



Committee and date

Audit Committee

18 June 2010

10.00 am

Item No

**13**

Public

## VISIT BY THE INFORMATION COMMISSIONER'S OFFICE

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### Summary

This report updates Members on the recent visit to the Council by officers of the Information Commissioner's Office.

### Recommendations

Members are asked to note the Council's ongoing work in relation to Information Governance and the views of the Information Commissioner's Office.

## REPORT

### Background

1. The Information Commissioner's Office is responsible for the enforcement of the Data Protection Act within the UK.
2. Following notification by the Council of a second breach of personal information, the Information Commissioner's Office (ICO) made arrangements to visit the Council on 26 May 2010.
3. The two reported data breaches relate to:
  - Loss of a password protected but unencrypted memory stick belonging to the Community Services START team containing information relating to 3,554 social care clients and 188 members of staff.
  - Manual CRB application forms relating to 95 individuals which cannot be accounted for. The forms were identified on Council systems as being dispatched on the 21 October 2009 but never arrived at CRB offices.

4. Following the first incident, the Council agreed to implement a number of measures in a Letter of Undertaking with the ICO (see **Appendix A**). During this period the second breach took place.

### **Council Activities**

5. The Council has been undertaking a range of actions in relation to the protection of personal information. A number of these activities were initiated prior to the first data breach and have been supplemented by further work to make the protection of personal information more robust.
6. The actions taken by the Council include the following:
  - The Information Governance Group (IG Group) has been revised. It is now chaired by the Director of Resources, the Council's Senior Information Risk Owner (SIRO), and has directorate representation at Assistant Director level.
  - External bulk transfers of personal data are required to be approved by Directors.
  - All laptop computers are being encrypted. As of 18 May, 1,268 laptops have been encrypted. All new laptops are being encrypted as a standard procedure.
  - The Council has withdrawn the use of all unencrypted memory sticks. Confirmation is being sought from Directorates that no personal data is being stored on unencrypted memory sticks.
  - Corporate Risk Assessment programme has been undertaken. This has identified Information Asset Owners (an information asset owner being the person responsible for data within a particular service area).

Based on a risk assessment checklist, each information 'owner' has identified any areas for improvement with a supporting action plan.

- New online data handling training modules have been made available for staff to complete. The training is mandatory for all staff handling personal information. As of 8 June, 1,919 members of staff have completed the Level One training module with 249 managers completing the Level Two module.

## ICO Visit

7. Two representatives of the ICO visited the Shirehall on 26 May and met with the Chief Executive, Director of Resources and other officers to discuss the data breaches and progress against actions included in the Letter of Undertaking. The ICO staff also visited the HR office where the CRB forms are processed to observe current CRB processing procedures.
8. The Council agreed a further set of actions to improve the security of personal data which were welcomed by the ICO. These are summarised as follows (please also refer to **Appendix B**):
  - Progressing the implementation of CRB e-bulk form processing services.
  - Seeking positive confirmation from Directorate representatives that no personal data is being stored on unencrypted memory sticks.
  - Undertaking an audit of external data transfers and the current back up arrangements of the START 'ALFIE' system. As well as introducing a standard check on all audits, checking data security with specific focus on personal data.
  - Providing guidance through our officer Information Governance Group (IGG) on how service areas should engage with contractors and ensure security of data.
  - Secure 'wheelie bins' for confidential shredding in HR services, in addition to our present confidential waste process.
  - Reviewing and updating guidance for staff taking personal data off site.
  - Circulating the Data Protection handbooks to high risk areas (payroll, personnel) and IGG representatives.
  - Arrange a follow up ICO Audit in the future.
9. The ICO concluded the visit by stating that they considered the Council's remedial measures to be proportionate to the risk to personal data and that formal regulatory action was not considered appropriate. Please refer to **Appendix C**.
10. The ICO also recognised the efforts made by the Council to secure personal data by encrypting laptop computers and removing unencrypted memory sticks from use. The ICO advised that the deadline for completion of these activities would be extended to the end of September 2010 and the Letter of Undertaking would be amended accordingly.

**List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)**

None

**Human Rights Act Appraisal**

The recommendations contained in this report are compatible with the provisions of the Human Rights act 1998

**Environmental Appraisal**

N/A

**Risk Management Appraisal**

Information Governance is part of the overall internal control arrangements and Risk Management process.

**Community / Consultations Appraisal**

N/A

**Cabinet Member**

Keith Barrow, Leader of the Council, and Brian Williams, Chairman of Audit Committee

**Local Member**

N/A

**Appendices**

Appendix A - Copy of Letter of Undertaking

Appendix B - Letter to the ICO - 28 May 2010

Appendix C - Response by the ICO - 1 June 2010