

## Leeds City Council Statutory Information Requests

Date: 14<sup>th</sup> February 2022

Report of: Director of Resources

Report to: Strategy and Resources Scrutiny Board

Will the decision be open for call in? Yes No

Does the report contain confidential or exempt information? Yes No

### **What is this report about?**

**Including how it contributes to the city's and council's ambitions**

- Percentage of Leeds City Council information requests (Data Protection (Individual Rights), Freedom of Information and Environmental Information Regulations – IRR/FOI/EIR) responded to against specific KPI's.
- Data protection law gives individuals greater control over their personal data through several rights. Individuals are informed of their rights through the Leeds City Council Privacy notice, available on the internet. All staff are made aware of these rights through the information governance e-learning level 1 and information governance policies and procedures.
- The UK's access legislation is primarily about a culture change from 'need to know' to 'right to know'. For public authorities it represents greater openness and transparency in decision making and thus supports the ambitions and priorities of the council to being open, honest and trusted. It allows public debate to be better informed and more productive.
- Elected Members' access to information held by the council via the FOI legislation.

### **Recommendations**

- a) Strategy and Resources Scrutiny Board is asked to consider the contents of this report and the assurances provided as to the council's approach to information management and governance with specific regard to IRR, FOI and EIR requests and accept that the arrangements are improving the performance of the council's responses to these requests through a dedicated programme of work.
- b) Guidance is reissued to all Members on their 'need to know' rights – see appendix 2 for a copy of the Access to Information guidance for Members.

## Why is the proposal being put forward?

- 1 To provide the Strategy and Resources Scrutiny Board with assurances about the measures undertaken to improve performance of the council's statutory obligations in relation to information rights requests (IRR/FOI/EIR)
- 2 The Information Governance and Cyber (IG&C) service respond to all information requests, which include those made under the Freedom of Information Act 2000 (the FOIA) and the Environmental Information Regulations 2004 (the EIRs), the UK General Data Protection Regulation (the UK GDPR) and the Data Protection Act 2018 (the DPA), as well as requests from the police, the courts, partner agencies and other government bodies and regulators.
- 3 The pandemic impacted not only the number of information requests received but also the council's ability to respond to them. Many services struggled to provide a response within statutory timeframes. In November 2020, it was agreed at the Information Management Board and with subsequent approval by the council's Senior Information Risk Owner (SIRO) that the council's KPI for responding to FOI/EIR requests within the statutory timeframe be reduced from 96% to 90%, in line with the Information Commissioners Office (ICO) benchmark.
- 4 The Early Leavers' Initiative in 2020/21, also had a significant impact on services' ability to respond to requests. Large numbers of key contacts across the authority left through ELI and this left substantial gaps within services, both in terms of knowledge and capacity to respond to requests.
- 5 An external review of the service and internal examination of the requests team function were initiated and both were undertaken in 2020/21 and reported to Corporate Governance and Audit Committee in last year's Information Governance Annual Report. These highlighted a number of recommendations for change in order to increase delivery capacity, improve working practices and compliance with statutory requirements. An extract from the Annual Information Governance Report, including the Annual Report of the Caldicott Guardian (15h March 2021) to the Corporate Governance and Audit Committee is given at Appendix 3 for information and further detail. The review included benchmarking with other Local Authorities, the results of which is also included in the extract. The output from the benchmarking demonstrated that Leeds City Council receives a large number of requests compared to others. In addition, whilst two of the Local Authorities involved in the benchmarking were performing better than Leeds, it was clear that failing to meet the ICO performance targets is commonplace and the Council percentages are better than most, especially when considering the volume of requests.
- 6 In Q2 2021/22 the dedicated Requests Team was disbanded as part of the new operational structure with clearly defined roles and responsibilities of all IG&C staff. This new operational model supports the development of a multi-disciplinary workforce, intended to increase capacity to deal with information requests in a more efficient manner, without the need to increase overall staffing numbers.
- 7 The new operational structure supports the move towards a more agile way of working with a new operational management layer responsible for managing and prioritising all IG&C work. This new management layer is also leading on a rolling program of change, which is currently underway, to review all operational processes relating to this area of work and to create standard operating procedures which will drive efficiencies in terms of the time taken to deal with information requests.

