



Report of Director of Resources and Housing

Report to Member Management Committee

Date: 22nd November 2018

Subject: Information Governance Training for Elected Members

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

1. The General Data Protection Regulation (“the GDPR”) became enforceable in all EU member states on the 25th May 2018. The Data Protection Act 2018 (“the DPA 2018”), which replaces the Data Protection Act 1998 (“the DPA 1998”), supplements the GDPR and the main provisions also came into force on the 25th May 2018. These two pieces of legislation comprise the new data protection framework which all data controllers must comply with when processing personal data and / or special categories of personal data (previously called sensitive personal data).
2. To support Members with understanding the new framework and what this means for Members when carrying out their different roles, the Information Management and Governance Service in conjunction with Legal Services have developed an e-Learning Information Governance training course specifically tailored to the needs of Members.
3. The Corporate Governance and Audit Committee have on two occasion recommended that Information Governance training for Members be mandatory as it is for all employees of the Council.

Recommendations

Member Management Committee are asked to endorse the e-Learning Information Governance training course and to consider the recommendation made by the Corporate Governance and Audit Committee to make this course mandatory for all Members.

1. Purpose of this report

To seek support from Committee members to endorse the e-Learning Information Governance training course and to provide the relevant context.

2. Background Information

2.1 The new data protection framework builds on the principles contained within the 1998 Act with a greater emphasis on fairness, transparency and accountability.

2.2 The Council has been implementing the new data protection framework under the governance of the GDPR Strategic Implementation Board which oversees 9 technical work streams set up to ensure that the compliance requirements are scoped out and implemented across the Council.

2.3 A revised version of the e-Learning Information Governance training for employees incorporating the new data protection framework was developed and rolled out from the 16th April 2018 for a period of eight weeks. Information Governance training for employees is mandatory and a 100% completion rate was achieved for employees during this period.

2.4 At the Corporate Governance and Audit Committee of 22 January 2018 it was resolved:

That the Member Management Committee be recommended to consider receiving an assurance as to the arrangements in place to engage Members in cyber resilience training, the requirements of GDPR and an understanding of their personal responsibilities.

At the Corporate Governance and Audit Committee of 16 March 2018 it was resolved:

To recommend to the Members Management Committee that training on GDPR and Cyber Resilience be identified as mandatory for all Elected Members

2.5 Previous attempts to carry out Information Governance training to Members in face to face sessions has unfortunately been largely unsuccessful due to the significant time constraints on Members.

3. Main Issues

3.1 Members, as data controllers, need to have an understanding of the new data protection framework

3.2 In order to assist Members, officers have developed an Information Governance e-learning training course which covers GDPR, Data Protection 2018 and also wider Information Governance issues to consider such as Cyber and Records Management.

3.3 The training course consists of 7 modules including a test. The modules cover the following areas:

- Introduction
- What the law says

- Creating and storing information
- Sharing and disposing of information
- Information security (Cyber)
- Working away from the office
- Test

3.4 The training course is completely interactive with scenarios and quizzes throughout and it is estimated will take 40 minutes to complete. The training can be stopped at any stage during the course and resumed at the same stage within the course at a later time, should the need arise.

3.5 The test has a pass mark of 57%. Should this not be achieved there is a prompt to go back to the sections where errors occurred, following which the test is repeated.

3.6 The Head of Information Management and Governance has been asked by the Corporate Governance and Audit Committee to recommend to this Committee that this training be identified as mandatory for all Elected Members.

4. Corporate considerations

4.1 Consultation and Engagement

4.1.1 Consultation on GDPR related policies, procedures, guidance / briefing notes and other implementation tools is undertaken via the GDPR Strategic Implementation Board; the Information Management Board, which the former reports into; liaising with key stakeholders, as appropriate, such as DIS, HR, Legal Services; and through pilots with service users within the Directorates.

4.1.2 Additional consultation on the e-Learning Information Governance training course for Members has taken place with Legal Services, the GDPR Members Working Group, Group Support Officers and the Head of Information Management and Governance.

4.2 Equality and Diversity / Cohesion and Integration

4.2.1 Equality, diversity, cohesion and integration are all being considered as part of delivering the Information Governance and Management Strategy. This refers to the way training is being delivered as well as how policies will impact on staff and partners.

4.3 Council policies and City Priorities

4.3.1 The e-Learning Information Governance training project falls under a large programme of work within DIS called the GDPR Implementation Programme. This programme is set to look within the council and in some cases wider to ensure we meet statutory and regulatory requirements with regards to Data Protection.

4.4 Legal Implications, Access to Information and Call In

4.4.1 Delegated authority sits with the Director of Resources and Housing and Senior Information Risk Owner and has been sub-delegated to the Chief

Information Officer under the heading “Knowledge and information management” in the Director of Resources and Housing Sub-Delegation Scheme.

4.4.2 Assurances as to the work undertaken by the Council to comply with the new data protection framework have been provided by the Information Management and Governance Service in the last two annual reports to Corporate Governance and Audit Committee and in a separate update report in January of this year which focussed specifically on cyber security and on GDPR.

4.4.3 There are no restrictions on access to information contained in this report

4.5 Risk Management

4.5.1 The new data protection framework provides the ICO with a number of powers in relation to non-compliance by data controllers of the requirements contained therein; these include the issuing of information notices, assessment notices, enforcement notices and penalty notices. In relation to financial penalties, the new framework introduces a two tier fine system with certain infringements resulting in a maximum financial penalty of 20 million euros and others a maximum financial penalty of 10 million euros. This two tier fine system represents a significant increase from the previous Data Protection Act which imposed a maximum financial liability on data controllers of £500,000. Where Members are acting as data controllers in their own right, they could be personally liable for such a fine.

4.5.2 Data subjects who have suffered material or non-material damage i.e. financial loss or distress have the right to receive compensation from the data controller for the damage suffered. Again when Members are acting as data controllers in their own right, they could be personally liable to pay such compensation.

5. Conclusions

5.1 Members, when acting in their constituency role, are individually responsible for compliance with the new data protection framework. To assist Members with fulfilling these requirements, an e-Learning Information Governance training course has been developed. Appropriate consultation has taken place and the training will shortly be ready to be rolled out.

5.2 Corporate Governance and Audit Committee have made a recommendation that this Committee consider endorsing this training course as mandatory for Members

6. Recommendation

6.1 Member Management Committee are asked to endorse the e-Learning Information Governance training course and to consider the recommendation made by the Corporate Governance and Audit Committee to make this course mandatory for all Members.

