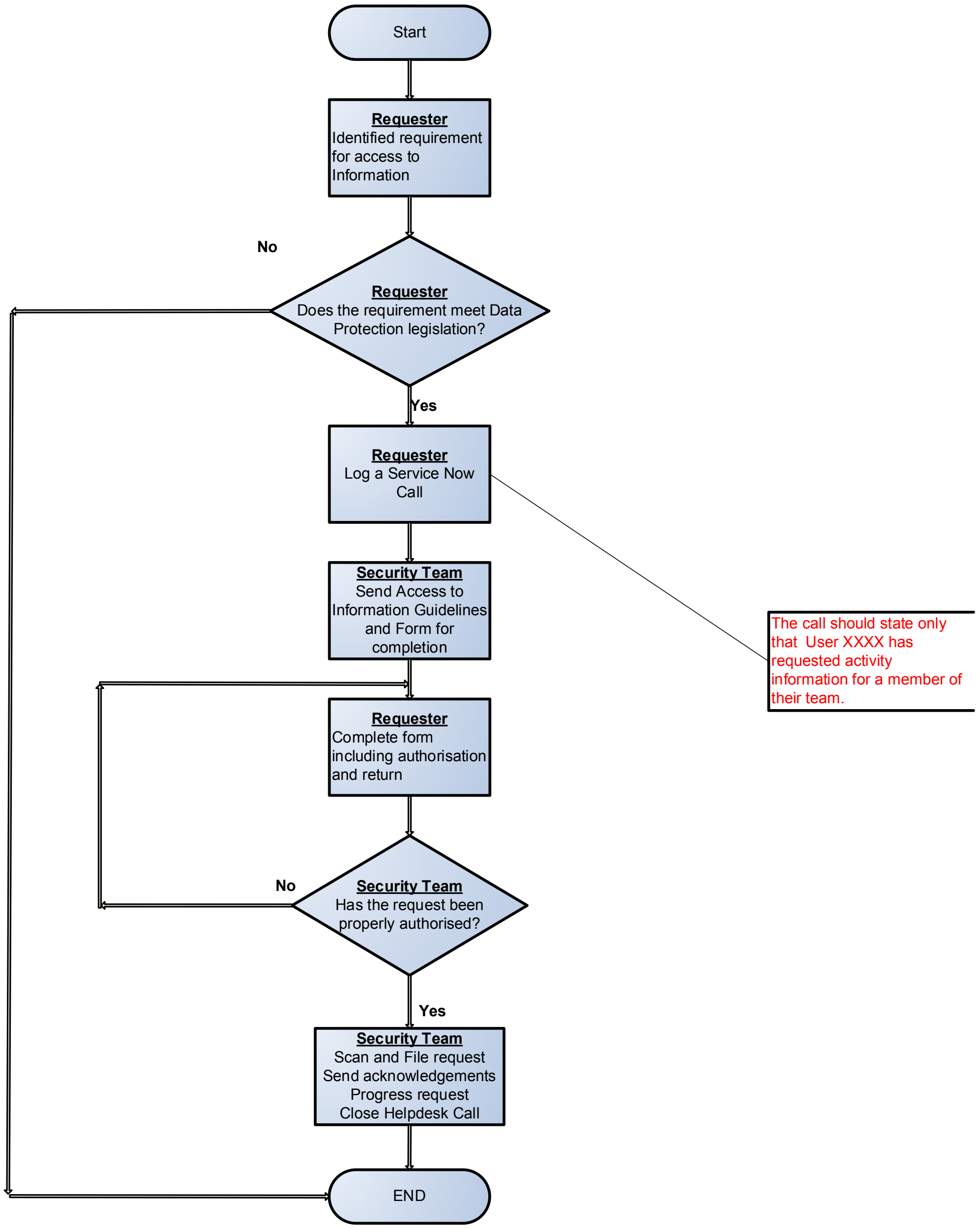
  - Where there are numerous documents, or you are unable to do this the folder containing the documents should have the words OFFICIAL SENSITIVE in the name.

