

Annual Information Governance Report, including the Annual Report of the Caldicott Guardian

Date: 12th February 2024

Report of: Director of Strategy and Resources and the Director of Adults and Health

Report to: Corporate Governance and Audit Committee

Will the decision be open for call in? Yes No

Does the report contain confidential or exempt information? Yes No

Brief summary

This annual report presents assurances to the Corporate Governance & Audit Committee on the effectiveness of the council's information management and governance arrangements through a statement of internal control.

In addition, the report this year presents the Information Commissioner's Office (ICO) Audit Report of Leeds City Council's compliance with the UK General Data Protection Regulation (GDPR), for which Members are to be assured that an action plan is in place to address the recommendations.

The Caldicott Guardian gives assurance to Members of the arrangements in place with regards to the confidentiality of patient and service-user data.

Recommendations

Members are asked to:

- a) Consider the contents of this report and the assurances provided within the Council's Corporate Information Management and Governance Statement of Internal Control.
- b) Note the outcome of the ICO Data Protection Audit, acknowledging the areas for improvement, and agree to receive mid-year and end of year action plan progress update reports.

What is this report about?

- 1 This annual report presents assurances to the Corporate Governance & Audit Committee on the effectiveness of the council's information management and governance arrangements: that they are up to date; fit for purpose; effectively communicated and routinely complied with, as well as arrangements that are in review or development to keep pace with developing risks or changes to legislation and guidance. See Appendix 1.
- 2 In addition, the report this year presents the Information Commissioner's Office (ICO) Audit Report of Leeds City Council compliance with the UK General Data Protection Regulation (UK GDPR). See Appendix 2.
- 3 The ICO Audit looked at 3 key areas and the assurance ratings received by the Council are as per the table below. The available assurance ratings were; Very limited assurance, limited assurance, reasonable assurance, and high assurance. We welcome the views of the ICO and appreciate the support they have given us. Whilst accepting that there are areas for improvement, we are encouraged that many were known to us and were already included in the Information Management and Governance Work Programme.

Audit Scope area	Assurance Rating	Overall Opinion
Governance and Accountability	Reasonable	There is a reasonable level of assurance that processes and procedures are in place and are delivering data protection compliance. The audit has identified some scope for improvement in existing arrangements to reduce the risk of non-compliance with data protection legislation.
Records Management	Limited	There is a limited level of assurance that processes and procedures are in place and are delivering data protection compliance. The audit has identified considerable scope for improvement in existing arrangements to reduce the risk of non-compliance with data protection legislation.
Personal Data Breach Management and Reporting	Reasonable	There is a reasonable level of assurance that processes and procedures are in place and are delivering data protection compliance. The audit has identified some scope for improvement in existing arrangements to reduce the risk of non-compliance with data protection legislation.

- 4 The ICO will be undertaking a follow up audit during December 2024.
- 5 Members are to be assured that an action plan is in place to address the recommendations and Officers wish to keep Members up to date with progress.
- 6 A number of existing controls detailed in Appendix 1 will be further improved as part of the ICO Audit Action Plan to provide the Council with greater controls and great assurance mechanisms.
- 7 The Caldicott Guardian gives assurance to Committee of the arrangements in place with regards to the confidentiality of patient and service-user data.

What impact will this proposal have?

- 8 The council processes a considerable amount of citizen data and has a duty to process this data in accordance with legislation, government standards and good practice. Effective corporate information management and governance arrangements should help prevent risks arising or mitigate their impact on citizens should they occur.
- 9 As well as continuing with 'Business-as-usual' activities and pre-identified areas for continuous improvement, of which many have been acknowledged within the ICO Audit Report, meeting the terms of the recommendations will increase the Council's information management and governance maturity.

How does this proposal impact the three pillars of the Best City Ambition?

- Health and Wellbeing Inclusive Growth Zero Carbon

- 10 Appropriate collection, storage, use, security and sharing of information supports each of the council's three Key Pillars. Each pillar requires information and therefore poor information management and governance practices could impact on their achievement. The information management and governance arrangements aim to ensure that all council information is managed appropriate, lawfully, and safely.