- 8 Improvements have been made, compared to last year, on responding to requests within the statutory time limits. This has in part been due to the change of structure and working practices of the service. Improvements and process changes have been made in the following areas:
- Information Rights Requests
  - Request Internal Reviews
  - Subject Access Request batches
  - Continuing Healthcare Requests
  - Quality checking
- More work is required, and this work continues.
- 9 The outcome of this program of change is intended to inform other recommendations to greater ownership with information asset owners for processing and responding to information requests.
- 10 The roll out of Microsoft Office 365 has brought with it new functionality known as eDiscovery. Electronic Discovery or eDiscovery is a content search tool in the Microsoft 365 compliance centre which enable those with the appropriate licences and access permissions to search for in-place content such as email, documents, and instant messaging conversations. The IG&C team have access to eDiscovery and are currently undergoing training in its usage. This tool could be used to automate the searches for the information required for statutory requests. If approved for use, strict protocols would be required to ensure individuals right to privacy is maintained, balanced with the legal requirements for openness and transparency. This tool could be used across the whole Microsoft 365 estate, covering all employees, elected members, consultants, contractors and agents employed by Leeds City Council and partner organisations who are provided with authorised access to the Council data storage and data.
- 11 By the end of the financial year 2021/22, the IG&C are intending to submit a report to Corporate Leadership Team outlining the council's recommended approach to further improving performance in handling statutory information requests.
- 12 In addition, this proposal is to remind Members that they have specific legal rights of access to council information by virtue of their roles as Members. It is generally expected that Members will rely on their 'need to know' rights rather than the public rights under FOI
- 13 Members have access to specific guidance issued by Legal Services about their rights of access to council information which takes account of relevant court decisions. Legal Services have also written guidance to assist Members with understanding how the FOI rules can impact on their work, which takes account of the advice available from the ICO, the regulatory body for FOI, and decision notices issued by the ICO. Both sets of guidance are published in the Elected Members IG Resource Document which can be found on the Elected Members toolkit on InSite.
- 14 To assist Members, the group support offices and Members can approach the IG&C service directly for advice and assistance.

### What impact will this proposal have?

**Wards Affected:**

Have ward members been consulted?

 Yes No

- 15 Reduce the regulatory risks outlined.
- 16 Establish greater public trust and confidence in the council.
- 17 Drive efficiencies in resources required to handle these requests within the Information Governance & Cyber service and across the authority.

#### **What consultation and engagement has taken place?**

- 18 IG & C was one of a number of Leeds City Council services that underwent an independent review by an external consultancy company in 2020. The outcome of the review included recommendations for change to increase delivery capacity and compliance with statutory requirements through improved resource management, with clearly defined roles and responsibilities within the service.
- 19 A second review in 2021, was a comprehensive in-house review of how information requests are handled.
- 20 As part of best practice, consultation on the implementation of these recommendations was undertaken across a broad range of stakeholders including all IG&C staff, Information Management Board members, council services and the Director of Resources.
- 21 In addition, as part of the examination work a number of city councils, including 2 core cities were contacted to determine their approach to conducting information requests. This output from this exercise was reported in detail to Corporate Governance and Audit Committee in last year's Information Governance Annual Report.

#### **What are the resource implications?**

- 22 Effective management of the IG&C workforce is managed through a combination of performance reporting and governance arrangements as set out within this report.

#### **What are the legal implications?**

- 23 Non-compliance with DPA/FOI/EIR legislation has the potential to result in enforcement action from the Information Commissioner's Office which can include an information notice or enforcement notice. Failure to comply with these notices could lead the council to be held in contempt of court.
- 24 At the outset of the pandemic, the Information Commissioner's Office issued a notice to all Public Authority's stating that no regulatory action would be taken for non-compliance with statutory timescales during the period of the pandemic, in recognition of the impact this was having on the ability to reply within the timescales.
- 25 There are no restrictions on access to information contained in this report.

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

- 26 The risk associated with not adhering to UK access legislation leaves the council more susceptible to breaches of legislative and regulatory obligations, affecting the confidence of its citizens when handling and responding to information requests.
- 27 This in turn could cause damage to the council's reputation and the trust which citizens place in the council to be open, honest and trusted.
- 28 Enforcement action from the Information Commissioner's Office.

29 There are two corporate risks associated with Information Governance;

- LCC 26 - Information Management and Governance
- LCC 31 - Major Cyber Incident

A number of associated Directorate level risks are also managed which sit under the corporate risks.

30 RES 33 is a new directorate risk created in 2021/22 in respect of the risk of the council's failure to meet legal statutory timeframes for responding to information rights requests.

### **Does this proposal support the council's 3 Key Pillars?**

Inclusive Growth

Health and Wellbeing

Climate Emergency

31 The information governance arrangements aim to ensure that all council information is managed appropriate and lawfully.

### **Options, timescales and measuring success**

#### **a) What other options were considered?**

32 Increase staffing levels within the IG&C Requests Team.

33 Outsourcing the Requests Team service.

### **How will success be measured?**

34 Monitoring and reporting of performance against published KPI's.

35 Consistently exceeding the current reduced KPI of 90% within statutory timeframes, prompting a review to increase the KPI to a pre-pandemic level of 96%.