  - Where possible information and documents should be sent password protected or in a password protected Zip file.

- On completion of the Investigation the Security Team should ensure any changes to permissions are reset then update and close the ServiceNow call.

Access to Information
REQUESTER Workflow

Date Last Updated: 06/10/2017
Review Date: Annually
Process Owner: Security Architect


Start
Requester
Identified requirement for access to Information
No
Requester
Does the requirement meet Data Protection legislation?
Yes
Requester
Log a Service Now Call
Security Team
Send Access to Information Guidelines and Form for completion
Requester
Complete form including authorisation and return
No
Security Team
Has the request been properly authorised?
Yes
Security Team
Scan and File request
Send acknowledgements
Progress request
Close Helpdesk Call
END

The call should state only that User XXXX has requested activity information for a member of their team.

Access to Information
ICT Workflow

Date Last Updated: 06/10/2017
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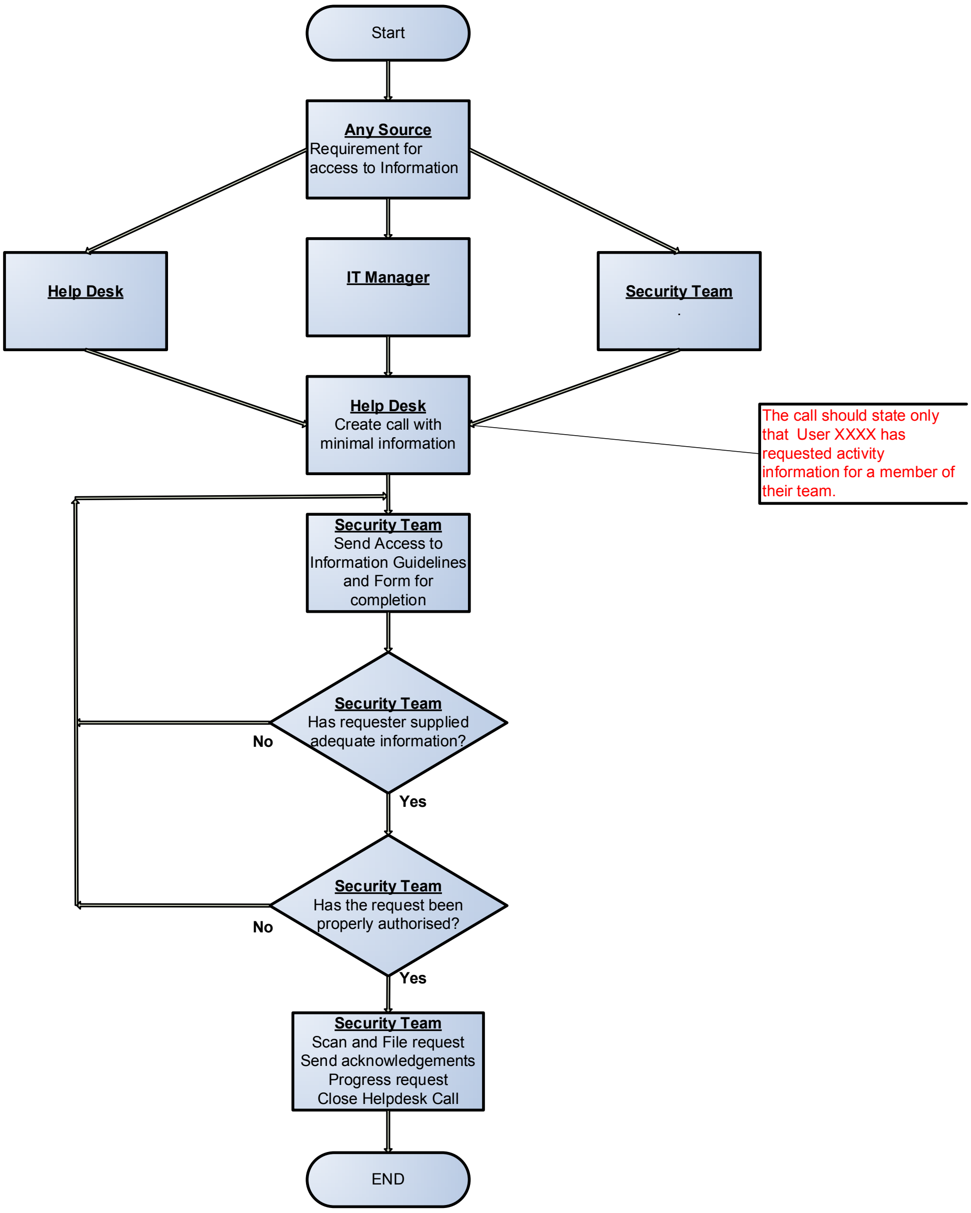
Start
Any Source
Requirement for access to Information
Help Desk
IT Manager
Security Team
.
Help Desk
Create call with minimal information
Security Team
Send Access to Information Guidelines and Form for completion
Security Team
Has requester supplied adequate information?
No
Yes
Security Team
Has the request been properly authorised?
No
Yes
Security Team
Scan and File request
Send acknowledgements
Progress request
Close Helpdesk Call
END

