Report to: **Audit and Governance Committee**

Date of Meeting 18 January 2024

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

Information Governance

Report summary:

To seek the approval of the Committee to the creation of an Information Governance Board to provide direction and guidance across the organisation for data protection and information governance activities, including the production by the Board of an annual report to the Committee. To also seek the approval of the creation of an Information Governance Working Group to discuss and coordinate data protection and information governance activities at an operational level. Finally, to recommend the appointment of the Monitoring Officer as the Senior Information Risk Owner for Information Governance.

Is the proposed decision in accordance with:

Budget   Yes ☒ No ☐

Policy Framework   Yes ☒ No ☐

Recommendation:

1. To approve the creation of an Information Governance Board and Information Governance Working Group and that the Committee nominate one member of the Committee to the Information Governance Board.
2. That the Committee approve the Terms of Reference for the Information Governance Board attached at Appendix A to this report.
3. That the Audit and Governance Committee Terms of Reference be amended as part of the Monitoring Officer's review of the Constitution, to include explicit reference to oversight of Information Governance. Such changes to be made in consultation with the Chair of the Committee and recommended to Annual Council.

To recommend to Council:-

4. That the Director of Governance and Licensing be designated as the Council's Senior Information Risk Owner in place of the Director of Finance

Reason for recommendation:

The proposals in this report will ensure that the Council has robust oversight of Information Governance matters.

Officer**:** Melanie Wellman, Director of Governance and Licensing and Monitoring Officer
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Portfolio(s) (check which apply)**:**
☐ Climate Action and Emergency Response
☐ Coast, Country and Environment
☐ Council and Corporate Co-ordination
☐ Communications and Democracy
☐ Economy
☐ Finance and Assets
☐ Strategic Planning
☐ Sustainable Homes and Communities
☐ Culture, Leisure, Sport and Tourism

Equalities impact Low Impact

Climate change Low Impact

Risk: Medium Risk;

Links to background information

Link to Council Plan

Priorities (check which apply)

☐ Better homes and communities for all
☐ A greener East Devon
☒ A resilient economy

Report in full

1.1 The Information Commissioner ("ICO") produces guidance on accountability and governance through an Accountability Framework ("the Guidance"). That Guidance makes a number of recommendations regarding leadership and oversight of information governance. The Guidance refers to having two groups, an oversight (strategic) group and an operational group.

1.2 The oversight group is to provide direction and guidance across the organisation for data protection and information governance activities. It is described as a group with a clear terms of reference, chaired by the Senior Information Risk Owner ("SIRO") or Data Protection Officer ("DPO"). The group to consider a full range of data protection-related topics including KPI's, issues and risks. Meetings to be minuted and there should be a work plan that is monitored regularly. The Guidance states that the board or highest management level should consider data protection and information governance issues reported by this strategic oversight group.

1.3 The operational group is to meet to discuss and co-ordinate data protection and information governance activities. It should be attended by staff regularly, have minutes and action plans and report issues and risks to the oversight group.

1.4 Whilst the Council has robust data protection procedures in place, at present there is no structured oversight of information governance. To ensure that we are compliant with the Guidance, it is proposed that the following is set up: -

- ➢ **An Information Governance Board** to act as the oversight group. This Board to be made up of:-
    - ○ the SIRO,
    - ○ the DPO,
    - ○ Portfolio Holder nominated by the Leader,
    - ○ Lead for Corporate HR,
    - ○ Representative of Strata,
    - ○ Lead for Corporate Communications and IT,
    - ○ Representative from the Audit and Governance Committee.

    The Terms of Reference to include strategic oversight of data quality, information security, information compliance, records management, training and information sharing/data transparency. A draft Terms of Reference for member approval is attached at Appendix A to this report. The Board to meet on a quarterly basis, to be chaired by the SIRO and to provide an annual report on the work of the Board to the Audit and Governance Committee

- ➢ **An information governance working group** to act as the operational group to be made up of the DPO, Assistant Directors (and a manager from any areas reporting directly into a Director) to consider day to day operational issues in relation to information governance including data retention, data breaches, data compliance and data transparency. This group to meet on a bi-monthly basis and to report any issues of concern to the Information Governance Board via the DPO. Meetings to be chaired by the Data Protection Officer.

1.5 Many Councils already have an Information Governance Board including Somerset Council, , South Lakeland Council, Wolverhampton, Dorset and Hounslow Councils. Some of these are "all" officer Boards and some include members. As Data Protection is such a key governance issue, it is recommended that having a Portfolio Holder and member of the Audit and Governance Committee on the Information Governance Board will ensure appropriate member oversight. This will also help to raise awareness of data protection issues across the wider membership.

1.6 Whilst information governance sits with this Committee, there is currently no reference of this in the Committee's Terms of Reference. In the circumstances, it is also recommended that the Audit and Governance Committee Terms of Reference be amended as part of the Monitoring Officer's review of the Constitution, to include explicit reference to oversight of Information Governance. Such changes to be recommended to Annual Council.

1.7 The Director of Finance is currently the SIRO with oversight in relation to information governance matters. As information governance sits with the Director of Governance and Licensing, the Executive Leadership Team considers it more appropriate for this role to transfer to the Director of Governance and Licensing. Members are therefore invited to recommend this change in appointment to Full Council for approval.

1.8 The proposals in this report, if endorsed, will ensure that the Council has robust arrangements in place to ensure appropriate oversight of information governance moving forward.

Financial implications:

There are no direct financial implications from the recommendations in this report.

Legal implications:

There are no substantive legal issues to be added to this report

Information Governance Board

Terms of Reference

Membership

- o Senior Information Risk Owner,
- o Data Protection Officer,
- o Portfolio Holder for Data Protection,
- o Lead for Corporate HR,
- o Representative of Strata,
- o Lead for Corporate Communications and IT,
- o Representative from the Audit and Governance Committee.

Quorum: 3

Terms of Reference:

- Developing an Information Governance strategy and monitoring its effective delivery;
- Identifying and managing information risks;
- Maintaining an Information Asset Register and Record of Processing Activity and supporting associated data asset owners;
- Oversight of information sharing arrangements;
- Receiving reports of information data breaches and security incidents and identifying and implementing areas for improvement;
- Receiving and monitoring the Councils performance in responding to Freedom of Information, Environmental Information Regulation and subject access requests
- Monitoring the Council's Transparency Code compliance;
- Monitoring trends in relation to requests for information
- Producing an annual report to the Executive Leadership Team and the Audit and Governance Committee on the work of the Board