

Cheltenham Borough Council

Cabinet – 23 May 2023

Information Governance

Accountable member:

Cllr Rowena Hay, Leader of the Council

Accountable officer:

Claire Hughes, Corporate Director and Monitoring Officer

Ward(s) affected:

n/a

Key/Significant Decision:

No

Executive summary:

This report updates the Council's practices and procedures in relation to Information Governance

Recommendation:

That Cabinet agrees to adopt the following policies with effect from 1 June 2023:

1. Information Governance Framework
 2. Data Protection Policy
 3. Data Protection Impact Assessment Policy
 4. Anonymisation and Pseudonymisation Policy
 5. Data Quality Policy
 6. Data Retention Policy
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1. Implications

1.1. Financial implications

There are no direct financial implications arising from the recommendations.

Signed off by: Gemma Bell, Director of Finance and Assets, gemma.bell@cheltenham.gov.uk

1.2. Legal implications

The Council is required to demonstrate their compliance with data protection legislation and must put in place appropriate technical and organisational measures. This includes adopting, implementing and maintaining appropriate data protection policies. The Council must also be able to show that they have adhered to the policies, which could include awareness raising, training, monitoring and audits.

One Legal has not been consulted on the preparation of the draft policies.

One Legal

Tel: 01684 272 691

Email: legalservices@onelegal.org.uk

1.3. HR implications

There are no direct HR implications arising from this report.

Signed off by: HR

1.4. Environmental and climate change implications

There are no direct environmental or climate change implications arising from this report.

Signed off by: Laura Tapping, Climate Change Programme Officer,
laura.tapping@cheltenham.gov.uk

1.5. Property/asset implications

There are no direct property or assets implications arising from the recommendations.

Signed off by: Gemma Bell, Director of Finance and Assets, gemma.bell@cheltenham.gov.uk

1.6. Corporate policy framework implications

The recommendations, if approved, will support the good governance of the council which in turn will enable the council to be better able to deliver its corporate plan

Signed off by: Claire Hughes, Corporate Director and Monitoring Officer

2. Promoting equality and reducing discrimination

There are no direct equality impacts arising from this report

3. Performance management – monitoring and review

n/a

4. Introduction

4.1. The council generates and receives a huge amount of data. It therefore acknowledges that information is one of its key assets and as such requires the same discipline to its management that it would to other important assets such as people, buildings and finances.

Information assets can be either electronic or paper and include records and data sets held in back-office systems, network/shared drives, and within email systems.

- 4.2. It is vital that the council applies a robust management system in relation to information governance and that it has an effective framework in place which details how it collects, processes, accesses, stores, shares and deletes information.
- 4.3. A recent review of the council's information governance framework identified that some policies were in need of a review and that further work could be done to bolster assurance. Failure to update policies and/or have robust procedures in place can place the council at risk to complaints, intervention and fines from the Information Commissioners Office and ultimately of legal challenge.
- 4.4. This report seeks approval from Cabinet for a number of updated policies which will ensure that the council has complaint practices in place and mitigates against the identified risks.

5. Data Protection

5.1. A recent self-assessment identified the council as GREEN in this area. However a number of areas were identified for further review including:

- The council should complete a data audit across each business area to identify the data it processes and how it flows into, through and out of the council
- The council should maintain records of processing activities i.e what data it collects and uses, detailing what personal data it holds, where it came from, who its shared with and what we do with it
- The council should make it clear to individuals how they can challenge the data we hold, how they can request rectification of errors, and their rights to erasure and restrict processing
- The council should have processes in place for the deletion of information, including having a written retention policy
- The council should establish a policy which sets out when it is necessary to conduct a Data Protection Impact Assessment (an assessment of the impacts on individuals associated with processing their personal data)

5.2. Officers are in the process of conducting a data audit and completing a register of processing activities, this work, combined with the revised policies will address the areas identified as requiring improvement. It is anticipated that this work will be completed by October 2023.

6. Records Management

6.1. The self assessment in this area highlighted that the council were at AMBER. It identified the following as areas for further review:

- Services should have allocated record 'owners' who take the lead on data within their service area
- The council should have processes in place for the deletion of information, including having a written retention policy
- Periodic checks on compliance should be carried out
- Central log or information asset register for each area should be produced

6.2. The attached Data Retention Policy will go some way to fulfilling the actions identified. Work on establishing record owners and completing regular compliance checks is ongoing and should be completed by October 2023.

7. Data Quality

7.1. Data quality is a measure of the condition of data based on factors such as accuracy, completeness, consistency, reliability and whether it's up to date. It is a core component of the overall information governance framework. Poor data quality can lead to significant consequences such as fines and findings of non-compliance with regulatory regimes.

7.2. Whilst the council had a data quality policy, which set out a number of key considerations it was out of date. The revised policy brings the council in line with the most recent data quality standards and reflects the corporate branding utilised by CBC.

8. Reasons for recommendations

8.1. To ensure that the Council remains up to date with best practice and legislative requirements.

9. Alternative options considered

9.1. None but Council could decide not to approve the updated policies

10. Consultation and feedback

10.1. Leadership Team

11. Key risks

11.1. As identified in Appendix 1

Report author:

Claire Hughes, Corporate Director and Monitoring Officer, claire.hughes@cheltenham.gov.uk

Appendices

1. Risk Assessment
2. Information Governance Framework
3. Data Protection Policy
4. Data Protection Impact Assessment Policy
5. Anonymisation and Pseudonymisation Policy
6. Data Quality Policy
7. Data Retention Policy

Background information:

Existing policies as available on the website www.cheltenham.gov.uk

Appendix 1: Risk Assessment

Risk ref	Risk description	Risk owner	Impact score (1-5)	Likelihood score (1-5)	Initial raw risk score (1 - 25)	Risk response	Controls / Mitigating actions	Control / Action owner	Deadline for controls/ actions
1	If the Council does not have an adequate information governance framework in place then it risks increased complaints	Claire Hughes	2	4	8	Reduce	Ensure procedures and policies are up to date and applied across the council	Claire Hughes	September 2023
2	If the Council does not have an adequate information governance framework in place then it risks being fined by the Information Commissioner	Claire Hughes	4	3	12	Reduce	Ensure procedures and policies are up to date and applied across the council	Claire Hughes	September 2023
3	If the Council does not have an adequate information governance framework in place then it risks being subject to legal challenge	Claire Hughes	4	3	12	Reduce	Ensure procedures and policies are up to date and applied across the council	Claire Hughes	September 2023
4	If any of the risks identified in 1-3 are materialised then the council also risks reputational damage	Claire Hughes	4	3	12	Reduce	Ensure procedures and policies are up to date and applied across the council	Claire Hughes	September 2023