

# Moray Council

## Internal Audit Section

**DEPARTMENT:** Education, Communities and Organisational Development

**SUBJECT:** Data Protection

**REPORT REF:** 23'015

### Follow Up Audit Review

Risk Ratings for Recommendations					
High	Key controls absent, not being operated as designed or could be improved. Urgent attention required.	Medium	Less critically important controls absent, not being operated as designed or could be improved.	Low	Lower level controls absent, not being operated as designed or could be improved.
No.	Audit Recommendation	Priority	Accepted (Yes/ No)	Date of Completion	Status / Explanation
<b>Key Control:</b> The Council has the appropriate procedures and controls in place to protect information, fulfilling the requirements of the Data Protection Act.					
5.01	The Data Protection Policy and guidance should be reviewed to ensure the detailed information remains current and appropriate. Thereafter, a timetable for continued review should be set.	Medium	Yes	31/01/2023 (Revised Implementation Date 31/03/2025)	<b>Outstanding.</b> Due to the limited staff resources and the requirement to prioritise activity towards data breach investigations, completion of Data Protection Impact Assessments and Data Sharing Agreements, the updating of the Policy and guidance has been delayed. It is accepted that the Policy and guidance are in need of a review and if

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					required updating, but this needs to be balanced with current operational demands. A revised implementation date of 31/03/2025 has been agreed.
5.02	In compliance with UK GDPR, a Record of Processing Activities (ROPA) should be compiled by the Authority based on a data mapping exercise.	High	Yes	31/12/2023	<b>Part Implemented.</b> The follow up review noted evidence of work in progress to complete a Record of Processing Activities (ROPA). However, on implementing the recommendation, it was found that the volume of work required to complete a ROPA for multi-service activities, in addition to other information management compliance requirements noted within this audit review was significantly greater than initially envisaged. The Service has advised that the implementation of the recommendation will be undertaken over the next few years. It is intended that another audit review will be included in a future Audit Plan to evidence

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					implementation.
5.03	In compliance with UK GDPR, an Information Asset Register should also be compiled and maintained on an ongoing basis.	High	Yes	31/08/2023	<b>Part Implemented.</b> An Information Asset Register is being compiled as part of more comprehensive information management compliance requirements referred to in the Status/ Explanation at 5.02. It is intended that another audit review will be included in a future Audit Plan to evidence implementation.
5.04	A review of Privacy Notices held within Council services should be progressed and the documents made available on the Council website for public inspection.	Medium	Yes	31/08/2023	<b>Part Implemented.</b> Evidence noted of completion of Privacy Notices. However, as referred to previously, full implementation of this recommendation is part of wider information management compliance requirements. It is intended that another audit review will be included in a future Audit Plan to evidence implementation.
5.05	Consideration should be given to undertaking reviews within	High	Yes	31/08/2023	<b>Part Implemented.</b> It was found that data protection compliance recommendations are

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	Services to audit compliance with the Data Protection Policy and Guidance. This should provide assurance that the Authority is effectively handling personal data in line with regulations.				made to services when asked to review systems or practices or where improvements are identified due to data breaches. However, a programme of rolling reviews within services to evidence continued compliance with data protection regulations is intended after completing the audit recommendations previously detailed. It is intended that another audit review will be included in a future Audit Plan to evidence implementation.
5.06	A review of the guidance documents and forms held within the Information Management section of the Interchange should be undertaken and updated accordingly.	Low	Yes	30/09/2023 (Revised Implementation Date 31/03/2025)	<b>Outstanding.</b> Interchange content relating to information management has yet to be reviewed due to ongoing operational demands and workload capacity. Implementation of this recommendation will be undertaken after the review and if required updating of the Data Protection Policy and guidance, referred to within recommendation 5.01. A revised implementation date of 31/03/2025 has been

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					agreed. A wholesale review of Interchange content relating to Information Management has not been undertaken due to workload capacity. A comprehensive housekeeping exercise will be undertaken when the Data Protection Policy and guidance, referred to at 5.01, is updated and new documentation and templates are required to be made available. A revised implementation date of 31/03/2025 has been set.
5.07	A review should be undertaken of the officers that have not undertaken the data protection training on the LearnPro training system. Any officer identified should be reminded to undertake their data protection training requirement.	High	Yes	30/04/2023	<b>Outstanding.</b> Data Protection training is required for newly appointed officers. In addition, officers are required to complete annual data protection refresher training. However, performance information is not readily available to highlight officers who have not undertaken this training. A new Learning Management Software Application System is currently in the process of being procured, with installation planned for 24/25. It is intended

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					that this new Learning Management Software Application System will provide additional reporting functions detailing officers' participation in training modules. It is intended that another audit review will be included in a future Audit Plan to evidence implementation.
5.08	Consideration should be given to providing elected members with an update of actions undertaken to ensure the Council's compliance with data protection requirements.	High	Yes	31/12/2023	<b>Implemented.</b> An Annual Information Governance Report was provided to the Corporate Committee on 7 <sup>th</sup> November 2023. It is intended to continue with reporting an Annual Information Governance Report to committee.