

ABERDEEN CITY COUNCIL

COMMITTEE	Audit, Risk & Scrutiny
DATE	25 September 2018
REPORT TITLE	Information Governance Management Annual Statement 2017-2018
REPORT NUMBER	GOV/18/072
DIRECTOR	Frank McGee
CHIEF OFFICER	Martin Murchie
REPORT AUTHOR	Caroline Anderson and Helen Cannings
TERMS OF REFERENCE	1.1

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 readiness approach to ensure compliance with the General Data Protection Regulation (GDPR) and the Data Protection Act 2018.

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.
- 2.2 Note the implementation of changes made through the Council's GDPR readiness approach, as part of the Council's wider information assurance improvement plan at sections 3.6 – 3.9.

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 second 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 For this reason, the Council has established an Information Assurance Improvement Plan which will implement the required medium-term assurance improvements required. Progress to date on this work has been included in the Annual Report on the Council's Information Governance Performance.
- 3.5 Please refer to Appendix 1 for the consolidated Annual Report on the Council's Information Governance Performance from July 2017-June 2018.

The General Data Protection Regulation and the Data Protection Act 2018

- 3.6 The General Data Protection Regulation (GDPR) and the Data Protection Act 2018 (collectively now known as Data Protection legislation) came into force on the UK on 25 May 2018. This is the most significant change to privacy legislation since the Data Protection Act 1998 came into force and have effected changes to the Council's compliance requirements.
- 3.7 Readiness for these changes to data protection legislation have been managed as a key part of the Council's Information Assurance Improvement Plan for 2017-18, to make sure that the requirements of the new regulation are understood and prioritised as part of our broader interrelated programme of work to manage and improve information assurance.
- 3.8 An update on progress with the Council's Information Assurance Improvement Plan has been included in the Annual Report at Appendix 1.
- 3.9 The Council's readiness for the requirements of the General Data Protection Regulation have also been subject to Internal Audit, the outcome of which will be reported to this committee.

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 As outlined in this report, the General Data Protection Regulation and the Data Protection Act 2018 has introduced other changes to data protection law which the Council have been required to address to ensure compliance. The readiness approach that has been undertaken to date has been focussed on ensuring that the Council was in a position to comply with the provisions of the new General Data Protection Regulation when it came into force, to mitigate the risk that the Council would be subject to enforcement action and financial penalty.
- 5.5 When the UK leave the EU the General Data Protection Regulation will be incorporated into UK law under the European Union (Withdrawal) Act 2018 so it is not anticipated that Brexit will impact this compliance requirement.

6. MANAGEMENT OF RISK

	Risk	Low (L), Medium (M), High (H)	Mitigation
Financial	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	N/A	N/A
Legal	As above.	N/A	N/A

Employee	As above.	N/A	N/A
Customer	As above.	N/A	N/A
Environment	As above.	N/A	N/A
Technology	As above.	N/A	N/A
Reputational	As above.	N/A	N/A

7. OUTCOMES

Local Outcome Improvement Plan Themes	
	Impact of Report
Prosperous Economy	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 be held accountable.
Prosperous People	As above
Prosperous Place	As above
Enabling Technology	As above

Design Principles of Target Operating Model	
	Impact of Report
Customer Service Design	The activities outlined in Appendix 1 of this report framework support the Customer Service Design principles by improving the quality and availability of information to enable early resolution and problem solving, to enable customer insight and to support evidence based decision making based on accurate and up to date data.
Organisational Design	The activities outlined in Appendix 1 of this report support the Council's Organisational Design

	principles by ensuring that the Council has the right role and supports, in the right place to ensure the effective and lawful governance and use of the Council's information.
Governance	The activities outlined in Appendix 1 of this report support the Council's Governance Design principles by ensuring that the Council's information is able to support evidence-based decision making, is open wherever possible so the Council can demonstrate transparency and promote stakeholder engagement, and is sufficiently robust to act as evidence in support of the Council's accountability
Workforce	The activities outlined in Appendix 1 of this report support the Council's workforce design principles by ensuring that the Council's workforce has the information it needs to be effective and empowered, and that staff are capable and confident in handling information securely and safely.
Process Design	The activities outlined in Appendix 1 of this report support the Council's approach to process design by that new processes appropriately consider information governance and are designed and implemented with a privacy and security by design approach.
Technology	The activities outlined in Appendix 1 of this report support the Council's approach to technology by ensuring new digital solutions are designed and implemented in a way which are secure, lawful, and in a way which respects our customers' privacy, and so fosters trust in new ways of interacting with the Council.
Partnerships and Alliances	The activities outlined in Appendix 1 of this report support the Council's approach to partnerships and alliances by ensuring that robust and lawful arrangements are in place for the information sharing required to enable effective partnerships and alliances.

8. IMPACT ASSESSMENTS

Assessment	Outcome
Equality & Human Rights Impact Assessment	<i>Not Required</i>
Privacy Impact Assessment	<i>Not Required</i>

Duty of Due Regard / Fairer Scotland Duty	<i>Not applicable</i>
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9. BACKGROUND PAPERS

Not applicable.

10. APPENDICES (if applicable)

Appendix 1: Annual Information Governance Report

11. REPORT AUTHOR CONTACT DETAILS

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