



Economy, Residents, Communities and Governance Scrutiny Committee

Scrutiny Observations to Cabinet on: 09.07.2019 Annual Information Governance Report

A Joint Scrutiny Working Group comprising Members from the Economy Residents, Communities and Governance, Learning and Skills and Health and Care Scrutiny Committees considered the following documents by email:

- Annual Information Governance Report.

Observations from the Scrutiny Working Group:

- Concerns regarding the following:
 - Number of staff who still require training;
 - Is the loss of the Information Compliance Manager a risk for the Council?;
 - With the increased information security incidents due to GDPR – are there sufficiently robust processes in place to reduce incidents? Currently scrutiny's view would be no, as the constant threat is resources which is an ongoing issue which needs to be monitored;
 - Is there an additional training need in services such as Adults and Children's Services due to the high percentage of non compliance incidents? (See Appendix 1);
 - The report does not contain specifically on how the Council is dealing with the risks especially where compliance is low e.g. Freedom of Information Compliance – no clear remedy or suggested actions;
 - Managers are not in place in key areas – what is the remedy for recruitment issues?;
 - Should the report contain information about how resourcing issues are causing targets to be missed and what is the plan to address this?;
 - An action plan or at least action points would have been useful in the report so that improvements could be measured and would assist with providing an overall assurance on the Council's arrangements;
 - Why does Powys have higher than average numbers of FOI requests with a low population when benchmarked against the Welsh average?;
 - With the self imposed target of 98% compliance for training staff in dealing with personal data (against an achievement rate of 86.3% i.e. 2% improvement per year against a 7 year improvement order), is the Council taking this matter seriously enough and does the Cabinet and Senior Leadership Team need to take action to achieve the target by April 2020?;
- With the increase in numbers of trained Information Compliance and Data Protection Officers, hopefully the percentage compliance rates for responses to requests will improve;
- An update to the report would be welcomed in 6 months' time to see if the resourcing issue had been overcome;

- Cabinet should ask for an update to the report in respect of the continued difficulties with compliance around FOI, training in ICO enforcement to reach the 98% target as a priority and why management positions remain vacant?;
- Overall the report does acknowledge the scale of the issues faced by the Council and that it is taking the matter seriously, although there is more work to do;
- Consideration should be given to joining the information on FOI requests to the Wales benchmarking exercise together in one place (paragraphs 6.2 and 6.11.1)
- Should there be a comparison between the time taken to respond to ICO complaints against responding to the question in the first instance – could the Council have reduced the number of complaints to the ICO?;
- Should FOI requests and responses be more accessible on the Council’s website to potentially reduce the numbers of requests submitted?;

Scrutiny’s Recommendation	Accept (plus Action and timescale)	Partially Accept (plus Rationale and Action and timescale)	Reject (plus Rationale)
1 Cabinet should consider whether additional training should be provided for services where there is a high percentage of non compliance			
2 Cabinet and the Senior Leadership Team need to take urgent action to ensure the Council achieves its self imposed target of 98% compliance for training staff in dealing with personal data by April 2020			
3 Future Information Governance reports should contain information regarding: (i) how the Council is dealing with the risks especially where compliance is low (ii) how resourcing issues are causing targets			

<p>to be missed and what is the plan to address this</p> <p>(iii) An action plan or at least action points so that improvements can be measured and will assist in providing an overall assurance on the Council's Information Governance arrangements</p>			
<p>4 Cabinet should ask for an update report in 6 months' time in relation to compliance, training and resourcing.</p>			
<p>5 Cabinet should research why Powys has a higher percentage of FOI requests by comparison to the Welsh average as well as possible measures to reduce the numbers of requests received.</p>			

In accordance with Rule 7.27.2 the Cabinet is asked to provide a written response to the scrutiny report, including an action plan where appropriate, as soon as possible or at the latest within 2 months of the date of the Cabinet meeting i.e. by 09.09.2019

Members:

<p>Economy, Residents, Communities and Governance Scrutiny Committee</p>	<p>County Councillors: M Dorrance (Lead Member), J Gibson-Watt and J Pugh</p>
<p>Learning and Skills Scrutiny Committee:</p>	<p>County Councillor P Roberts and Mr G. Robson (Co-opted Member)</p>
<p>Health and Care Scrutiny Committee:</p>	<p>County Councillors J. Charlton and H. Hulme</p>