

ICO Audit Action Plan Update Report

Date: 23 September 2024

Report of: Director of Strategy and Resources

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 report presents the Information Commissioner's Office (ICO) Audit Action Plan progress update, prior to the ICO returning to review progress in December 2024. Members can be assured that good progress continues to be made.

Recommendations

- a) Note good progress made towards completing the action plan prior to the ICO review in December 2024, noting the completed actions to date and the actions due for future completion.

What is this report about?

- 1 This report presents progress of the Council's Information Commissioner's Office (ICO) Audit Action Plan following their audit of Leeds City Council in November 2023, which assessed our compliance with the UK General Data Protection Regulation (GDPR).
- 2 The full audit report was presented to Members at the February 2024 meeting, at which Members agreed to receive this interim progress report.
- 3 The audit focussed on 3 areas: Governance and Accountability, Data Breach Management and Records Management. The first 2 areas received reasonable assurance audit ratings whilst the latter received a limited assurance rating. This was in line with our own understanding, and the ICO acknowledged many of our pre-identified improvement actions. From the audit, there were in total 58 actions, although many relate to common themes which can be viewed in the appendix.
- 4 As at 13 September 2024, 22% of actions had been completed, 69% were in progress and 9% were still to be started. Whilst from a statistical perspective, this may not represent notable progress, this is due to the ICO applying a risk/ priority rating to their recommendations, and many of those priority recommendations requiring larger scale work.
- 5 As we enter into Autumn, we will begin to see the actions concluding in line with our action plan through the identified themes. As an example, the completion of 1 document will address in the region of 5 actions.

- 6 Members will note that 1 action (B.03) is reporting as overdue. This was caused by unfortunate staff absences within the team. However, to account for this, staff continue to work on those actions whilst we have allocated some actions that weren't due to start until September/October time to other staff within the team who were originally not contributing to the ICO Action Plan. This will ensure that the delay in being able to sign off actions that should have been completed by now doesn't impact on actions that have not been started, and overall put the action plan at risk. We are however conscious of staff wellbeing and ensuring staff working in high demand business as usual areas are not overwhelmed.
- 7 It is worth noting that all action deadlines are scheduled for completion by the end of October 2024 when the ICO are due to follow up their audit in December 2024. This allows for contingency time to close off any actions that are not complete by the end of October.
- 8 Members are asked to note that in relation to recommendations A.16, A.17, B.05 and some of B.19, these will be ongoing into 2025/2026, which we have made the ICO aware of. This is due to the scale of work and resources required from the IMG team, as well as needed contributions from already stretched Council Services. Furthermore, there are dependencies on longer term IT developments and strategic work programme actions to robustly implement these recommendations.
- 9 With the ICO revisiting in December 2024 to review progress, it is anticipated that a final ICO Audit Action Plan Update Report will be presented to Members at the February 2025 meeting alongside the annual Information Governance Assurance Report. Any actions still ongoing at that point, such as those listed at section 8 will be transferred into the Information Management Work Programme and progress reported through future Information Governance Assurance Reports.

What impact will this proposal have?

- 10 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.
- 11 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 requirements of the Audit Report 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

- 12 Improving the 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 recommendations contained in the Audit Report 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

- 13 Consultation on the development of the actions strategies, policies, procedures and standards have been 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.

What are the resource implications?

14 The efforts required to meet the requirements of the ICO Audit Recommendations to date have been substantial, whilst maintaining the existing service provision and progressing projects. However, with appropriate links into the People and Culture Board, any unmanageable pressures can be reported and managed. To date, most work has been absorbed by staff in the Information Management and Governance Team.

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 DPA18 and the Freedom of Information Act 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. This is 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.
- 16 Failure to meet the terms of the agreed ICO recommendations could result in further scrutiny by the ICO and could lead to further action such as enforcement action and reprimands. This is managed through an Audit Action Plan Steering Group which reports into the Information Management Steering Group, with further escalation to People and Culture Board. The Audit Action Plan Steering Group meets every 2 weeks to report and monitor progress. Any concerns can be escalated to the stated groups and the SIRO as required.
- 17 There is a corporate risk associated with Information Governance; LCC 26 - Information Management and Governance, and several associated Directorate level risks are also managed. These are updated and reported to appropriate leadership teams including the Corporate Leadership Team in line with the Council's Corporate Risk Framework.

What are the legal implications?

18 It is a legal requirement to comply 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.

Options, timescales and measuring success

What other options were considered?

19 N/A

How will success be measured?

20 Success will be measured by completion of the ICO Action Plan prior to the ICO undertaking their review. Further to the completion of the actions, success will be measured through an appropriate cyclical Information Assurance Framework from 2025 onwards.

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

21 The general timescale for the ICO Audit Action Plan is December 2024.

22 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

- ICO Audit Action Plan

Background papers

None