TORBAY COUNCIL

Information Governance Annual Performance Report

Period covered: 2020-2021

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Overview

The IG team are responsible for the following areas of work, the team is made up of 7.6FTE and in 2020/21 managed 4,800 cases incoming to the Council.

Data Protection

- Data protection compliance
- Compliance submissions
- Breach management / investigations
- Training
- DPIA support / advice
- Transformation support
- Procurement support / advice
- Information Sharing support / advice
- General support / advice
- Development / maintenance of related policies

Information Access

- FOI / EIR management
- Internal reviews
- Subject access requests management and provision
- Other data subject rights
- Police disclosures
- Other disclosures (DBS / SWE)

Records management

- Management of records storage facility
- Records management policies
- Retention Schedule
- Advice and guidance
- Confidential waste / information disposal

Customer feedback

- Complaints management
- Statutory Children's services complaints process
- LGSCO complaints
- Compliments
- Member / MP management and oversight
- Service Enquiries management and oversight
- Restricted contact

The team is made up of 7.6 FTE and in 2020/21 the team managed and processed 4,800 cases incoming to the Council.

As well as managing incoming cases, the team are responsible for supporting / advising teams to ensure they comply with the statutory placed on the Council in relation to:

- Data Protection
- FOI / EIR
- RIPA
- Children's services complaints.

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Key activities in the period

- Processed and handled 4,907 incoming cases to the Council.

- Handled 311 complaints, of which 50 were escalated to LGSCO. Assisted the LGO with 18 complaint investigations.

- Dealt with 1,205 member enquiries and 1,524 service enquiries.

- Dealt with 1,722 information requests cases coming into the Council across FOI / EIR and subject access.

- ICO Audit receiving reasonable assurance across all scope areas – Governance and Accountability, Information Security and FOI.

- Recruitment of fixed term post to process subject access requests.

- Provided IG support to a number of business change projects.

- Increased involved in procurement activities including Council re-design and Liquid Logic implementation to ensure the Council's compliance.

- Supported IG elements of SWISCo transfer.

- Supported departments with their inspection / audit frameworks i.e. reports for children's services on complaints for Ofsted.

- Awareness campaigns for staff, including screensavers and increased presence of items on staff news.

- Continued to identify service improvements from data breach reports.

- Completion of NHS Data Security and Protection Toolkit, achieving a 'Standards Met' outcome.

- Working with Policy, performance and Community Engagement team to ensure emerging issues from complaints / enquiries / social media are addressed in a consistent way.

- Continued to offer bespoke training to teams.

- Development of Customer Service Standards and associated training.

- RIPA inspection.

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Key Performance indicators

	Breaches	FOI&EIR	Individual Rights	SARs	Children's complaints	Complaints	Compliment	Member enquiry	Service Enquiry	Total
Apr-20	5	64	3	10	2	18	5	40	61	208
May-20	8	67	1	9	1	15	4	68	88	261
Jun-20	10	104	0	7	7	27	6	90	115	366
Jul-20	10	142	0	11	4	29	15	110	147	468
Aug-20	5	129	1	8	6	19	13	105	168	454
Sep-20	15	156	1	14	6	34	11	128	151	516
Oct-20	7	149	1	13	4	39	7	98	123	441
Nov-20	9	137	0	9	6	33	8	86	139	427
Dec-20	6	122	0	8	2	14	1	70	93	316
Jan-21	3	128	1	14	3	26	9	125	142	451
Feb-21	9	137	0	13	6	27	6	111	139	448
Mar-21	11	149	0	16	7	30	8	173	157	551
TOTAL YEAR	98	1484	8	132	54	311	93	1204	1523	4907

Title	Polarity	Status	Target 2020/21	Quarter 1 2020/21	Quarter 2 2020/21	Quarter 3 2020/21	Quarter 4 2020/21	Year End 2020/21
Number of Corporate Complaints - Dealt with within timescales	Its better to be high	(red)	90%	57%	66%	61%	33%	54%
Number of Corporate Complaints upheld/partly upheld	It's better to be low	(grey)	no target	17	18	33	20	88
Number of Children's Social Care - Dealt with within timescales	Its better to be high	(red)	90%	11%	36%	42%	31%	31%
Number of FOIs /EIRs - Dealt with within statutory timescales	Its better to be high	(orange)	95%	85%	82%	82%	84%	83%
Number of subject access requests (SARs) - Dealt with within statutory timescales	Its better to be high	(red)	95%	29%	20%	17%	21%	21%
Number of subject access requests (SARs) - Dealt with within statutory timescales CHILDREN'S SERVICES	Its better to be high	(red)	95%	18.0%	0.0%	11%	24%	17%
Number of subject access requests (SARs) - Dealt with within statutory timescales CORPORATE SERVICES	Its better to be high	(red)	95%	67.0%	67.0%	25%	17%	35%
Number of MP/Member Enquiries - Dealt with within timescales	Its better to be high	(red)	90%	60%	72%	66%	63%	66%

Key points from performance data:

- The number of subject access requests received has increased 140% from 55 in 2019/20 to 132 in 2020/21.

- Only 21% of SARs were responded to within statutory timescales.

- The number of FOIs/EIRs received has not increased from 2019/20 however requests are increasing in their complexity requiring additional input from senior officers.

- The number of FOI/EIRs received in 2020/21 reduced in April and May 2020 and this may have been due to the pandemic.

- The number of data breaches continues to increase from 72 in 2019/20 to 98 in 2020/21. This could be down to greater awareness and better reporting facilities available to staff.

- Eight breaches were referred to the ICO, resulting in no further action but with recommendations for the Council to put in place.