### **What is the timetable for implementation?**

36 By the end of the financial year 2021/22 to:

- Evidence a steady improvement in performance against published KPI's
- Submit a report to Corporate Leadership Team by the end of the financial year outlining the council's approach to improving performance in handling statutory information requests.

### **Appendices**

1. Performance Against KPIs
2. Access to Information Guidance for Members
3. Extract from the Annual Information Governance Report, including the Annual Report of the Caldicott Guardian, 15th March 2021

### **Background papers**

N/A

## APPENDIX 1 – Performance Against KPIs

FOI/EIR requests	2019/20		2020/21		2021/22 (Q1 to Q3 only*)	
	No of requests	% compliance to statutory timescale (KPI 96%)	No of requests	% compliance to statutory timescale (KPI 96%)	No of requests (year to date)	% compliance to statutory timescale (KPI 90%)
Leeds City Council	2301	86.27%	2158	84.03%	1454	79.03%
Adults & Health					96	77.7%
Childrens & Families					197	62.2%
City Development					275	81.4%
Communities & Environment					426	84.2%
Resources & Housing					460	80.1%

IRR (SAR) requests	2019/20		2020/21		2021/22 (Q1 to Q3 only*)	
	No of requests	% compliance to statutory timescale (KPI 88%)	No of requests	% compliance to statutory timescale (KPI 88%)	No of requests (year to date)	% compliance to statutory timescale (KPI 88%)
Leeds City Council	632	73.89%	715	60.85%	554	70.24%
Adults & Health					64	84.2%
Childrens & Families					233	74.6%
City Development					18	83.3%
Communities & Environment					91	72.2%
Resources & Housing					148	51.5%

### Commentary on performance

FOI/ EIR legislation did not change when GDPR became enforceable in May 2018, however the total number of information requests received (including individual rights requests under GDPR) have remained fairly static in volumes over the above three year period\*.

Although this year to date there has been a slight drop in performance, this has been against a backdrop of staff leaving services across the authority under ELI since the start of this financial year which has impacted on directorates' capacity to deal with these requests as well as maintaining their own service provision.

Services have also had to redirect resources to responding to the pandemic which has placed an extra burden on current staffing levels and meant that we have seen an increase in late requests.

Lastly the changes to the IM&G operational model in regard to requests processing commenced in September of this year, and so any improvements to performance as a result of these changes will not be reflected in the above figures.

Directorate figures have only been supplied for the current financial year, this is due to the implementation of Kolombo and previous years data was only imported at a council level and not broken down by directorate.

## APPENDIX 2 - Access to Information Guidance for Members

### Legal Services

### Access to Information

### Guidance for Members

#### 1. Background

- 1.1 This guidance tells Members about their rights of access to Council information, and takes account of relevant Court decisions.
- 1.2 This guidance does not repeat all details of the formal rules about access to information, and these can be found in the Access to Information Procedure Rules, in Part 4 of the Council's Constitution.
- 1.3 As Members have specific legal rights of access to Council information by virtue of their roles as Members, it is generally expected that Members will seek to rely on these rights rather than the public rights under the FOI Act.

#### 2. "Need to Know" Rights

##### 2.1 When does a Member have a "need to know right"?

Members have the right to inspect all documents in the possession of the Council, so far as is reasonably necessary to enable them to perform their duties as Members of the Council. This can range from a request for general information about an aspect of the Council's activities to a request for specific information in order to assist a constituent. This can also include information a Member might need to discharge their duties as a member of a Panel, or Committee. Requests for information on this basis should normally be made to the Director or other senior officer for the service which holds the information.

The Courts have said the "need to know" test involves the application of a screening process, and in certain sensitive and confidential areas such as child care, the screening process should be administered with great strictness.

The Courts have also said that the decision whether a Member has a good reason for access to information can be delegated to officers, but if there is a continued difference of opinion the decision will ultimately lie with the Members, and the decision of Members is the final word, subject only to an application for judicial review. The Courts have also said that in deciding whether there is a "need to know", the bias if any, should be in favour of allowing access to information rather than concealing it.

There is also provision in the Local Authorities (Companies) Order 1995 that a "regulated company" (companies which the Council controls or certain "influenced" companies) must provide to an elected Member "such information about the affairs of the company as the member reasonably requires for the

discharge of his duties”, unless that would constitute breach of an enactment, for example, the data protection rules, or an obligation owed to any person, for example, an obligation of confidentiality. In effect this puts Members in the same position in relation to these companies as they would be if they were exercising their “need to know” rights.

