

By: Ben Watts, General Counsel (Data Protection Officer)

To: Policy and Resources Cabinet Committee – 22nd September 2021

Subject: **Information Governance Update**

Classification: Unrestricted

Summary: This report provides an update regarding the challenges faced Kent County Council in relation to our obligations to comply with the information governance legislation.

1. Members of this Cabinet Committee and Governance and Audit Committee have received updates over the past four years in relation to a number of information governance issues. Additionally, the Performance Report highlights key metrics relating to compliance with the Freedom of Information Act and the Data Protection Act.
2. The Data Protection Officer (DPO) is the officer responsible across the whole Council for ensuring compliance with information governance legislation. The DPO's minimum tasks, as set out in the legislation, are;
 - a. To inform and advise the organisation and its employees about their obligations to comply with the GDPR and other data protection laws.
 - b. To monitor compliance with the GDPR and other data protection laws, including managing internal data protection activities, advise on data protection impact assessments; train staff and conduct internal audits.
 - c. To be the first point of contact for supervisory authorities and for individuals whose data is processed (employees, customers etc).
3. At the last meeting of this Committee, Members asked for a more detailed update relating to the challenges faced in complying with requests made under information governance legislation. Accordingly, a presentation relating to this issue will also be made at the meeting. This presentation will include a range of information and data about the types of requests that the council has received in recent times. The presentation slides will be made available to Members ahead of the meeting and published on the Council's website.
4. This paper and the presentation should be read in conjunction with the statistical data contained in the Performance Report that appears on the agenda for this meeting.

5. Given the resources available to the Council, we continue to face considerable challenges in providing information to satisfy the requests made.
6. It has been noted that performance has fallen during the period of the pandemic. In relation to Subject Access Requests that was initially driven by the availability of physical documents during the lockdown periods. Both Subject Access Requests and FOI responses have been directly impacted over the past 18 months by the prioritisation of operational service activity.
7. The above notwithstanding, service directorates have been apprised of the performance issues and the need to comply fully with this statutory duty and have committed to improve performance which should show in the coming months.
8. It should also be noted that at the same time, the complexity of requests continues to grow reflecting the increasingly challenging operating environment for the Council. Similarly, the resources available to triage, manage and respond to requests has faced further real terms reductions.
9. In addition to the increased prioritisation, work has started to review the processes for information governance requests and further detail on the planned activity will be provided to the next meeting of this Committee. This will also see increased granularity of data that this Cabinet Committee receives. We will provide greater detail on the types of request that are received along with the timescales and a breakdown of the directorates responsible. This will increase the opportunity for Members to exercise oversight and scrutiny of timescales with an understanding of the relevant areas and the challenges faced.
10. The next meeting of this Cabinet Committee will receive a further update with the new information and an outline of the changes that

Recommendations

11. It is recommended that Members **NOTE** the report and **COMMENT** accordingly on both the report and presentation.