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ICO Data Protection Audit - Action Plan

Controller	Sheffield City Council
Report Date	Jun-23

	Audit Action Plan								Audit Action Plan Update			
Ref	Control measure	Non-conformity	Recommendation	Priority	Accept / Partially Accept / Reject	Agreed Action	Implementation Date	Owner	Update at xx months	Update at xx months	Action Status	Evidence item(s) provided
A.2.	Individual responsibility has been assigned to ensure compliance with FOI/EIR.	Within SCC's central IM Team, clear roles and responsibilities have been assigned in relation to the handling of FOI requests and overall compliance. Staff members within service areas are also designated as 'service contacts', and are responsible for providing responses to requests issued by the IM Team. However, during interviews with staff from various service areas, it became apparent that being able to provide responses often relied on information from members of staff within service areas who are not designated service contacts. This may mean that responsibility for handling requests is not always assigned to the correct personnel. This is likely to lead to delays, which may result in statutory deadlines being	SCC should carry out a review of service contacts to determine whether requests issued to service areas are being handled by the most appropriate personnel.	Low	Accept	FOI Team to audit Service Contacts and update with the support of each Service. Already started.	Sep-23					#REF!B2: N15:N11: N26:N10: H
A.3.	Sufficient resources are assigned to the handling of requests for information to ensure response within the statutory timescales	SCC has adopted a 'centralised' model for handling FOI requests. Incoming requests are triaged by a central IM Team, who allocate these to the service areas within the organisation which are likely to hold relevant information. These service areas then have 10 days to locate and return any relevant information to the IM Team, who are responsible for applying exemptions and redactions (where necessary) before issuing a response. The IM Team has a staffing level of just 2.25 FTE, which is relatively low given the size of SCC and volume of FOI requests it receives. In interview, it was established that temporary staff have been required on one occasion to help address backlogs. The IM Team were	SCC should review the staffing level of the IM Team, with respect to its workload, and consider whether additional resource would help to eliminate existing backlogs and to avoid future backlogs. With more resources, the IM Team could also help to ensure that information is proactively published wherever possible, which would likely reduce the number of requests received by increasing transparency.	Urgent	Accept	Review of Information Management Team Operating Model to improve resourcing of information requests.	Jul-24					
A.4.	The organisation has an ICO approved publication scheme in place.	SCC has adopted the ICO's Model Publication Scheme and publishes information in line with this scheme via its own website, and via a collaborative website called Data Mill North. In interview, it was found that SCC charges fees in some cases for the release of environmental information made available under its publication scheme. However, SCC has not published a schedule of fees alongside its publication scheme, meaning that fees charged for the release of any information under the scheme are in breach of Regulation 8 of the EIR. During interviews, it also became apparent that SCC has fallen behind in its proactive publication of information in some areas. A backlog of previous FOI responses which were intended for publication was	**A.4.a.** SCC must publish a schedule of fees if it is to continue charging fees for any information made available under its publication scheme, whether under the FOI or EIR. **A.4.b.** SCC should address any backlogs of information that it has committed to publishing proactively. Information intended for publication should be published within a reasonable timescale.	High	Accept	A.4.a IM to liaise with Legal to publish charging fees A.4.b IM to implement new case management system to automate publishing. SCC to consider staffing resource to publish previous requests	A.4.a - 01/09/2023 A.4.b 01/07/2024 (part of review of operating model)					

