

Corporate Policy and Strategy Committee

10.00am, Tuesday, 2 December 2014

Information governance: update

Item number	7.2
Report number	
Executive/routine	
Wards	All

Executive summary

The Council established an Information Governance Unit in April 2013 to provide a corporate approach to preserving, accessing and managing Council information.

As a key component of the Council's developing information governance framework, this report provides a summary of progress to date in the areas of archives, records management, data protection and freedom of information, and highlights future initiatives in these areas.

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Council outcomes

[CO25 & CO26](#)

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Information governance : update

Recommendations

- 1.1 To note progress to date and agree future initiatives to develop the Council's arrangements for of archives, records management, data protection and freedom of information.

Background

- 2.1 Information is a key asset for the Council. It is central to the Council's business processes, decision making and service delivery. To help ensure that Council information is managed effectively, an Information Governance Unit was established in April 2013 bringing together the strategic and operational management of archives, records management, data protection and freedom of information. This was designed to provide a corporate approach to preserving, accessing and managing Council information.
- 2.2 This approach has led to a number of significant efficiencies and improvements, and this report provides an update on progress to date, and highlights future initiatives and improvement actions.

Main report

- 3.1 **Freedom of Information (FOI)**
- 3.2 Scotland's freedom of information laws provide a statutory right of access to information, subject to limited exemptions. While responding to requests for information within statutory timescales continues to be challenging, the Council's performance in this area has shown significant improvement. Since the introduction of a new case management system in May 2013, 90% of the 5,000 requests received by the Council (to date) have been answered within 20 working days or less. This figure is the highest Council average since the introduction of FOI legislation in 2005.
- 3.3 Similarly, in responding to applicant requests for review there has been a significant improvement, with 92% of the 207 review responses received provided within statutory timescales. While improved response times are encouraging: a 100% response rate within statutory timescales is not a target, but a statutory obligation.

3.4 If applicants are dissatisfied with the Council’s response to their review request, they can appeal to the Scottish Information Commissioner for a decision. For the time period 1 May 2013 to 31 August 2014, the Scottish Information Commissioner issued 14 decisions relating to requests made to the City of Edinburgh Council. A breakdown of the outcome of these is provided below.

CEC and Scottish Information Commissioner Decisions: 1 May 2013 – 31 Aug 2014		
Decisions against CEC	Decisions in favour of CEC	Decisions partially in favour of CEC
3	5	6

3.5 In comparison, for the period 1 May 2012 to 31 August 2013, the Scottish Information Commissioner issued 30 decisions relating to requests made to the City of Edinburgh Council. A breakdown of the outcome of these is provided below.

CEC and Scottish Information Commissioner Decisions: 1 May 2012 – 31 Aug 2013		
Decisions against CEC	Decisions in favour of CEC	Decisions partially in favour of CEC
12	5	13

3.6 The review and decision statistics clearly highlight a decrease in the number of requests for review and appeal applications to the Scottish Information Commissioner. This encouraging trend suggests greater applicant satisfaction with Council response times and, significantly, the quality of the response received.

3.7 To drive further improvement, a number of initiatives have been introduced and developed. For example, internal processes have been revised to create greater efficiencies, including the introduction of a search form to facilitate the provision of sufficient evidence from service areas where the Council’s response is that some or no information is held. This form has also been adopted for use by

three other Scottish Councils and has been highlighted by the Office of the Scottish Information Commissioner as an example of best practice.