## **2.2 What sort of information is a Member entitled to?**

In making these requests, Members should

- have regard generally to the different roles of Members and officers as set out in the Protocol on Member/Officer Relations in Part 5 of the Council’s Constitution
- avoid over-involvement in issues raised by individual constituents
- be particularly careful when having direct contact with relatively junior officers, to avoid the appearance of abusing their position
- justify the request in specific terms, unless circumstances exist where a Member’s need to know will be presumed – for example a need to know will be presumed where a Member is on a committee and wants to inspect documents relating to that committee’s business, or where the information requested is already in the public domain
- only use the information for the purpose for which it was provided, and
- get the prior agreement of the Directorate concerned to any disclosures to the press or the public.

## **2.3 Are there any limits on these rights?**

As mentioned above, the Courts have said that Members can decide the scope of these “need to know” rights, subject to their decisions on this being “reasonable”. The Courts have said that it is necessary for authorities to see whether a Member’s need to know is legitimately outweighed by other factors. The Council has decided that there are a number of factors, arising from case-law or from the Council’s own long-standing conventions, which may limit or outweigh a Member’s need to know. These factors are set out in the Access to Information Procedure Rules, and they include the following

- the need to know does not extend to a “roving commission” through Council documents
- the need to know would only extend to having access to someone else’s personal data or private information in exceptional cases, and even then only the minimum amount of data needed for the purpose should be disclosed
- draft documents compiled in the context of emerging Council policies, and draft reports will not usually be disclosed
- a Member of one party group will not have a need to know in relation to a document prepared for another party group
- documents prepared specifically for one Member will not normally be provided to another Member, unless they agree otherwise (note, this includes e-mails or other correspondence between an officer and a Member)
- documents will not be disclosed where the Director concerned believes the Member may use them to prejudice the Council’s or the public interest.
- Directors are entitled to take into account the level of resources they may need to divert from other business, to deal with locating and supplying documents.

## **2.4 Who makes the decision about this?**

It is important that the person making this decision understands the nature of the Member’s duties and responsibilities, and also how significant the information is for the service concerned and for the local area. Consequently, the decision whether a Member has a need to know will be made initially by the Director for

the service area which holds the information requested. The Director must not have regard to party political advantage, nor must the Director's determination have the effect of preventing the Member concerned from giving evidence in Court, or of penalising the Member for so doing. Given that the limits on the need to know rights are set partly by Court decisions, the Director is required to take legal advice from the City Solicitor. As the Council itself is also entitled to set limits on these rights, a Member who is refused information can appeal against the Director's decision to a committee of the Executive Board.

## **2.5 How quickly does the information have to be provided?**

There is no fixed time limit, and this will depend on the reason why a Member needs the information. For example, if a Member made a request specifically to raise an issue at a meeting, to delay a decision until after that meeting would simply render these rights ineffective. If a Member thought a Director was delaying a decision unreasonably, they could treat this as a refusal, and appeal to a committee of the Executive Board, as mentioned above.

## **3. Local Government Statutory Rights**

**3.1** In addition to their "need to know" rights, all Members are entitled to inspect any Council, or Council-controlled document containing material relating to any forthcoming Council or committee business, or Executive business which is to be transacted at a public meeting, unless

- it contains certain categories of "exempt" information
- (if it is material about Executive business), it contains the advice of a political adviser, or it is a draft report or draft background paper.

### **3.2 What about decisions by Directors, or other officers?**

All Members are entitled to inspect any Council or Council-controlled document (report or background papers) containing material which relates to any decision made by an officer in accordance with Executive arrangements, subject to the same exceptions as mentioned in 3.1.

### **3.3 What about Scrutiny Members?**

Again, in addition to their "need to know" rights, a member of a Scrutiny Board is entitled to copies of any Council or Council-controlled document (report or background papers) which contains material relating to Executive business unless

- it is in draft form or
- it contains "exempt" or "confidential" information unless relevant to an action or decision that member is reviewing or scrutinising, or to a review contained in the Board's work programme or
- it is the advice of a political adviser or assistant.

### **3.4 What about appeals?**

As with the "need to know" rights, it will be the Director of the service area holding the information who will make the initial decision about which items a Member is entitled to access. However, if a Member is refused access they can appeal to a committee of the Executive Board.

## **4. Rights under the Freedom of Information Act**

**4.1** For more information about the Freedom of Information Act, please see the document “Freedom of Information, Guidance for Members” issued by Legal Services.

## **5. Can Members ask for information in a particular format?**

### **5.1 Does a Member have a right to a document, or just the information in it?**

Under the FOI rules, a Member would only be entitled to get access to information, rather than a particular document, although the rules say if an applicant asks for information in a particular form, the Council should provide it in that form so far as reasonably practicable, having regard to all the circumstances including cost. Under the “need to know” rules and the local government statutory rights, a Member is entitled to get access to the “document” which is in the control or possession of the Council, so a Member should be provided with the document itself rather than an edited version or summary (subject to excluding “confidential” or “exempt” information, where applicable).

