

CORPERATE COMMITTEE 31 MARCH 2022

Report title: Data Protection Act 2018 (DPA) Update

Wards: All

Portfolio: Cabinet Member for Finance and Performance: Councillor Andy Wilson

Report Authorised by: Bayo Dosunmu: Strategic Director for Resident Services

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REPORT SUMMARY

The Council's GDPR Project, which commenced in 2018, has now concluded. Phase 3 has (i) established the Information Asset Portal which hosts the Information Asset Register (ii) ensured revised Information Governance policies and procedures are available all staff (iii) engaged with each Directorate to self-assess their information assets and information risks for their processes.

Phase 3 has engaged with senior management and has successfully provided Data Protection training sessions to the SIRO, to Information Asset Owners (IAO) and Deputy Information Asset Owners (DIAO) and to Data Owners.

Phase 3 has assisted to establish a new body, the Information Risk Board. This will meet bi-annually. It is chaired by the SIRO all Strategic Directors and Directors are members. The Information Risk Board will oversee information governance policies and procedures, information governance risks and data protection training.

FINANCE SUMMARY

Phase 3 was financed from a £302,000 balance reserve from the 2020/21 budget.

RECOMMENDATIONS

1. To note the work that has been undertaken in Phase 3 of the DPA Project.
2. To note that responsibility for maintaining the currency and accuracy of the Information Asset Register and IA Portal now lies with the relevant Directorates and the IAO.
3. To note the implementation of the Information Risk Group, responsible for information governance strategically and for assuring the SMB on information risks, and that this group should be fully supported by all Directorates.
4. To note all Directorates remain required adhere to the ICO Accountability Framework.

1. CONTEXT

Information Governance

- 1.1 In October 2021 Information Governance was transferred from Legal Governance to Resident's Services. From 1 April Information Governance will consist of the Head of Information Governance/Data Protection Officer and a Senior Information Officer.
- 1.2 Information Governance will continue to be responsible for providing legal advice on data protection, including advice on policies and procedures, dealing with data breaches, advice on data sharing and Data Protection Impact Assessments.
- 1.3 In relation to subject access requests (SARs) from April 2022 the Corporate Complainants Unit will assume the responsibilities previously assigned to the IG SAR Officer. In particular: providing appropriate staff training, managing the SAR Improvement Group and Housing SAR Improvement Groups, responding to the ICO, and coordinating customer internal reviews and holding weekly meetings with Capita to discuss outstanding SAR issues.

Phase 3 Project

- 1.4 The Data Protection Phase 3 project began in May 2021 and has delivered the following:
 - a. a review of the Council's existing Information Governance Framework;
 - b. review and revision of Information Governance policies and procedures;
 - c. adoption and publication of the revised information Governance policies and procedures;
 - d. the IA Portal as a permanent IAR solution and Record of Processing Activities;
 - e. provided training is provided to all those with specific data protection roles;
 - f. continue to identify and regularise Data Sharing and Data Processing Agreements; and,
 - g. engagement with the Council's Digital Records Programme.

The Information Asset Register and Information Asset Portal

- 1.5 Ownership of the Information Asset Register lies with the Directorate and their IAOs, supported by the Deputy IAOs and Data Owners across. The master version of the IAR and IA portal is owned and managed by the Performance & Business Improvement team. Ongoing support and guidance will be provided by Information Governance.
- 1.6 Each Directorate will carry out an annual review of information assets and processes within their remit and ensure the IAR remains accurate and in compliance with regulatory requirements specified by the ICO. Phase 3, in conjunction with the Council's Technical Data Architect, created guidance as to the functionality and the appropriate use of the portal. This guide is published on the Information Governance communications site.

Information Governance Risk Management

- 1.7 Bayo Dosunmu (Strategic Director of Resident Services) is established as the Council's Senior Information Risk Owner (SIRO). The DPO/Head of Information Governance reports to the SIRO on information risks and information issues affecting or likely to affect the Council on a regular basis or as required.
- 1.8 A new Information Risk Management Policy has been approved and is available on the Information Governance communication site. A copy of the said policy is attached at Appendix A.
- 1.9 An Information Risk Group has been instigated. Chaired by SIRO and attended by Strategic Directors, its role is to develop, shape, assure and approve Information Governance strategic developments and to be responsible for assuring the SIRO and SMB on information governance risk management and compliance. A copy of the Group' terms of reference is attached at Appendix B.

1.10 In relation to digital inclusion issue raised the previous meeting on 7 October 2021 the Committee's attention is drawn to the Council's March 2021 Digital Strategy (link appears in Background Information below) and the services made available by Resident Services in this regard. A report on the issue of digital inclusion is attached at Appendix C.

Data Protection Training

1.11 Phase 3 has provided role-based training to IAOs (Strategic Directorates) and DIOA (service Directors). All available IAOs and DIOAs attended a session. Information Governance will continue to provide updates and training to the SIRO on a regular basis. In addition, Phase 3 has provided training to Data Owners (typically Heads of Service) on the IAR and IA Portal.

1.12 The current Data Protection Essentials Training, launched in August 2020, is the Council's annual data Protection Training for staff and members. Completion rates across Lambeth as measured on 8 March 2022 stood at 48% and a further 19% of staff have commenced the training. This includes agency staff. This is supported by monthly completion reporting from Learning & Development into the Strategic Directors to monitor completion at Directorate level.

