



Report to Audit Committee

Data Protection Update

Portfolio Holder: Councillor Abdul Jabbar MBE – Deputy Leader and Cabinet Member Finance and Green

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Purpose of Report

To update Members of the Audit Committee on the Council's management and assurance in relation to data protection.

Recommendations to the Audit Committee

The Audit Committee is asked to consider and note the contents of the report.

Data Protection Update**1 Background**

1.1 The Audit Committee, as the appropriate Committee within the Council has received a previous Data Protection Officer (DPO) report and agreed to receive reports twice yearly thereafter.

2 Current Position

2.1 The Council DPO continues to provide advice and guidance to the Council and through formally agreed service level agreements (SLA) to Unity Partnership Ltd (UPL), MioCare Community Interest Company (CIC) and 56 schools (directly maintained and academies) based primarily in Oldham.

2.2 Under the same SLAs, the Information Management Team continues to provide support and expertise across the wider information governance arena for these organisations e.g., data protection, information security, Freedom of Information, records management.

2.3 The Information Management Team also delivers an Information Governance Plus model SLA with Children's Services to drive the implementation of information governance on a variety of services/projects including Oldham Family Connect, Early Help, Multi-Agency Safeguarding Hub (MASH) and the Oldham Partnership. This arrangement is expected to come to a natural conclusion at the end of March 2022 when the current funding stream comes to an end.

2.4 The Data Protection Board continues to meet every two months to receive data protection plan progress updates and to discuss information management requirements in relation to local and wider Greater Manchester Combined Authority (GMCA) activities.

2.5 As a consequence of the increased number of localised and GMCA activities/initiatives that require the use of personal information, there is a requirement to ensure that data protection implications are fully considered.

2.6 Examples of the joint working of organisations, e.g., Council, health, Police, voluntary sector, housing providers, community groups etc. include, but are not limited to:

- Co-location and integration of services, particularly within health & social care
- Sharing of personal data
- Joining up individual's records
- Development of IT systems to facilitate the above
- Communicating to individuals about the use of their personal data
- Handling of information rights requests within integrated services

2.7 These activities can be illustrated below:

- a) Oldham Cares has an integrated approach to 'systems of care' in relation to health and social care services. The key aims include, but are not limited to:
 - Improving health outcomes and performance
 - Focusing on prevention and for people to live healthy lives
 - Enabling people to make informed choices

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- Working jointly with partners and be needs led
 - Develop community resilience through the Thriving Communities project
 - A key element of Oldham Cares surrounds the implementation of the Greater Manchester Care Record (Integrated Care Record) and the wider Local Health and Care Record Exemplar (LHCRE) programme.

b) Place Based Integration and Reform focusses on how mainstream services should be delivered across the whole system and in partnership with residents. This will be achieved through the implementation of the Our Oldham Place Based Operating Model. The model aims to create integrated services working in an asset- based way to delivery better outcomes for people and the places where they live. These changes in delivery will work in partnership with the Thriving Communities project which is part of Oldham Cares.

This area of work feeds into the GM Place and Reform Executive and towards the implementation of the Place Based Reform Greater Manchester Model.

- 2.8 The Council's Information Management Team is working closely with colleagues from other organisations to ensure that information governance requirements are considered and built into initiatives as they are developed. There is a particular focus currently on ensuring that data protection requirements continue to be met, whilst ensuring data sharing supports the COVID-19 efforts.
- 2.9 The DPO has been working alongside the Information Management Team and other services to further develop a wider assurance role in order to evidence compliance and best practice in relation to the handling of personal data and compliance with data protection.
- 2.10 The annual submission for the Council's PSN (Public Services Network) annual mandatory accreditation was confirmed March 2021 and demonstrates how the Council's security controls are sufficiently rigorous to use the PSN network to collaborate and share information with other public services. The next submission is in progress and one key issue to consider is improving the password posture of the Council.
- 2.11 The submission of the Council's Data Security and Protection (DSP) annual mandatory accreditation is usually made before the end of March, however, as a result of the coronavirus pandemic, the deadline was extended to the end of September 2020. Both the Council and MioCare CIC submitted and successfully met the mandatory standards. This submission demonstrates how the Council's information management controls, (with a focus on Adult Health and Social Care), meet the standards set out in the toolkit. It is a requirement of the Department of Health that all organisations who handle adult health and social care personal data complete the toolkit. Work to prepare for the next submission is in train.
- 2.12 Changes within the Data Protection Act 2018 had a significant impact on how requests for information should be handled by the Council. The Information Management Team is implementing the Data Protection Compliance Improvement Project, that aims to ensure systems and processes are suitable to support the implementation of these changes. The project is currently focussing on the process for managing subject access requests. Phase 1 of this work has now concluded, with the current process analysed and feedback gained from all stakeholders on how the processes and overall performance could be improved. Phase 2 is focusing initially on identifying a route for a new IT solution before moving onto implementation.
- 2.13 There have been a number of incidents since the beginning of the financial year and these have been and continue to be actively managed by the Information Security Manager. A summary is attached at Appendix 1.

