

# Sheffield City Council

## Data protection and Freedom of information audit report

Executive summary  
August 2015

## 1. Background

The Information Commissioner is responsible for enforcing and promoting compliance with the Data Protection Act 1998 (the DPA). Section 51 (7) of the DPA contains a provision giving the Information Commissioner power to assess any organisation's processing of personal data for the following of 'good practice', with the agreement of the data controller. This is done through a consensual audit.

The Information Commissioner's Office (ICO) sees auditing as a constructive process with real benefits for data controllers and so aims to establish a participative approach.

Sheffield City Council (the Council) has agreed to a consensual audit by the ICO of its processing of personal data.

An introductory meeting was held on 13 June 2014 with representatives of the Council to identify and discuss the scope of the audit. At that meeting it was established that the Council had recently implemented new Council-wide processes for handling both Subject Access Requests (SARs) and Freedom of Information Requests, it was therefore agreed that the ICO's site visit would be postponed from August 2014 to March 2015.

## 2. Scope of the audit

Following pre-audit discussions with the Council, it was agreed that the audit would focus on the following areas:

**a. Freedom of Information Governance** - The extent to which responsibilities, policies and procedures, performance measurement controls, and reporting mechanisms to monitor compliance with the Freedom of Information Act 2000 (FOIA) and the Environmental Information Regulations 2004 (EIR) are in place and in operation throughout the organisation.

**b. Subject Access Requests** - The procedures in operation for recognising and responding to individuals' requests for access to their personal data.

**c. Data Sharing** - The design and operation of controls to ensure the sharing of personal data complies with the principles of the Data Protection Act 1998 and the good practice recommendations set out in the Information Commissioner's Data Sharing Code of Practice.

### 3. Audit opinion

- 3.1 The purpose of the audit is to provide the Information Commissioner and the Council with an independent assurance of the extent to which the Council, within the scope of this agreed audit is complying with the DPA.
- 3.2 The recommendations made are primarily around enhancing existing processes to facilitate compliance with the DPA.

<b>Overall Conclusion</b>	
<b>Limited assurance</b>	<p>There is a limited level (medium priority) of assurance that processes and procedures are in place and are delivering data protection compliance. The audit has identified considerable scope for improvement in existing arrangements to reduce the risk of non-compliance with the DPA.</p> <p>We have made one reasonable (Freedom of Information -Low Priority) and two (subject Access and Information Sharing - Medium Priority) limited assurance assessments where controls could be enhanced to address the issues which are summarised below and presented fully in the 'detailed findings and action plan' in section 7 of the audit report.</p>

## 4. Summary of audit findings

### **Areas of good practice**

There are a series of automatic chasers, (2 sent via email, with a final phone call) to the allocated manager of an FOI request, to ensure that information is returned in a timely fashion. If no response is received within 15 days the request is escalated to the Information and Knowledge Management Team for further action.

Subject access requests are initially received by a dedicated Business Support Team who are responsible for ensuring that the requestor has provided the requisite fee and necessary information before passing it to the relevant service.

At local level the Multi Agency Group for Information Sharing has developed a good process for the development of information sharing agreements for the Children's and Young People's Department.

### **Areas for improvement**

There is no consistent reporting of FOI or SAR performance to the Information Governance Board or the Information Governance Working Group.

The council has a number of e-learning modules which are delivered to staff on induction and refreshed annually thereafter. A module on Information Access was amongst these but has recently been removed from the list of core modules as it conflicts with the new FOI process.

The council does not currently have a comprehensive central log of information sharing agreements in place and there is no corporate level process for reviewing information sharing agreements on a periodic basis to ensure they are still fit for purpose.

There is no one within the Knowledge and Information Management Team specifically assigned operational responsibility for information sharing for the Council.

Privacy Impact Assessments are not completed for new information sharing agreements to ensure that privacy risks have been identified and mitigated prior to the commencement of sharing.

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**The matters arising in this report are only those that came to our attention during the course of the audit and are not necessarily a comprehensive statement of all the areas requiring improvement.**

**The responsibility for ensuring that there are adequate risk management, governance and internal control arrangements in place rest with the management of Sheffield City Council.**

**We take all reasonable care to ensure that our audit report is fair and accurate but cannot accept any liability to any person or organisation, including any third party, for any loss or damage suffered or costs incurred by it arising out of, or in connection with, the use of this report, however such loss or damage is caused. We cannot accept liability for loss occasioned to any person or organisation, including any third party, acting or refraining from acting as a result of any information contained in this report.**