

NORTH LINCOLNSHIRE COUNCIL

POLICY AND RESOURCES CABINET MEMBER

INFORMATION GOVERNANCE POLICY FRAMEWORK UPDATE

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To consider and approve a series of updates to the council's Information Governance Policy Framework.
- 1.2 The key points in this report are as follows:
 - The council is required to undertake regular reviews of its information governance policies in order to demonstrate legally compliant practice and maintain its current Level 2 status in the annual NHS Information Governance Self Assessment.
 - A series of updates to specific information governance policies are proposed to reflect updated legislation and guidance.

2. BACKGROUND INFORMATION

- 2.1 Information is a key council asset and it is crucial that it is looked after with the same care as other important assets, such as finance, people and land/property.
- 2.2 The Information Governance Policy Framework comprises a series of specific policy and procedural schedules relating to the management and security of information and personal data.
- 2.3 Over the last year further significant progress has been made in improving and strengthening the council's Information Governance arrangements. As part of this on-going development work, a series of changes are proposed to the over-arching Information Governance Policy Framework. These are set out at Appendix 1.

3. OPTIONS FOR CONSIDERATION

- 3.1 Option 1: Adopt the updated Information Governance Policy Framework.
Option 2: Amend or reject the updated Information Governance Policy Framework.

4. ANALYSIS OF OPTIONS

- 4.1 Option 1 is recommended in order to ensure that new legislation and guidance is reflected in local policy and to provide timely compliance with

the imminent annual review of the NHS Information Governance Self Assessment.

5. RESOURCE AND OTHER IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)

- 5.1 Key directorate based staff with information governance responsibilities will be required to read and accept the conditions of the policy. They will also be instrumental in helping to implement the policy at directorate level. No additional resource impacts have been identified.
- 5.2 Failure to comply with information governance legislation can result in the Information Commissioner imposing fines of up to £500,000 as well as potential reputational damage as a result of any negative publicity.

6. OUTCOMES OF INTEGRATED IMPACT ASSESSMENT (IF APPLICABLE)

- 6.1 An Integrated Impact Assessment has been undertaken and no adverse impacts have been identified. The policy makes provision to meet the equality needs of individuals.

7. OUTCOMES OF CONSULTATION & CONFLICTS OF INTEREST

- 7.1 Consultation has taken place with the Senior Information Risk Owner who supports the progress and planned developments for information governance. Consultation has also taken place with the council's Internal Audit Team and Information, VFM & Improvement Group.

8. RECOMMENDATIONS

- 8.1 That the proposed changes to the Information Governance Policy Framework as detailed in appendix 1 are approved.

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Background papers used in the preparation of this report

ICO Guidance
NLC Information Governance Policy Framework
Relevant Legislation

Information Governance Framework

Summary of Proposed Changes

Framework Index

- Schedule 01 - Records Management Policy
- Schedule 02 - Humber Information Sharing Charter
- Schedule 03 - Internal Information Sharing Protocol
- Schedule 04 - Data Protection Act and Confidentiality Policy
- Schedule 05 - Caldicott Plan
- Schedule 06 - Freedom of Information Act Policy
- Schedule 07 - Environmental Information Regulations Policy
- Schedule 08 - Information Request Charging Policy
- Schedule 09 - Re-use of Information Policy
- Schedule 10 - Publication Scheme
- Schedule 11 - Information Complaints Policy
- Schedule 12 - Information Security Policy
- Schedule 13 - Security Incident and Data Breach Policy
- Schedule 14 - Information Security Classification Procedure
- Schedule 15 – Data De-identification Policy
- Schedule 16 – Data Quality Policy

Schedule 01 – Records Management Policy

The Records Management Policy has been updated to include changes to national Retention and Disposal of record guidelines, made as a result of the 2013 national project.

Schedule 02 – Humber Information Sharing Charter

No changes made as part of annual review.

Schedule 03 – Internal Information Sharing Protocol

No changes made as part of annual review.

Schedule 04 – Data Protection Act and Confidentiality Policy

The Data Protection Act Policy has been updated to include ‘confidentiality’ and is now called the Data Protection Act and Confidentiality Policy. Section 14 has been added to reflect the need for Privacy Impact Assessments (PIAs) and section 15 to update regarding the Caldicott Plan, specifically:

- A PIA should be carried out when major council decisions are made and before IT projects are carried out, to consider and resolve any potential breaches of confidentiality.
- The Caldicott Plan, currently under development will demonstrate that the releasing and sharing of patient and service user identifiable information is checked against seven Caldicott principles to ensure fairness and compliance with legislation.

Schedule 05 – Caldicott Plan

A Caldicott Plan is being produced to satisfy NHS Information Governance Self Assessment requirements and also to ensure that the release or sharing of patient or service user identifiable information is properly considered against the principles set out in Caldicott guidance. Work is ongoing with the Caldicott Guardians and other key employees and the final version of the plan is on target for completion by the end of March 2014

Schedule 06 – Freedom of Information Act Policy

Changes to the Freedom of Information Act (sections 11, 19 and 45) regarding datasets has resulted in additions to the Freedom of Information Policy sections 7, 8 and 11. These changes set out how we must:

- Provide information as a dataset if asked to do so, with a licence to allow re-use.
- To have a process in place to handle requests to re-use information.
- Publish datasets requested through our Publication Scheme and if possible keep them updated.

Schedule 07 – Environmental Information Regulations Policy

The Environmental Information Regulations Policy has been updated to include a reference to datasets. Although legislative changes relating to datasets are only in the Freedom of Information Act the recommendation by the Information Commissioner is that environmental datasets are considered in the same way.

Changes have been made to sections 8 and 11.

Schedule 08 – Information Request Charging Policy

Changes to the Freedom of Information Act (sections 11, 19 and 45) regarding datasets has resulted in additions to the Information Request Charging Policy. Changes have been made to section 6 to explain that when a dataset is released with a licence, generally this should be a free Open Government Licence, but there are times when a chargeable licence can be issued.

Schedule 09 – Re-use of Information Policy

The Re-use of Information part of the Framework previously existed only as a licence to request permission to re-use information. This has been updated to include new re-use legislation, brought in with the Freedom of Information Act dataset additions and to incorporate existing Re-use of Public Sector Information Regulation requirements.

A policy has been created entitled: 'Re-use of Information Policy' to cover the above.

Schedule 10 – Publication Scheme

The Publication Scheme has been updated at section 4 to include a section about the publishing of datasets released under Freedom of Information Act or the Environmental Information Regulations. The scheme is also being updated to take into account changes to the location of information on the council's website.

Schedule 11 – Information Complaints Policy

The Information Complaints Policy has been updated to include complaints relating to requests to re-use the council's information, including re-use of dataset information. Changes have been made to section 1 and 3 to make reference to these complaints. Changes to section 5 and appendix 1 set out the different appeal process for re-use of information complaints.

Schedule 12 – Information Security Policy

The Information Security Policy has had changes made to reflect different in working practices/national guidance.

- Section 8 (Systems and Software) on the use of portable devices in USB ports has been updated to note new council restrictions
- Section 8 (Information Security Classification Scheme) on the Government Protective Marking Scheme is now called the Information Security Classification Procedure to take into account changes to national guidance.

Schedule 13 – Security Incident and Data Breach Policy

No changes made as part of annual review.

Schedule 14 – Information Security Classification Procedure

No changes made as part of annual review.

Schedule 15 – Data De-identification Policy

No changes made as part of annual review.

Schedule 16 – Data Quality Policy

No changes made as part of annual review.

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