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**REPORT TO: CORPORATE COMMITTEE ON 7 NOVEMBER 2023**

**SUBJECT: INFORMATION GOVERNANCE ANNUAL REPORT**

**BY: DEPUTE CHIEF EXECUTIVE (EDUCATION, COMMUNITIES AND ORGANISTIONAL DEVELOPMENT)**

**1. REASON FOR REPORT**

- 1.1 To provide the Committee with a report on Information Governance activities within the Council and in particular on improvements made for 2022/2023.
- 1.2 This report is submitted to Committee in terms of Section III (B) (40) of the Council's Scheme of Administration relating to ensuring suitable framework is in place for performance management across the Council.

**2. RECOMMENDATION**

- 2.1 **It is recommended that the Committee considers and notes the current Information Governance compliance for 2022/23 as set out in the Annual Report in APPENDIX 1 and summarised in Section 4 below.**

**3. BACKGROUND**

- 3.1 Information Governance covers a range of procedures, policies, guidance and tools used to support the Council in maintaining compliance with information legislation and its promotion of good recordkeeping, ensuring that the Council's information assets remain secure, relevant and accessible. This applies to the management of all information, in all formats, which the Council may collect, create, handle, store, share, erase, process, archive, and manage in any way.
- 3.2 The Information Governance team are responsible for the development, implementation and monitoring of corporate information governance and record management strategies, policies and statutory obligations across the Council, Licensing Board and MIJB.
- 3.3 The Information Governance Team comprises of 2.7 FTE posts: Information Governance Manager and Data Protection Officer (DPO), Information Governance Officer and Information Co-ordinator. This staffing complement is relatively small when benchmarked against other local authorities.

- 3.4 The Information Governance Team play a vital role in managing the information risk of the Council. Whilst some Information Governance issues are reported through service performance reports it is considered appropriate, given the organisational risk, for the Council to receive an annual report on Information Governance. This report is attached as **Appendix 1** with highlights given in Section 4 below:

#### **4. HIGHLIGHTS FROM ANNUAL INFORMATION GOVERNANCE REPORT APRIL 2022- MARCH 2023**

##### **Data Protection**

- 4.1 To ensure the Council complies with Data Protection obligations; policies, procedures and guidance for the effective management of personal data are in place at both corporate and service levels, supported by training and awareness activities.
- 4.2 Whilst there are service delivery benefits in partnership working between Council services and with other agencies this often requires complex data sharing/processing agreements to be put in place and privacy notices to inform people how their personal data is being processed.
- 4.3 The Council maintains a register of Data Protection Impact Assessments, which are used to identify the data protection risks of a project or process, as well as a Record of Processing Activities and Information Asset Register.
- 4.4 All staff within the organisation receive training in data protection and in terms of our policy all data breaches (situations where personal data has been mishandled) require to be reported to the Information Governance team. 131 data breaches were reported and internally recorded. Lessons are learnt from all breaches reported, in the anticipation this will avoid more serious breaches. Due to the severity of 2 breaches they were reported to the regulatory body for data protection, the Information Commissioner's Office (ICO). In these two cases the ICO was pleased to hear that the Council had acted swiftly, limited the harm caused and mitigated potential risks, they ICO highlighted specific guidance to the Council in order to prevent further or similar breaches.

##### **Records Management**

- 4.5 The Public Records (Scotland) Act 2011 requires the Council to have a Records Management Plan (RMP). RMPs are resubmitted or updated every 5 years. The most recently submitted RMP is currently being reviewed with National Records of Scotland (NRS). Their primary concerns are:
- Long term Archival arrangements and resourcing.
  - Having an appropriate system for records management across all council sections. Whilst Microsoft SharePoint fulfils this for a number of sections, others do not benefit from this automated system. Microsoft are phasing out SharePoint and replacing it with Microsoft 365.
- 4.6 Council closed records are currently split over 3 sites within Moray, the third site was established in Spring 2023. There are ongoing discussions with Property Services to find a suitable single site for the Closed Records Store.

### **Access to Information Requests**

- 4.7 1247 Freedom of Information (FOI) and 42 Environmental Information Requests (EIRs) were received. The majority of these are proactively published on the Council's website and statistics are provided to the Scottish Information Commissioner's Office. 88% of FOIs, 81% of EIRs and 79% of the 19 FOI reviews were dealt with within statutory time limits. Whilst there is room for improvement, these results are slightly better than figures for other councils/public bodies. FOI responses can be time consuming and staff capacity is the main factor in response times.
- 4.8 91 Subject Access Requests (SARs) were received. These are requests by individuals for data the council holds about them. Statistics for these are already presented to Council. The ICO is concerned that the Council is currently not meeting the statutory timeframes for the completion of SARs and further work, including tailored training, is planned with services to improve response times. Again SAR's can be time consuming and staff capacity is the main factory in response times.

## **5. SUMMARY OF IMPLICATIONS**

**(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))**

None

**(b) Policy and Legal**

None

**(c) Financial implications**

There are no financial implications arising from this report, however the promotion and implementation of effective information governance impacts positively on the Council's ability to mitigate its exposure to financial risk, particularly monetary penalties levied by the ICO for non-compliance. For serious breaches of Data Protection the ICO have the power to issue fines of up to £17.5 million.

**(d) Risk Implications**

The Council does not currently have an approved RMP, and, is still working to ensure complete compliance with Data Protection legislation.

**(e) Staffing Implications**

Increased workloads are impacting on the ability of the team to respond to additional requests for support from departments. The team currently prioritise requests and tasks with statutory obligations taking highest priority.

**(f) Property**

None

**(g) Equalities/Socio Economic Impact**

None

**(h) Climate Change and Biodiversity Impacts**

None

**(i) Consultations**

The Depute Chief Executive (Education, Communities and Organisational Development), Head of Governance, Strategy and Performance, Democratic Services Manager and the Council's Information Assurance Group have all been consulted and their comments have been incorporated in the report.

**5. CONCLUSION**

**5.1 The Information Governance Report summarises progress made during 2022/2023. It shows areas of progress and good performance whilst also identifying areas for further improvement.**

**5.2 This report will become an annual report.**

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Background Papers: Appendix 1: Annual Information Governance Report 2022-23  
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