

Corporate Governance and Audit Committee

Note of Working Group

Monday 30th November 2020

Leeds City Council Readiness for PSN Submission

The Head of Information Management and Governance presented the report in her role as the Council's Data Protection Officer. The report updates the committee on progress towards the Council's Public Services Network submission.

The Data Protection Officer confirmed that the Council has deferred its PSN submission with the agreement of the Cabinet Office following pressures in service as a result of Covid-19 pandemic projects and priorities. The Council is required to submit a firm action plan by 31st December 2020 which must be signed off by the incoming Chief Digital and Information Officer.

The Committee were advised that the pilot 'Cyber team' had made considerable progress in relation to 'business as usual' issues and remediation, and that the Data Protection Officer would be recommending that the team continue moving forward.

The Data Protection Officer provided an overview of projects impacting on the Council's PSN compliance, noting that a number of projects require resource to be identified. The Avaya / Sabio project is the key concern for the Council in terms of submitting a compliant PSN application. The project is dependent on the delivery of kit, which could be further delayed if there is no deal prior to Brexit on 31st December.

The Committee were advised of the governance structure implemented within the Digital and Information Service to support projects and programmes and noted that they were successful but that there was an ongoing need to ensure that they are firmly embedded. Action has been taken to ensure that all projects with compliance outcomes are identified and clearly labelled as such to prevent a recurrence of the issues identified with the Avaya / Sabio project.

The Chair noted that the Data Protection Officer had volunteered this report which gave the committee a welcome opportunity to consider the risks and challenges for the Council's PSN compliance. The Chair has met with the Director of Resources and Housing, and is satisfied that he is aware of the Committee's concerns. Members commended and thanked the Chair for his proactive approach.

Members of the Committee asked questions and received responses as follows:

Q: Can the Data Protection Officer provide a thumbnail sketch of the projects listed at paragraph 3.8 to aid members' understanding of the issues.

A: Yes, this will be added to the papers prior to publishing

Q: With regard to paragraph 3.9.7 – has the action taken resolved the issues or is this still in progress.

A: The Head of Information Management and Governance is working with the team to ensure the governance system is embedded. The Interim Chief Digital and Information Officer has issued an instruction to ensure all projects with a compliance outcome are labelled at the outset. It is therefore now immediately clear where a project must meet the compliance governance arrangements.

Q: With regard to the final bullet point in paragraph 3.9.7 can the date given be confirmed.

A: The paragraph should refer to 18th November 2020.

Q: Will issues arising from a no deal Brexit in relation to data adequacy impact on the Council's PSN compliance and are arrangements in place to address this?

A: The International Data Transfers Working Group has identified all instances and created a register of where the Council shares or stores data both in the EU and worldwide. Where possible data processors have been requested to move data back to servers in the UK. There are 6 remaining data transfers where information is stored on servers in the EU. Whilst it is lawful for the Council to transfer and store data with companies in the EU under British law those companies must comply with their national legal framework before sharing the data with the Council as the UK will be a third country post Brexit. It is not possible for the UK to apply for adequacy until the status changes on Brexit, and the process may take up to two years, leaving a period in which the Council is reliant on goodwill in national compliance arrangements to enable data-sharing back from the EU.

Members requested that the Data Protection Officer submit a further report to the Committee identifying the sensitivity and impact of the relevant data and the arrangements being put in place to mitigate the risk.

This does not impact on the Council's PSN compliance.

It is recommended by the working group that

1. The Committee approves the recommendations set out in the report.
2. The Data Protection Officer brings a further report to Committee in February detailing the risks and responses in relation to data adequacy in respect of Brexit.