The call should state only that User XXXX has requested activity information for a member of their team.

Related Policy Document Suite

Policy and Strategy

- ICT Acceptable Use Policy
- Employee Code of Conduct
- Councillor Code of Conduct
- Protective Monitoring Policy (Hyperlink when on Zone)

Forms

- Access to Information Guide and Form (Hyperlink when on the Zone)

Assessments

- Protective Monitoring Privacy Impact Assessment (Hyperlink when on the Zone)
- Protective Monitoring Risk Assessment (Hyperlink when on the Zone)

Related Legislation and Supporting Documents

Acts

- The Data Protection Act (1998)
  Requires that processing of personal data is done so lawfully and fairly, is used for limited specifically stated purposes and used in way that is adequate, relevant and not excessive.

- General Data Protection Regulation
  From 25th May 2018, this replaces the Data Protection Act (1998) and requires the Council to process personal data lawfully, fairly and transparently, and requires the Council to secure the personal data it holds. The GDPR is designed to enable individuals to better control their personal data. Penalties for breaches are more severe than under the 1998 Act.

- The Computer Misuse Act (1990)
  Disallows unauthorised access or acts in relation to computer systems, data or materials.

- The Copyright, Designs and Patents Act (1988)
  Protects the rights of creators to control the ways in which their materials are used. There is a duty on the Council to prevent breaches of Copyright.

- The Health & Safety at Work Act (1974)
  Protects the health, including mental health of their employees.

- The Human Rights Act (1998)
  The right to respect for family and private life, home and correspondence. This right is not absolute and must be balanced with the need of the Council to protect its information.

- Telecommunications (Lawful Business Practices) (Interception of Communications) Regulations 2000 (LBPR).
  Allows interception of communications by businesses on their own telecommunications networks, for instance, to detect employee-mail abuse or to record telephone conversations to evidence transactions.

Related Standards

- ISO27001/2

A framework of policies and procedures that includes all legal, physical and technical controls.

- PSN
  A public services shared information and communications infrastructure for which we need to remain compliant.

Regulations

- PCI DSS
  The Council is required to meet this standard in order to take card payments.

Best Practice Guides

- National Cyber Security Centre (NCSC) Good Practice Guide 13 - Protective Monitoring (GPG 13)
  Provides advice on good practice to help meet Protective Monitoring obligations.

- Information Commissioner’s Employment Practices Code; Part 3 Monitoring at Work.
  Aims to strike a balance between the legitimate expectations of workers and the legitimate interests of employers.