### **5.2 Can a Member ask for copies?**

Where a Member is entitled to access, they are also entitled to make a copy themselves or ask the person with custody of the document to supply them with a copy.

### **5.3 Where can a Member inspect documents?**

Under the FOI rules, an applicant is entitled to a “reasonable opportunity” to inspect, if giving effect to this preference is “reasonably practicable”. Under the “need to know” rules and the local government statutory rights, the position is slightly less clear but it should be assumed a Member is entitled to access at all reasonable hours at the Council’s offices. This means a Member does not have the right to insist on original documents being sent to a constituency office or home address, and Members should agree appropriate arrangements with the service concerned.

## **6. What if a Member wants to disclose information they obtain under these rights?**

If a Member makes a “need to know” request, the Director may ask the Member to keep the information confidential, if they consider the Member does not reasonably need to share the information with constituents, or others. However, wherever a Member wants to make a disclosure, the Director needs to consider the Member’s right to freedom of expression and the particular importance of that right for elected representatives, and whether members of the public may be entitled to get access to the information in any event under either their local government statutory rights, or their FOI rights. Again, if there is a disagreement over whether a Member reasonably needs to disclose a document or not, the Member could appeal against the Director’s decision to a committee of the Executive Board.

## **7. Further Guidance**

For further information and guidance on these matters, please contact Mark Turnbull, Head of Service, Legal Services; e-mail [mark.turnbull@leeds.gov.uk](mailto:mark.turnbull@leeds.gov.uk); tel. 0113 3789151.

## APPENDIX 3 – Extract from the Annual Information Governance Report, including the Annual Report of the Caldicott Guardian, 15<sup>th</sup> March 2021

### Reviews of the requests team function

The requests team has undergone 2 specific reviews over the last year. One of these was undertaken by an external consultancy company and resulted in a new case management system, Kolombo, for handling all types of information requests. This case management system has been custom built internally and is designed to bring about digital efficiencies at all stages of the requests process. Kolombo went live in October of last year and phase 2 of the project is currently underway.

The second review, which has only recently taken place, is a comprehensive in-house review of how requests are handled and has examined: 1) the scope of the central requests team; 2) scrutiny of all types of request undertaken by the team and their associated processes; 3) scrutiny of roles and responsibilities of staff at all levels; 4) analysis of performance, costs of delivery and best practice; and 5) customer satisfaction.

### Benchmarking

As part of the examination work a number of city councils, including 2 core cities were contacted to determine their approach to conducting information requests. The following Councils responded:

Organisation	Response Type
Birmingham City Council	Telephone interview
Bradford City Council	Email
Newcastle City Council	Telephone interview
Nottingham City Council	Email
Sheffield City Council	Email
Wakefield City Council	Telephone Interview
York City Council	Email

A number of questions were put towards the organisations of which the results are summarised below:

### FOI and DPA Stats

All the organisations IG services centrally record information requests for their respective councils. Below is a breakdown of statistics received by each Council for 2019/20.

Organisation	FOI & EIR Received	% in time	*DP Received	% in time	FOI/EIR Internal Reviews	SAR Internal Reviews	FOI/EIR ICO Review	SAR ICO Review
York City Council	1909	82%	204	78%	Not Provided	Not Provided	Not Provided	Not Provided
Sheffield City Council	1941	93%	Not Provided	Not Provided	45	5	7	6
Bradford City Council	1767	88%	386	79%	53	16	Not Provided	Not Provided
Birmingham City Council	2666	79%	406	72%	40	Not Provided	Not Provided	Not Provided
Wakefield City Council	1393	82%	224	95%	9	4	Not Provided	Not Provided
Nottingham City Council	1416	94%	142	68%	29	8	Not Provided	Not Provided
Newcastle City Council	1600	88%	80	90%	15	Not Provided	Not Provided	Not Provided
Leeds City Council	2535	91.4%	1322 (non SAR) 949 (SAR only)	83.4%	63	40	Not reported on	Not reported on

\*It should be noted that there is no standard approach on how each authority categorises what is a DP request or a SAR, therefore for the purpose of this exercise these have all been grouped as DP requests. Similarly some corporate IG teams do not deal with all SAR's on behalf of the authority, therefore SAR's dealt with by individual services in other authorities will not be captured in the figures above.