A.5.	Policies and procedures are in place which explain the organisation's approach to, and responsibilities for, FOI and EIR regulations	SCC has an FOI and EIR policy, as well as a standard operating procedure. There are also other supporting procedures in place which cover administrative aspects of handling requests. However, these policies and procedures don't cover the handling of requests within service areas, with respect to the process involved in locating and retrieving information. Only one procedure was seen which outlined the handling of requests within a service area, with the document metadata showing that this had only recently been created. Whilst evidence was seen during interviews that service areas had their own request trackers and systems in place, there was no evidence that staff in these areas were following documented processes. A	SCC should ensure that service areas have documented processes in place so that requests are handled consistently. Processes should outline the searches that are likely to be necessary and the personnel that may need to be consulted.	Medium	Accept	FOI Team to work with Services to document their process comprehensively with reference to the nature of their information and information systems.	01/10/23					
A.6.	Policies and procedures for FOI/EIR account for personal information and how it should be dealt with	During interviews various members of staff displayed a good level of awareness of how requests for personal data should be handled, and of the need to redact personal data from FOI responses in most cases. However, SCC's FOI procedures don't provide any guidance on how requests for personal data of both the requester and others ('hybrid requests') should be handled. This creates a risk of inappropriate disclosures of personal data.	SCC should update its FOI procedures to account for hybrid requests so that these are handled correctly and according to the ICO's guidance.	Low	Accept	To revise the FOI SoP for this purpose.	31/07/23					
A.7.	The organisation maintains a documented record of their receipt and handling of requests	SCC maintains records of its receipt and handling of requests across three systems; an Outlook inbox, a platform called '4me' which is used to track the progress of request handling, and a Sharepoint area which is used to store original and redacted versions of documents where necessary. Whilst SCC is able to maintain adequate records in this way, it became clear during interviews that this is not the most effective or efficient way to do so. Interviewees explained that the '4me' platform used to track requests was more suited for use by IT service desks, and that it had been difficult to extract to necessary data from this platform to effectively monitor the handling of FOI requests. Interviewees	SCC should continue with its work to identify a suitable casework management system and implement this as soon as possible.	High	Accept	3 case management systems shortlisted following research. Final review underway and procurement exercise being prepared. Budget being sourced.	01/07/2024, linked to Op.Model					
A.8.	There are mechanisms to monitor the quality of responses to requests	SCC's Freedom of Information Standard Operating Procedure sets out criteria by which responses from service areas are assessed. Final responses prepared by an Information Access Officer (IAO) are also reviewed by an Information Management Officer (IMO) to provide assurance on the application of exemptions and redactions. However, there are no formal mechanisms or documented processes in place to monitor and ensure the quality of final responses issued by the IM Team. Without more formal quality assurance measures, responses to requests may be inconsistent and SCC may receive a higher number of complaints.	SCC should introduce further, documented quality assurance measures to be applied to final responses issued by the IM Team.	Low	Accept	To update the SoP quality assurance measures to be applied by final responses. Review of Information Management Team Operating Model to improve resourcing of information requests to ensure monitoring of quality assurance.	01/12/23					

A.9.	The organisation is complying with statutory timescales for FOI/EIR regulations.	SCC is making significant efforts to improve compliance with statutory timescales for FOI and EIR regulations. Urgent priority has been given to a delivery plan to improve performance in this area and organisation-wide efforts have been made in support of this plan. However, compliance with statutory timescales is still unsatisfactory on the whole, according to the ICO's criteria. The ICO audit has identified two factors which are likely to be affecting performance. Firstly, SCC doesn't appear to have sufficient insight as to where delays occur and backlogs accumulate. Service areas have a 10 day internal deadline to provide their response to an FOI request to the IM Team. However, adherence to this	**A.9.a.** SCC should monitor service areas' compliance to the 10 day internal deadline. Compliance should be reported to the appropriate oversight board or committee. Where a service area is routinely missing this deadline, action should be taken to assist this service area in improving its compliance. **A.9.b.** SCC should ensure that FOI is considered from the outset where new policy initiatives are to be introduced or where significant events can be anticipated. In these cases, SCC should put a plan in place to proactively publish relevant information.	Urgent	Accept	Review of Information Management Team Operating Model to improve resourcing of information requests.	01/07/2024 Review of Operating Model completed by Jul 24
A.10.	Internal review procedures comply with the relevant Codes of Practice and ensure that timely responses are provided to complaints.	SCC has a procedure in place for internal reviews, which sets out that these should be carried out by a member of the IM Team who was not involved in processing the initial request. However, the procedure also states that the majority of internal reviews will be handled by an IMO. There is only one IMO within the IM Team who works on FOI, and during interviews it became clear that they typically provide input to the handling of requests. Therefore, it's unlikely internal reviews are handled by a member of the IM Team who was not involved in processing the initial request. This means that the outcomes of internal reviews are less likely to be truly impartial, which may result in a higher number of complaints to the ICO. SCC did not provide evidence of	**A.10.a.** SCC should revise its procedure for handling internal reviews so that there is greater assurance that outcomes are impartial. The ICO recognises that limited resource is a factor which influences the current approach. The additional resource recommended in A.3. would also help to enhance the internal review process. **A.10.b.** SCC should ensure that internal reviews are formally logged within a log of complaints or similar, so that their progress and outcomes can be monitored.	High	Accept	A10.a - This will be linked to the new Operating Model, where we are reviewing resource. A10.b - Log of complaints is being updated.	Jul 24 as linked to Operating Model
A.11.	Exemptions/Exceptions should be applied on a case-by-case basis, by appropriately trained staff, with no evidence of the use of blanket exemptions/exceptions.	Whilst SCC's 'centralised' approach to handling FOI requests means that staff from across the organisation are involved in this process, only staff within the IM Team may apply exemptions. The staff within this team have received training and have significant experience in this area. However, there is concern that some of the resources available to this team may not be explanatory and expansive enough to ensure that exemptions are always applied with consideration of all the key criteria. This creates a risk that the exemption may be applied without proper consideration, and that information may be wrongly withheld.	SCC should revise the resources available to its IM Team covering the application of exemptions. Any and all resources of this kind should set out all of the key criteria to fulfil before applying a particular exemption.	High	Accept	Will update the documentation and publish to Sharepoint.	31/07/23
A.12.	There is evidence of an oversight or approval process for the use of exemptions/exceptions.	In general, exemptions are applied by an IAO within the IM Team, with the daily oversight and assistance of an IMO. In complex cases, approval is also sought from the IM Team manager. In order to apply the exemption under Section 36 (Prejudice to the effective conduct of public affairs), the input of SCC's Monitoring Officer is sought. As SCC's 'qualified person' under Section 36, the Monitoring Officer needs to provide their reasonable opinion that the exemption is engaged. A submission is sent to the Monitoring Officer by the IM Team when they require this opinion. However, evidence seen by the ICO raises concerns that this submission may not always provide the detail required for the Monitoring Officer to be able to form a reasonable	SCC should introduce a process for submissions to the Monitoring Officer for the purpose of applying Section 36. This process should ensure that submissions always include all of the information to which the exemption would be applied, a thorough explanation of what would be prejudiced or inhibited and how, and any other information relevant to the context and circumstances of the request.	Medium	Accept	The form will be reviewed and amended to ensure it is more explanatory. A process will be written to sit alongside the form to support the staff submitting the form to the Monitoring Officer	01/09/23

