

Committee: **Governance and Audit Committee**
 Date of meeting: **18th October 2023**
 Report Subject: **Information Governance Annual Report**
 Portfolio Holder: **Cllr Steve Thomas, Leader / Cabinet Member**
Corporate Overview and Performance
 Report Submitted by: **Steve Berry – Data Protection and Governance Officer**

Reporting Pathway								
Directorate Management Team	Corporate Leadership Team	Portfolio Holder / Chair	Governance Audit Committee	Democratic Services Committee	Scrutiny Committee	Cabinet	Council	Other (please state)
	Aug 2023	08.10.23	18/10/2023					

1. Purpose of the Report

1.1 The purpose of the report is to provide the Governance and Audit Committee with information relating to the Council's performance for Information Governance matters including Subject Access Requests, Freedom of Information Requests and Data Breaches.

2. Scope and Background

2.1 Under the relevant Data Protection Legislation including GDPR, Data Protection Act and Freedom of Information Act the Council is committed to ensuring it adheres to statutory obligations under the legislation. These obligations include ensuring that information processed is held safely and securely at all times and to ensure that individuals rights under the legislation are enabled and actioned promptly.

2.2 It is appropriate that the Governance and Audit Committee should monitor the activity in this area and this report seeks to provide assurance on the effective operation of the Council's policies in relation to the legislation. The information provided covers the period 1st April 2022 to 31st March 2023.

3. Options for Recommendation

3.1 Option 1

That the Governance and Audit Committee considers and accepts the information in the report which is given as assurance that appropriate oversight and monitoring is taking place and any shortfalls have appropriate controls in place to make the necessary improvements.

Option 2

That the Governance and Audit Committee considers the information contained and provides specific comment.

4. Evidence of how this topic supports the achievement of the Corporate Plan / Statutory Responsibilities / Blaenau Gwent Well-being Plan

This topic relates to statutory regulation and compliance and also links to the Council's objective of an efficient Council within the Corporate Plan.

5. **Implications Against Each Option**

5.1 ***Impact on Budget (short and long term impact)***

The budget implications for this area relate to staff time in order to complete this statutory work.

In the event that the Council fails to meet its obligations there may be budget implications should the Information Commissioner's Office (ICO) as regulator chose to levy fines at the Council.

5.2 ***Risk including Mitigating Actions***

Failure to ensure that the Council is meeting its obligations under Data Protection legislation can lead to enforcement action, including significant fines, from the ICO. In addition, there is a risk to individuals if their information is subject to a data breach and accessed by unauthorised persons.

5.3 ***Legal***

Data Protection legislation including GDPR, Data Protection Act 2018 and Freedom of Information Act regulate the processing of personal information at the Council and also the Council's transparency arrangements. This provide a statutory framework which govern how information should be processed and how it can be accessed.

The Information Commissioner's Office (ICO) oversee the legislation and are responsible for any enforcement action against it.

5.4 ***Human Resources***

No direct implications

5.5 ***Health and Safety***

No direct implications

6. **Supporting Evidence**

6.1 ***Performance Information and Data***

Appendix 1 provides the relevant performance information.

6.2 ***Expected outcome for the public***

To provide assurance to the public of the Council's commitment and performance in these areas.

6.3 ***Involvement (consultation, engagement, participation)***

This is not an area in which public consultation or engagement is appropriate. Internal engagement on the operation of the Regulations and Policies is an ongoing process.

6.4 ***Thinking for the Long term (forward planning)***

The handling of requests and how the Council handles its obligations under the relevant legislation is under constant review in order to implement improvements when identified.

6.5 ***Preventative focus***

See above

6.6 ***Collaboration / partnership working***

All public bodies must adhere to the same legislation and are responsible for their own obligations.

6.7 ***Integration (across service areas)***

All service areas are subject to this legislation.

6.8 ***Decarbonisation and Reducing Carbon Emissions***

Not relevant to this topic

6.9 ***Integrated Impact Assessment (IIA)***

Not applicable

7. **Monitoring Arrangements**

7.1 Performance in this area will continue to be monitored by the relevant team and periodical reports provided to the Committee for oversight.

Background Documents /Electronic Links

- *Appendix 1 – Information Governance Annual Report*