#### Internal Process

- Five of the seven councils pass information requests to their service areas to manage once logged by the IG service, this includes obtaining senior officer sign off and responding to the requestor (York, Sheffield, Bradford, Birmingham, and Newcastle).
- York council passes requests to the service but signs off the final response, this council is trialling information requests being fully managed by the service areas.
- Of the five councils, three (Birmingham, Sheffield, Newcastle) have teams which sit outside IG, and sit within Children's services where social care workers undertake Children's service SARs
- Two councils (Wakefield and Nottingham) manage the end to end process from acknowledging, to managing the information from the service to sending out the response, Nottingham actually gains IAO approval before the response is sent out. All Councils deal with high profile requests (e.g. those with press interest, member request etc.) via their main information processes described above.

#### Exemptions

- Four of the Councils IG services advise the service if they wish to apply exemptions and/or undertake a public interest test, with one of the councils providing final sign off on any exemptions (York, Sheffield, Bradford, and Newcastle).
- One of the councils utilise their legal team to advise their services on exemptions (Birmingham).
- Two of the Councils utilise their IG service to undertake the exemption work. (Wakefield and Nottingham).

### Logging system

- There is no consistent logging system any of the IG teams use, with the majority of councils using a casework management based system.

### Reviews

- All IG teams support the management of the review process.
- Four IG teams undertake reviews end to end (York, Sheffield, Wakefield, Nottingham).
- Three IG teams support the review process, which is led by the service, including the arrangement and support of an independent panel and organisation of service leads (Bradford, Birmingham, and Newcastle).

### Team Structures

- IG teams vary from 3 to 9, with the majority of teams consisting of approximately 6 staff.
- With all teams, requests form part of the wider IG service (with the exception of those local authorities where children's services look at SAR's only).

### **Review of the Requests Team and benchmarking exercise**

A full list of recommendations arising from this review and benchmarking exercise are given below:

Area of Work	Recommendation	Implementation 1= 1-3 months 2 = 4-6 months 3 = 6 months +
Governance	R1 – That officers at B1/B3 grades are more involved in the provision of responding to low level information requests (including FOI and SARs) as per their job descriptions. This will help ease pressures from Officers who may need to deal with more complex requests as well as provide development for lower graded officers. This will need to be balanced to ensure the support staff work is still completed as the request team are also currently dependent on support from non IMG staff. Similarly if staff are expected to deal with more complex request these need to be reflected in the relevant job descriptions.	1
	R2 – A review the job descriptions for staff needs to be performed to take into account any new structures arising from the service restructure and any new working practices and processes (including escalations) arising from this examination.	1
	R3 – That all working processes are documented and agreed and signed off by the IMG Management Team. Any changes to agreed working practices will need to be agreed and managed either by IM&G Management Team prior to be communicated across the wider team.	1 – Utilise existing process maps
Benchmarking	R4 - With the resources and the level of requests comparable to core cities, it is recommended the Information Management and Governance service continue to provide a co-ordinating role and seek to review which elements of the request and exemption process can be delivered by service areas.	1
	R5 - R5 - IMG service continue to undertake independent internal and ICO reviews in the short term, however we need to	3

Area of Work	Recommendation	Implementation 1= 1-3 months 2 = 4-6 months 3 = 6 months +
	work towards services conducting FOI/EIR internal reviews with IG input going forward to improve transparency in the process.	
FOI/EIR/SAR	<p>R6 - Discussions should be undertaken with Chief Officers/Heads of Services to ascertain who the most appropriate points of contact within their service are for specific requests (both FOI/EIR and SAR. Where possible, central points of contact should be agreed with services.</p> <p>R7 - The Service Contact spreadsheet should be regularly updated, and the updating of this spreadsheet should form part of the Requests Team's and the services formal processes to ensure contacts are accurate.</p> <p>R8 - Officers within the Request Team should avoid overreliance on the spreadsheet when allocating requests. It is acknowledged that many requests will often not have an obvious first point of contact. In these situations, officers should instant message or phone potential service contacts (or experienced members of staff within the Information Governance Service) to see if they are appropriate, rather than simply allocating to a name.</p> <p>R9 - Allocations should be formally checked within 24h by a more senior officer within the team (this could form part of the daily stand ups mentioned in the section below)</p> <p>R10 - SARs should ideally be allocated to services to gather the information required, this would be the same process as FOI/EIR. In the short term IMG will continue to deliver SARs as is, however we need to work towards SARs being allocated to services to gather the information required, this would be the same process as FOI/EIR and improve accountability in the process.</p>	<p>1/2</p> <p>1</p> <p>1</p> <p>1</p> <p>1</p>
	<p>R11 - Requests to be triaged by the request team in a daily stand up meeting, with a 'complexity' level of 1 to 3 applied (1 being the least complex, 3 being the most complex).</p> <p>R12 - Formal criteria to be drawn up as to the nature of the requests that will fall into each complexity level. As a guide, Complexity Level 1 should concern FOI requests for which the information is available in the public domain (e.g. on the data mill) and to basic questions, for SARs, simple requests for copies of council tax/benefits documents. Complexity Level 3 should concern requests of high sensitivity; FOI- including those from journalists and those which will involve direct liaison with Chief Officers/Directors, SAR - Social Care records - A pilot could be conducted in the first instance utilising a fail fast / change approach if the process is not working.</p> <p>R13 - Formal process to drawn up and re-instigated to ensure that services with complex requests are given timely reminders to ensure the Request Team have adequate time to process the responses.</p>	<p>1</p> <p>1</p> <p>1</p>
	<p>R14 - Requests to be allocated to specific officers at daily stand up meetings.</p> <p>R15 - Services to be provided with the specific name of the officer dealing with their request to ensure a 'start to finish' process.</p>	<p>1</p> <p>1</p>