- 3.8 As previously reported, a new case management system has been introduced that records the full life cycle of requests, requirements for review, and appeals made to the Scottish Information Commissioner. The system has now been refined and provides a comprehensive record and audit trail of how each request is handled and responded to, as well as the provision of reliable and robust performance information. The system's functionality has also helped with the development of a customer satisfaction survey which has now been introduced to assure and improve the quality of the service.
- 3.9 A freedom of information disclosure log has been introduced. This is available on the Council's website and enables members of the public to see any request that has been received by the Council, together with the response issued. The introduction of the FOI disclosure log is recognised as an example of good practice by the Scottish Information Commissioner, and demonstrates the Council's commitment to openness and transparency.
- 3.10 To formalise the Council's approach to FOI compliance, an FOI policy has been developed that clearly sets out the roles and responsibilities of all Council staff in processing and responding to information requests and requirements for review, including appeals made to the Scottish Information Commissioner. To support policy implementation, an information toolkit has been introduced, and FOI training resources (including e-learning) completely revised and updated to provide tailored training to staff of all levels within the Council.
- 3.11 The Council's improved FOI arrangements have been recognised by the Office of the Scottish Information Commissioner, with Information Governance staff asked to talk and present at two national FOI events. Staff have also advised and helped other bodies, including Edinburgh Leisure, who have recently come into FOI scope and are now subject to the legislation.
- 3.12 **Data Protection**
- 3.13 The legal requirement to manage personal data appropriately and lawfully in accordance with the eight principles enshrined within the Data Protection Act 1998 is challenging, and an area that requires significant development. However, the appointment of data protection staff has led to a number of significant improvements. In particular, the availability of subject expertise at the centre of the organisation has ensured the provision of appropriate advice and guidance on a range of complex and sensitive data protection issues, including sharing and disclosing personal data, and dealing with data breaches. This level of support has been particularly significant in assisting with major Council projects and initiatives, such as MDM and health and social care integration.

- 3.14 As part of the Council's Information Governance Strategy and developing information governance framework, data protection guidance has been developed and a number of training sessions and workshops carried out. In particular, the development of a data protection toolkit and structured training programme will help to ensure that the Council's data protection arrangements are effective. This will ensure necessary Council-wide levels of consistency, particularly in relation to dealing with requests for personal information (known as subject access requests), as well as compliance with the Council's new Data Protection Policy which was recently approved by the Corporate Policy and Strategy Committee on 30 September 2014.
- 3.15 In March 2015, the Information Commissioner's Office (ICO) will undertake a voluntary audit of the Council's arrangements for complying with the statutory requirements of the Data Protection Act 1998 and best practice guidance issued by the ICO. This will involve a comprehensive review of the Council's protection policies, procedures and processes, including how these are followed and quality assurance within the Council. The initiatives described above will help to drive and demonstrate improvement in this area.
- 3.16 **Records management**
- 3.17 Records management underpins and supports all Council functions and activities, and ensures that records are systematically managed in accordance with best practice, statutory requirements and policy obligations.
- 3.18 The Public Records (Scotland) Act 2011 also places a statutory obligation on the Council to manage its records effectively, including submission of a detailed Records Management Plan (RMP) outlining how the Council manages its records, and what improvement actions are required to comply its legislative provisions. A number of initiatives (detailed below) have been progressed to help prepare the Council's RMP submission, and to drive improved records management across all service areas.
- 3.19 A Records Management Policy has been developed to meet a key requirement of the Public Records (Scotland) Act, 2011. In line with the Council's own Information Governance Strategy, this has been developed around the central concept of the 'records management manual' which will detail the administrative actions and responsibilities around the management of Council records specific to individual teams and business processes. This will form the basis for audit, compliance and improvement for records management within the Council going forward.
- 3.20 Record retention schedules (RRS) detail how long records should be retained, in line with statutory and business requirements. The Council's RRS were originally

agreed with the Corporate Management Team in 2011. A review has been undertaken to establish whether the current rules meet existing statutory requirements and are still fit for purpose in authorisation, scope and detail. This collaborative project has involved reviewing over 1100 individual retention rules across all Council functions and services, helping to ensure that the Council can fulfil its statutory obligations in this area.