1.13 The table below shows the completion level of the Data Protection Essentials Training per Directorate on 8 March 2022 based on information provided by Learning & Development:

Directorate	Total Staff	Completed	% Completed	In Progress	% In Progress
SG & Opportunity	215	145	67%	33	15%
Legal & Governance	189	127	67%	20	11%
Adults and Health	493	283	57%	108	22%
Finance & Investment	364	195	54%	95	26%
Resident Services	1301	663	51%	221	17%
Strategy & Comms	41	13	32%	9	22%
Children's Services	754	181	24%	150	20%
TOTAL	3357	1607	48%	636	19%

The ICO Accountability Framework

1.14 Accountability is one of the key principles in data protection law. To demonstrate compliance with the Data Protection Act Lambeth Council uses the ICO's the Accountability Framework.

Next Steps

1.15 Prior to the next Information Risk Group meeting on 21 April 2022 Information Governance will provide to the Group an update on the implementation of the revised Framework and advise on any changes or improvements required.

1.16 The Information Risk Group is to meet on 21 April 2022 and review information governance risks, consider any recommended changes to the Framework and compliance with the Framework.

2. PROPOSAL AND REASONS

2.1 It is proposed as follows:

- a. that all Directorates are to maintain the Information Asset Register from the services under their remit; and,

- b. that the work currently undertaken by the Information Risk Group is noted and is to be fully supported by all Directorates across the Council.

2.2 The reasons for these decisions to endorsed are as follows:

- a. the Information Asset Register and Information Portal are required to enable the Council to comply with the Data Protection Act 2018 and UK GDPR Article 30; and,
- b. the Information Risk Group is a body that enables senior management to monitor, review and action data protection issues and information risk regularly and to be responsible for relevant policies and procedures.

3. FINANCE

3.1 Phase 3 was financed from a £302,000 balance reserve from the 2020/21 budget. Staffing costs were for Project Manager at PO3 and, for six months, one Project Officer at PO2.

4. LEGAL AND DEMOCRACY

4.1 The Council is addressing Data Protection Act 2018 (DPA) principles and legal requirements (such as personal data recordkeeping and risk mitigation). An Information Governance Framework is in place and as part of business as usual the IG Team ensures that breaches are investigated and advice, training and assistance is provided to departments. Enforcement actions by the Information Commissioner's Office could result in severe penalties to the Council, in addition to incurring reputational damage.

4.2 The Information Governance Framework is required to address identified risks and compliance with data protection principles and assist in enabling the Council to continue to satisfy the requirements of the NHS toolkit. By adequately staffing the Information Governance team will be to handle business as usual activities in addition to addressing urgent compliance issues.

4.3 There were no further comments from Democratic Services.

5. CONSULTATION AND CO-PRODUCTION

5.1 The Council's Risk Manager was consulted regarding information risks and any evidence of a lack of compliance.

5.2 The Council's Enterprise Architect was consulted regarding to the IA Portal.

5.3 The Senior Information Responsible Owner ("SIRO") has been informed of the known risks. Relevant internal and external consultation has been undertaken in relation to the project deliverables. Some of the points of consultation are outlined here:

- a. meeting with Information Asset Owners and Deputes to discuss their issues and lessons learnt;
- b. using ICO website for consultation; and,
- c. IG officers are members of Information Governance for London (IGfL) group, a group of London Boroughs dealing with Information Governance and Data Protection issues.

6. RISK MANAGEMENT

6.1 Aside from the cyber security risk there are no current high risks related to Information Governance on the Corporate Risk Register.

- 6.2 The response to the cyber security risk is addressed in the Council's Corporate Risk Management report whose presentation will precede this report.

7. EQUALITIES IMPACT ASSESSMENT

Not applicable.

8. COMMUNITY SAFETY

- 8.1 Not applicable.

9. ORGANISATIONAL IMPLICATIONS

- 9.1 Data protection is everyone's responsibility. Phase 3 of the DPA Project has endeavoured to embed the Information Governance Framework. It is recommended that data protection be a standing item on all senior management meetings and this approach should be cascaded down throughout the Council.
- 9.2 The Information Management policy provides that IAOs are accountable to the SIRO for the accuracy and security of information assets within their respective service area.
- 9.3 The IAO and DIAOs will ensure their area has sufficient Data Owners (DO) (senior managers working within the service area) who will be responsible for the collection, creation, modification, and deletion of specified records holding personal data, contained in a collection of one or more data sets or files that are being processed for permitted purposes that appear on the Service Area's Information Asset Register.

10. TIMETABLE FOR IMPLEMENTATION

- 10.1 Not applicable.

AUDIT TRAIL

Name and Position/Title	Lambeth Directorate	Date Sent	Date Received	Comments in paragraph:
Councillor Andy Wilson	Cabinet Member for Finance and Performance	17/03/22	18/03/22	
Bayo Dosunmu, Strategic Director	Residents Services	17/03/22	18/03/22	
Hamant Bharadia, Assistant Director Finance	Finance & Investment	17/03/22	17/03/22	
Andrew Pavlou, Principal Lawyer Legal Services	Legal and Governance	16/02/22	16/03/22	
David Rose, Democratic Services	Legal & Governance	17/03/22	17/03/22	
Paul Wickens, Director Change & Strategic Delivery	Residents Services	17/03/22	17/03/22	
Matt Ginn, Data Protection Officer	Resident's Services	17/03/22	17/03/22	

REPORT HISTORY

Original discussion with Cabinet Member	Ongoing
Report deadline	18.03.22
Date final report sent	22.03.22
Part II Exempt from Disclosure/confidential accompanying report?	No
Key decision report	No
Date first appeared on forward plan	N/A
Key decision reasons	N/A
Background information	Lambeth Council Digital Strategy March 2021
Appendices	Appendix A – Information Risk Policy Appendix B - Information Risk Group Terms of Reference Appendix C – Report on Digital Inclusion