Area of Work	Recommendation	Implementation 1= 1-3 months 2 = 4-6 months 3 = 6 months +
	<p>R16 - Customers to be provided with a tailored acknowledgement advising of the request number, the time scales for the request, details of which officer is processing their request and their contact details.</p> <p>R17 - Officers to be provided with the opportunity to work on complex requests with the Request Team lead and experienced colleagues to learn how to handle complex requests. This would be best achieved as part of the triage process (with officers each being offered the opportunity to process complex requests with support).</p> <p>R18 - Officers to be encouraged to rely less on FOI/EIR template responses prior to understanding exceptions and to write their own arguments (with support). Officers to query services if they do not understand the information provided to them.</p> <p>R19 - Consideration to be given to re-instantiate the creation of a 'CPD' item in team meetings during which officers can share best practice with each other on interesting requests.</p> <p>R20 - A formal process to be put in place to ensure that complex requests are reviewed by the Team leads prior to disclosure. This, again, could be dictated by the triage process (with the Request Team lead reviewing all Level 3 responses).</p> <p>R21 – Consider exploring a formal process change not requiring Heads of Service to review low complexity requests so as to ease their workload and also to enable quicker processing of responses.</p> <p>R22 - Press Office should always be provided with weekly list of FOI/EIRs received, and officer discretion to notify specific press officers of a complex request to form part of triage process.</p> <p>R23 - Formal timescales (we will endeavour statements) to be put in place for requests for clarification.</p> <p>*R24 - Requests Officers and Support Officers should be invited to the same team meetings/events, to ensure collaborative working. Further opportunities should be created for collaborative working (for example, where capacity allows, enabling support officers to work with Requests Officers on basic responses to enable them to understand the legislation and upskill themselves).</p> <p>R25 - SAR: consideration should be given to transferring the responsibility of collating the information required to services as the Information Asset Owners. Welfare checks with customers and determining what can be/cannot be redacted from social care files should be made by a social worker professionals. When determining what can and can't be redacted from files the request team should consult with social care professionals in the first instance and only contact customers following this advice.</p>	<p>1</p> <p>2/3</p> <p>2/3</p> <p>2/3</p> <p>1</p> <p>3</p> <p>1</p> <p>1</p> <p>1 (initial set up of meetings)</p> <p>1/2</p>
CCTV	R26 - Roll out one process for CCTV enquiries and provide training to all staff to enable them to more confidently handle all CCTV enquiries /requests. In the interim as part of this review the Principal; Information Governance Officer and Senior Information Governance Officer has developed and implemented a process chart based on previous expertise to avoid an	2