What consultation and engagement has taken place?

Wards affected: N/A

Have ward members been consulted? Yes No

- 11 Consultation on the development of strategies, policies, procedures and standards are undertaken across a broad range of stakeholders including information management professionals, representatives from all Directorates via the Information Management Steering Group, People and Culture Board and elected members.
- 12 The Information Management and Governance (IM&G) management team continue to meet with the ICO Group Manager for Freedom of Information (FOI) casework on a bi-annual basis, who the Council is actively engaging with.

What are the resource implications?

- 13 The systems and processes in place and described within this assurance report have been established to manage the allocation of resources and to manage resource conflicts.
- 14 The efforts required to meet the requirements of the ICO Audit Recommendations will be substantial whilst maintaining the existing service provision and progressing existing projects. However, with appropriate links into the People and Culture Board (see Appendix 1, Section 2.2 and Section 12), any unmanageable pressures will be reported and managed.

What are the key risks and how are they being managed?

- 15 Failure to embed an effective Information Management and Governance Framework with appropriate policies, procedures, risk management, reporting, auditing and associated continuous improvement work programme could result in non-compliance with the UK GDPR, the Data Protection Act 2018 (DPA18) and the Freedom of Information Act (FOIA) as well as associated Codes of Practice and guidance. This could lead to data breaches which could cause harm to individuals that in turn could lead to complaints, compensation claims and a loss of confidence in the Council by citizens, partners, contractors and other third parties. In addition, this could lead to regulatory action from the ICO including fines and reprimands.
- 16 There is a corporate risk associated with Information Governance; LCC 26 - Information Management and Governance.

- 17 Several associated Directorate level IM&G risks are also managed. All risks are articulated in full in section 9 of Appendix 1.
- 18 There is also a statutory performance related risk on the council's failure to meet legal time limits for responding to information right requests. With improved performance over the last 7 months and the development of a new Power App to improve our process further, our aim remains to remove/reduce this risk during 2023/24.
- 19 There is a related risk of non-compliance with Public Services Network (PSN) standards which could leave the Council vulnerable to a number of impacts. This is however covered in the wider Update Report on IDS Governance.
- 20 Non-compliance with the Caldicott function could leave the Council vulnerable to the following risks:
- a) compromises to the security of confidential person/ patient identifiable data.
 - b) damage to the Council's reputation and the trust which individuals place in the Council to safeguard their data.
 - c) infringements of data protection legislation / law on confidentiality and subsequent complaints / claims from individuals affected.
 - d) non-compliance with the Data Security and Protection toolkit which would restrict the sharing of patient data with the NHS.
 - e) enforcement action from the Information Commissioner's Office.
- 21 All risks are managed through the Council's Information Governance and Risk Framework which consists of appropriate policies, procedures, risk management, reporting, auditing and associated continuous improvement work programme, which will be further improved through implementation of the ICO Audit Recommendations.

What are the legal implications?

- 22 It is a legal requirement to comply with the UK GDPR, the DPA18 and the FOIA, as well as associated Codes of Practice and guidance.

Options, timescales and measuring success

What other options were considered?

- 23 N/A

How will success be measured?

- 24 Success will be measured through the Council's corporate KPI and future benchmarking with neighbouring and/ or Core City local authorities. Success will also be measured with an appropriate Information Assurance Framework, following the implementation of the ICO Audit Recommendations

What is the timetable and who will be responsible for implementation?

- 25 General information management and governance arrangements are ongoing. However, the deadline for the ICO Audit Recommendations to be completed is by December 2024.
- 26 The Head of Information Management and Governance is responsible for ensuring the ongoing appropriateness of information management and governance arrangements and for meeting the deadline for the ICO Audit recommendations to be completed.

Appendices

- Appendix 1 - Corporate Information Management and Governance Statement of Internal Control
- Appendix 2: Leeds City Council – ICO Data Protection Audit Report

Background papers

- N/A