

By: Eric Hotson, Cabinet Member for Corporate and Democratic Services  
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To: Policy and Resources Cabinet Committee – 15<sup>th</sup> September 2017

Subject: **SENIOR INFORMATION RISK OWNER UPDATE**

Classification: Unrestricted

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**Summary:** This report provides an update regarding the implementation of forthcoming Data Protection legislation and an update on information governance training generally.

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## Introduction

1. The Senior Information Risk Owner (SIRO) is the officer responsible across the whole Council for Information Governance. The SIRO is responsible for the strategy, acts as an advocate for good practice in Information Governance at CMT and is required to provide a statement of assurance as part of the Council's Annual Governance Statement. Ben Watts is Kent County Council's SIRO.
2. Information governance means the effective management of information in all its forms and locations. It encompasses efficient ways of handling information, robust management of the risks involved in the handling of information, and compliance with regulatory and statutory guidance including Data Protection and Freedom of Information. Information governance is about electronic and paper based information, about how it is held, used and shared.
3. Information governance is also concerned with keeping information safe and secure and ensuring it is appropriately shared when necessary to do so. This is a significant challenge for all organisations but particularly so for large complex public sector organisations such as KCC dealing with a wide range of functions.
4. The importance of good information governance has been highlighted by the Information Commissioner and the Permanent Secretary for the Department for Communities and Local Government. Members of this Committee will have read the stories of significant fines faced by other public sector bodies for failures to manage information properly.
5. Issues and updates relating to information governance are reported to Policy and Resources Cabinet Committee and Governance and Audit Committee.

## **The General Data Protection Regulation (GDPR)**

6. The Data Protection Act 1998 is the current UK legislation on data protection, setting out various requirements of organisations and individuals, the rights of data subjects and forms of enforcement. It applies to organisations across the country including Kent County Council and our Members.
7. The Data Protection Act 1998 requires every organisation that processes personal information to register with the Information Commissioner's Office (ICO), unless they are exempt. Failure to do so is a criminal offence. Accordingly, Kent County Council and individual Members are registered with the ICO.
8. The General Data Protection Regulation (GDPR) is intended to strengthen and unify data protection for individuals and will become applicable to Kent County Council and Members from next year. The regulation is enforceable by the ICO from 25 May 2018 and heightens the standards required as well as imposing new obligations.
9. Among the regulations, there are changes to the potential legal justifications for processing data, significant changes to the requirements for consent, heightened requirements for privacy notices and increased rights for data subjects.
10. GDPR will require various modifications to how the council processes data across the organisation and with our partners, providers and members of the public and work is already underway across directorates to facilitate this. In recent months, the ICO has been providing helpful guidance and clarity in relation to GDPR that we have been reflecting in our planning.
11. The regulations allow for the ICO to impose administrative fines up to a maximum of 20 million Euros (approx. £18m) for infringements. It is worth noting that the ICO intend to increase their staff by 40% in the next two years, particularly in Enforcement.
12. Members may have seen the recent media coverage of the Data Protection Bill proposed by Matt Hancock, the Digital Minister. This confirms that the UK government intends to mirror the GDPR into our law post-Brexit. As part of that media coverage, Members may also have seen the coverage of the "right to be forgotten" and powers to prevent cold calling and direct marketing.
13. To prepare for the legislation, officers across the council have been looking at the readiness of directorates for the necessary changes. A number of key officers across the council, including those on the Information Governance Cross Directorate Group received training last year on the implementation and impact of GDPR. Further training is planned for all staff as part of amendments to the existing information governance and data protection training. In January 2017, KCC officers arranged and facilitated a seminar with attendance from the Information Commissioner's Office on the GDPR.

14. Staff from the Information Resilience and Transparency Team have worked in conjunction with the Internal Communications team to raise awareness in relation to GDPR through updates to KNet and the development of a communications strategy. This has included the presentation of key issues on TV screens in KCC buildings to build knowledge and awareness.
15. Members received initial training on information governance and data protection as part of their induction sessions after the election in May. Given the impact of the new regulations on Members individually, training on the GDPR will be provided in the period up to May 2018. The next stage of this training will be a full overview of GDPR and the repercussions of this new legislation on Members and for the County Council on 2<sup>nd</sup> November 2017.
16. Implementation of GDPR now moves into the intensive phase and the corporate risk register has been adjusted accordingly. The SIRO is supported by a range of talented officers across the organisation and the project is being led by one of our graduates in consultation with the Team Leader for Information Resilience and Transparency. Corporate Management Team and Directorate Management Teams will be receiving regular strategic updates from the SIRO and Project Manager.
17. An officer working group has been established with representation from across the organisation. This will be meeting fortnightly to work through the project plan to follow and implement the ICO guidance notes and to achieve readiness.
18. It is suggested that further updates can be provided to this Cabinet Committee as we progress through the critical phase in the run up to May 2018.

### **Update on Information Governance Training**

19. Members of the Governance and Audit Committee had asked that Members of this committee be provided with an update relating to the training of staff across the council on the mandatory training on Information Governance and Data Protection. Members had asked the General Counsel upon appointment in 2016 to take action in relation to further improve the completion of the training by officers.
20. Discussions were held at Corporate Management Team and the cross-directorate group expressing the need to complete training and the consequences of non-compliance. Reports from Learning and Development had already been put in place and these are now used by managers to monitor compliance.
21. Corporate Directors have impressed on managers the importance of the completion of this training with significantly improved completion rates and placed responsibility on them for completion of their line reports.

22. The completion rates for the Information Governance training now stands at 91.46% (versus 75.14% in July 2016) and Data Protection at 92.00% (versus 77.46% in July 2016). These figures include all staff including those who have recently started, those who have handed in their notice, those on maternity leave or sick leave.
23. The General Counsel and the Strategic Commissioner are also reviewing the contractual arrangements for providers and external staff to reflect the GDPR.

### **Recommendations**

24. It is recommended that Members note the report.