Area of Work	Recommendation	Implementation 1= 1-3 months 2 = 4-6 months 3 = 6 months +
	<p>adhoc process continuing (Appendix D). In the short term utilise the interim process to manage the requests which come into the IM&amp;G team as services have indicated is currently working well for them.</p> <p>R27 - To hold a workshop(s) with CCTV compliance/enquiries team and LBS to understand and capture the varying process and consider if there is a more streamlined approach – working group.</p> <p>R28 - Consider if any of the CCTV enquiries handled by IM&amp;G would be more appropriately aligned to LeedsWatch and/or LBS.</p>	<p>3</p> <p>3</p>
Schedule 2	<p>R29 - That a centralised recording of requests and a standardised approach are maintained. However it should be noted that the work required - receiving, logging, collating and responding – does not all necessarily need to be undertaken by IMG or staff with advanced Data Protection knowledge however there will be requests where IM&amp;G need to be involved to ensure the necessity and proportionality tests have been met.</p> <p>R30 - That IMG document a standard procedure for handling such requests but then work with the relevant service areas for them to take appropriate responsibilities: a) all CCTV requests could be centrally handled by LeedsWatch (as noted in R28) b) simple Council Tax checks, currently done by IMG, could be done by Council Tax. C) LASBT, Benefits, Licensing, Trading Standards, Business Rates are already handled by the service who could also take on responsibilities for logging and responding too.</p> <p>Note: Social Care requests will be less easy reallocate given the above noted records management situation and would need more discussions between the records management facility, IM&amp;G RM staff and the appropriate asset owners.</p> <p>R31 - IMG should remain involved in the schedule 2 request process but in a more advisory capacity as required and also auditing to ensure processes are followed and reportable figures are accurate. There will be requests where IM&amp;G need to be involved to ensure the necessity and proportionality tests have been met.</p>	<p>2</p> <p>2</p> <p>2</p>
Miscellaneous	<p>R32 – As per the approach taken by other authorities IM&amp;G to provide more of an advisory role in the in relation to Serious Case reviews, relative Tracing, Home Office Checks, Fostering and Adoption Checks, DBS Checks and Continuing Health care checks - with responsibility for these requests being managed within the service.</p> <p>R33 - That the scope of the work undertaken by the request team is documented so it is clear which request types the request team remain responsible for and that there are documented processes developed for each process retained.</p> <p>R34 – That discussions regarding record retrievals, viewings, scanning currently being performance at Westland Road continue with the intent this arrangement can continue.</p>	<p>3</p> <p>2</p> <p>2</p>
Performance	<p>R35 - Implement an appropriate performance framework and routine performance reporting mechanism which ensures directorates, the SIRO, DIS CO and DPO are aware of their performance in relation to requests and also enables issues and exceptions to be appropriately escalated both within the directorate and to the SIRO. A central document which outlines all reports to be produced and all reporting deadline dates should be produced and communicated.</p>	<p>2</p>

Area of Work	Recommendation	Implementation 1= 1-3 months 2 = 4-6 months 3 = 6 months +
	<p>R36 - Reporting should report on the response times for all types of requests managed by the team and <u>should</u> clearly articulate any reasons for late responses.</p> <p>R37 – Enhance existing reporting using Power BI which will enable links containing the relevant performance data to be sent directly, following review only from IM&amp;G staff, to stakeholders, reducing officer time running and producing monthly/quarterly performance reports for stakeholders and weekly reports for members.</p> <p>R38 – As part of the ongoing development of Kolombo (Phase 2) implement an overarching report (dashboard) to be reported into IMB which will give a high level summary of request numbers and response times (KPIs);</p> <p>R39 – A data verification report with Power BI should be created to assist with data quality checks;</p> <p>R40 - Develop and implement a communication strategy which will inform Departments and services about which staff deal with requests and the need to respond to statutory requests and performance reporting to enhance a change of behaviour in the services.</p> <p>R41 - Before Phase 2 of the Kolombo work starts, a review of critical fields in the previous CCM system should be finalised and included in the Phase 2 requirements to allow for more meaningful dashboard reports to be produced. This may require input from other Access and Compliance Officers within IM&amp;G.</p>	<p>2</p> <p>2</p> <p>2</p> <p>2</p> <p>2</p> <p>2</p>
	<p>R42 – Kolombo developments – Recommendations within the report are aligned to ongoing Kolombo developments which should also be reported to the Head of IM&amp;G</p>	<p>1</p>

The final draft report with recommendations was presented to the IM&G Management Team for comment on the 12<sup>th</sup> February 2021. The Head of Information Management and Governance subsequently provided a copy of the report to the CDIO and discussed the high level recommendations with the wider DIS Senior Leadership Team on the 16<sup>th</sup> February. A decision was made by DIS SLT to start implementing a number of the recommendations put forward.

Given that the IM&G service is currently in the middle of a restructure it may not be viable to start work on putting some of the recommendations in place at this current time. Therefore the IM&G Management team met on the 1st March 2021 to discuss.

The IM&G Management Team have carefully considered each of the 42 recommendations and categorised the high level timescales for implementation as follows:

Category 1 – IM&G will put work towards putting these recommendations in place immediately as a matter of priority - (R3, R6, R7, R8, R9, R12, R13, R20, R22, R23, R24, R26, R41, R42)

Category 2 – IM&G will undertake some introductory work on these tasks for further development and finalisation once the IM&G Management structure is in place – May 2021 (R34, R35, R36, R38, R39, R40)

Category 3 – IM&G will implement these recommendations once the restructure is completed and the new teams are established (R1, R2, R11, R17, R18, R19, R27, R28)

Category 4 – These recommendations will be implemented following wider discussions at Corporate Leadership Team as these recommendations require ownership and buy in from wider council services (R4, R5, R10, R25, R29, R30, R31, R32, R33, R37)

Category 5 – Dependency recommendations– Further discussions to commence on how this will work once R11 is place (R14, R15, R16)

One recommendation was not approved as agreed by the Senior Information Risk Officer (R21).