2.14 Cyber-attacks on public bodies have been elevated on the national risk register as a growing risk. The overall cyber threat, including that to Local Government, has risen during the coronavirus pandemic as malicious cyber criminals look to exploit the opportunity to generate money or cause disruption. The Information Management Team has introduced Cyber Awareness guidance for staff and is supporting Unity ICT in introducing measures to reduce the risk of a cyber incident. Cybercriminals are also preying on fears of the coronavirus and sending 'phishing' emails with the aim of getting users to click on a malicious link. It is important to remember that a single malicious link could lead to a successful attack, which could in turn compromise the Councils IT network and put information at risk. Communications have been sent to all employees and Councillors requesting completion of the Council's interactive Cyber Security training course, available through the MeLearning e-learning platform.

2.15 The Council's Central Records service has relocated from a site at Vulcan Street to a new location at the Meridian Centre. At the Vulcan Street site there was a mixture of records in archive boxes and in filing cabinets (approx. 35000+ records). At the Meridian Centre the records are located on a mixture of static racking and a state-of-the-art mobile racking system. This mixture maximizes the space available. The normal records service has resumed after a period of reduced service (whilst the records were transferred between sites).

2.16 Support is provided to the Council, MioCare CIC, UPL and schools in the delivery of their data protection responsibilities. Focus has been on providing tools and advice in the following areas:

- Training and awareness
- Assurance Framework
- Data Protection Policies
- Privacy Notices
- Records of Processing Activities (ROPA)
- Information Governance Logging Systems Development
- Delivery of Continuing Support to Key Partners

It is envisaged going forward that the focus of the plans will be to build on existing 'business as usual' by continuing to support the Council, MioCare CIC, UPL and schools in their day to day application of data protection and best information practice. The focus of the next phase of the plan will be on bringing to conclusion any residual items in progress at the time of writing and develop a stronger framework around assurance.

2.17 The UK has now ended the 12-month transitional period in relation to leaving the European Union. In terms of data protection, the General Data Protection Regulation (GDPR) will be retained in domestic law but the UK will have the independence to keep the framework under review. The 'UK GDPR' will sit alongside an amended version of the DPA 2018.
<https://ico.org.uk/for-organisations/data-protection-at-the-end-of-the-transition-period/>

3 Options/Alternatives

3.1 The options presented for consideration are:

Option 1 - The Committee considers and notes the contents of this report.

Option 2 - The Committee considers the report but requests further information

4 Preferred Option

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- 4.1 The preferred option is Option 1 - The Committee considers and notes the contents of this report.
- Consultation**
- 5.1 Relevant officers of the Council have been consulted in the preparation of this report.
- 6 Financial Implications**
- 6.1 N/A
- 7 Legal Services Comments**
- 7.1 N/A
- 8 Co-operative Agenda**
- 8.1 Committed to the Borough - to visibly demonstrate that the Council is taking steps to ensure legal compliance.
- 9 Human Resources Comments**
- 9.1 N/A
- 10 Risk Assessments**
- 10.1 It is good practice for those charged with governance to consider matters relating to data protection (Mark Stenson)
- 11 IT Implications**
- 11.1 N/A
- 12 Property Implications**
- 12.1 N/A
- 13 Procurement Implications**
- 13.1 N/A
- 14 Environmental and Health & Safety Implications**
- 14.1 N/A
- 15 Equality, community cohesion and crime implications**
- 15.1 N/A
- 16 Equality Impact Assessment Completed?**
- 16.1 No, as a result of an EIA screening it was determined that a full EIA was not required.
- 17 Key Decision**
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17.1 No

18 **Key Decision Reference**

18.1 N/A

19 **Background Papers**

19 The following is list of background papers on which this report is based in accordance with the requirements of Section 100(1) of the Local Government Act 1972. It does not include documents which would disclose exempt or confidential information as defined by the Act:

File Ref: Background papers are included in Appendix 1
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20 **Appendices**

20.1 Appendix 1 - Information Security Breaches by Directorate 2020/2021 as at end November 2020

Information Security Breaches by Directorate 2020/21 to the end of November 2020

Directorate	Quarter 1 Apr – Jun 2020	Quarter 2 Jul – Sep 2020	Quarter 3* (as at end November 20)	Total by Directorate
Chief Executive & Legal Services	1	2	1	4
Children's Services	3	6	5	14
Commissioning	0	2	0	2
Community Health Services & Adult Social Care	3	4	2	9
People and Place	2	1	3	6
Communities & Reform	1	1	0	2
Others	1	2	2	5
Total	11	18	13	42

Incidents can be categorised as follows

- 31 instances of information being disclosed in error
- 2 instances of stolen / lost / misplaced records or equipment
- 2 instances of technical failure
- 2 instances of unauthorised access/disclosure
- 0 instances of uploading to a website/system in error
- 5 other minor issues