Ref	Finding	Detail	Recommendation	Priority		Response		Date						
A.13.	There is an induction training programme, with input from Information Governance or equivalent, which includes general training on how FOI/EIR applies to the organisation, what they currently do to comply, and how to recognise an FOI/EIR request.	SCC has mandatory induction training for all staff on data protection and handling information, which in part also covers FOI. This training must be completed by all staff and refreshed annually, or access to systems is revoked. Unfortunately, the content of this training was not provided as part of the evidence submitted by SCC, but it is clear from other evidence submitted that this training does not provide extensive guidance on FOI. Moreover, the training would seem to focus on handling information from a data security perspective, rather than an information management perspective. Training staff to manage information effectively is likely to assist in improving overall FOI compliance, as service areas should be able	**A.13.a.** SCC should introduce separate, mandatory training for all staff covering FOI and information management. The training should provide staff with a basic understanding of FOI and how they need to store and handle information so that requests can be fulfilled. **A.13.b.** The FOI and information management training should be refreshed at least every two years. **A.13.c.** Completion of the FOI and information management training should be monitored to ensure that this is completed by all staff.	High	Accept	A13.a - All staff must engage with the yearly mandatory training in data security and protection. Up to and including 2022, it did include FOI. In 2023 SCC used an off the shelf product that did not include FOI. We will include it in our bespoke course from 2024. The bespoke course will be greater in depth, to ensure staff are reminded on the importance of being able to store, locate and retrieve information effectively. A.13.b. - We will review every 2 years A.13.c - Staff training is monitored by the Learning and Development Team,	01/10/23						
A.14.	There is specific training for staff with responsibility for handling requests for information, on FOI, EIR and Codes of Practice.	Members of SCC's IM Team have undertaken specific training to provide them with knowledge and expertise required to carry out their role, in particular around applying exemptions. However, service contacts also have specific responsibility for handling requests for information, and do not receive any additional training to support this. In particular, service contacts are responsible for identifying where the cost of complying with a request would exceed the appropriate limit (Section 12). Without training or guidance on this, there is a risk that requests could be refused under Section 12 inappropriately.	SCC should provide additional training to service contacts to ensure that they are aware of their responsibilities and have the knowledge required to carry out their role effectively. The training should cover the application of Section 12. The ICO has produced guidance on this which may help inform the content of this training.	Medium	Accept	Useful feedback that we are keen to implement.	01/10/23						