- 3.21 The Council Records Centre was established in 2006 as part of the 'Fit for Future' Project to store and actively manage Council records. There are currently 52,248 boxes stored and managed under the direction of records management staff – an annual growth rate of 16.7% from September 2013 (44,760 boxes).
- 3.22 With increasing accrual rates and changing business needs, a review of the current processes has been undertaken and areas for improvement identified. This involves drafting new procedures, as well as the establishment of a new users group to ensure that the centre is responsive to future service needs and requirements.
- 3.23 In light of the revised Council Records Management Policy, more formal and proactive training content needs to be developed to support staff in their responsibilities. This will cover basic records management but will develop into more detailed content on record creation, management and disposal as well as scanning and email management and some specific training for managers and Directorate Records Officers around compliance and their responsibilities.
- 3.24 The service provides advice and guidance on a wide range of records management issues, including carrying out large-scale projects which involve analysing the functions, activities and records of a team or service and developing revised records management processes and practices. In particular, the service is supporting and monitoring developments in the Health and Social Care Integration work of the Council and partner organisations – specifically in relation to the records management requirements and challenge that integration will pose.
- 3.25 **Archives**
- 3.26 The Council's archives service is concerned with the preservation, access and promotion of records of evidential and historical significance. As the Council's corporate memory, the service is a key component of the Council's Information Governance Strategy that ensures on-going accountability and transparency about Council decisions, actions and activities.
- 3.27 During the period 1 May 2012 to 31 August 2013, the service received over 1000 visitors, answered 1200 remote enquiries, and produced over 10,000

archival items. While many stakeholders access archival records for educational and recreational purposes, the service also supports a wide variety of internal business processes and uses.

3.28 2014 also included the culmination of a five year business recovery plan for the archives service which was concerned with service recovery and development. As reported to the Culture and Sport Committee on 27 May 2014, there has been significant progress around improved preservation conditions for Council records; better access facilities for visitors; and greater engagement with stakeholders.

3.29 To facilitate continuous development and progress, the service will be aiming to attain Archive Service Accreditation – the UK standard for archive services. The standard defines good practice and identifies agreed standards, thereby encouraging and supporting development. Progress will be monitored through the Information Council as part of the Council's Information Governance Strategy.

3.30 **Information Governance**

3.31 In November 2013, the Council Management Team agreed an Information Governance Strategy for the Council. The strategy was developed to support service delivery and, crucially, to ensure that the Council is creating, managing, using, sharing and disposing of information in an efficient, appropriate and lawful way.

3.32 The Information Governance Unit has played a key role in establishing and delivering that strategy, including the development of policies, standards, guidance and tools (as described) which make up the Council's information governance framework. As it develops, the framework will provide the Council with a coherent structure to ensure that legal and best practice standards are met and continuously assessed, and that information risks are identified and mitigated.

Measures of success

4.1 Many elements of information governance have key performance indicators in place to ensure service delivery meets statutory and policy requirements (e.g. freedom of information and data protection). However, information governance contains elements which are less tangible to measure, such as cultures and behaviours.

4.2 To provide a more complete measure of success and improvement, an information governance maturity assessment is being developed to assess

progress on an annual basis against the Council's Information Governance Framework and associated policies.

Financial impact

- 5.1 Failure to comply with the requirements of the Data Protection Act 1998 could result in enforcement action by the Information Commissioner's Office, including imposition of a civil monetary penalty that could result in a fine of up to £500,000 for each breach.
- 5.2 Failure to identify and apply appropriate retention rules to Council records could result in excessive and unnecessary physical and IT storage costs.

Risk, policy, compliance and governance impact

- 6.1 Impacts could be severe, including: distress or harm to individuals or organisation; reputational damage to the Council; detrimental impact on Council business and service delivery; and non-compliance with legislation and potential litigation.

Equalities impact

- 7.1 There are no adverse equalities issues arising from this report.

Sustainability impact

- 8.1 There are no sustainability issues arising from this report.

Consultation and engagement

- 9.1 Consultation on all elements of information governance is undertaken with service areas via the Council's Information Council.

Background reading/external references

[Corporate Policy and Strategy Committee: 30 September 2014 – item 7.4 Information Governance Policies](#)

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Links

Coalition pledges

Council outcomes CO25 - The Council has efficient, effective services that deliver on objectives.
CO26 – The Council engages with stakeholders and works in partnership to improve services and deliver on agreed objectives.

Single Outcome

Agreement

Appendices