- Timescales for complaint responses and member enquiries are lower than target, with 54% complaints and 66% of member / MP enquiries handled in agreed timescales.

Issues and risks

Risk 1 - The biggest risk facing the IG team and Council at the current time is the lack of capacity to handle the increasing demand for subject access. We are currently receiving 12 requests a month and it is not possible for 1 member of staff to handle this many requests in the statutory timeframe of 1 month, given the size and complexity of requests.

The team are currently handling requests received in March / April 2020 and the delays are leading to increasing numbers of complaints to the Council and ICO. The risk of non-compliance is continued increased in complaints, reputational damage and enforcement action from the ICO which could be a financial penalty.

SARs received by year

SARs received by month annual comparison

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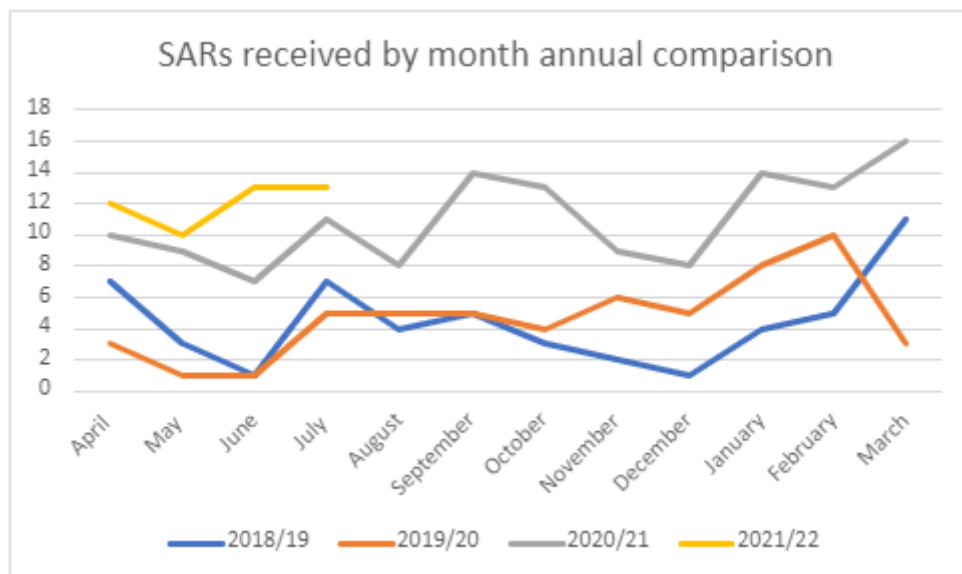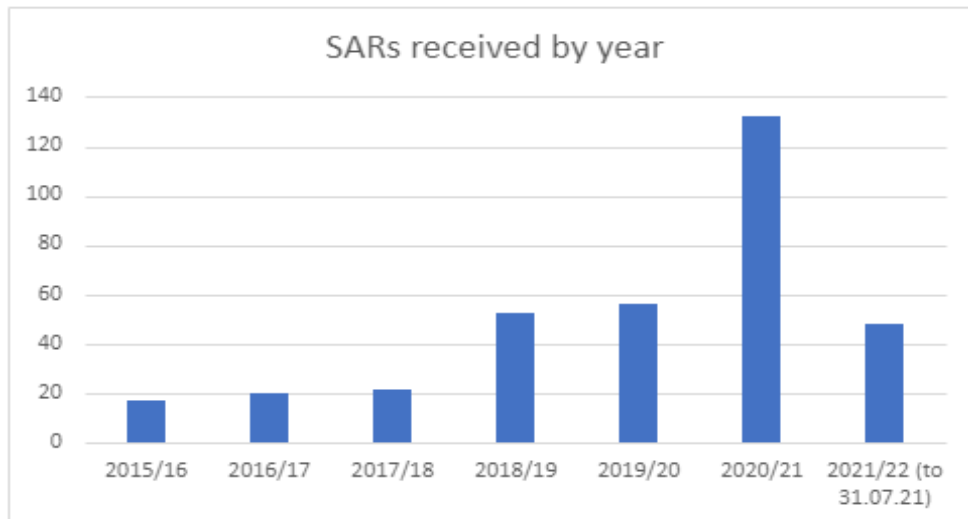
Risk 2 - Poor management of records both electronically and within records storage facility. Lack of service areas reviewing and deleting records which are out of retention. Risk leading to poor decision making and inability to find records which support the Council's decision making.

Risk 3 - Capacity to provide effective support to projects and advise on matters such as data protection impact assessments, leading to non-compliance.

Risk 4 - Increasing complexity of requests under FOI / EIR requests requiring greater input from senior IG team and capacity of the senior team to effectively consider responses leading to increase in internal reviews and complaints to the ICO.

Risk 5 - Lack of capacity to complete the actions from the ICO audit as the customer facing work takes priority. Failure to implement the actions from the audit could lead to enforcement action from the ICO.

Risk 6 – Poor response rates to complaints / enquiries leading to reputational damage, increase in complaints escalated to the LGSCO and greater scrutiny from the LGSCO regarding our complaint handling.

Key activities for forthcoming year

- Continue to prioritise subject access requests.

- Completion of actions identified from ICO audit, including policy updates.

- Continued support for key projects such as council re-design, implementation of Microsoft 365, customer relationship manager (CRM), Liquid Logic.

- Refresh and update of information asset register and training for information asset owners.

- Improve training from induction to annual refresher and i-learn modules.

- Improve performance data in relation to staff training.

- Refresh of retention schedule.

- Establish a programme of compliance spot checks.