

**Report to:**

## **AUDIT COMMITTEE**

**Relevant Officer:**

Jonathan Pickup, Head of Information Governance  
(Data Protection Officer)

**Date of Meeting:**

30 September 2021

## **INFORMATION COMMISSIONER'S OFFICE DATA PROTECTION AUDIT**

### **1.0 Purpose of the report:**

1.1 To furnish the Audit Committee with a copy of the final executive summary report from the consensual audit undertaken by the Information Commissioner's Office (ICO) in April 2021. This audit was in relation to compliance with data protection and freedom of information legislation.

### **2.0 Recommendation(s):**

2.1 To note and acknowledge the 'high' assurance ratings across the three scope areas covered as part of the consensual audit. These areas consisted of governance and accountability, information security (security of personal data) and freedom of information.

### **3.0 Reasons for recommendation(s):**

3.1 To provide the Audit Committee with an oversight of and an opportunity to scrutinise the audit report.

3.2 Is the recommendation contrary to a plan or strategy adopted or approved by the Council? **No**

3.3 Is the recommendation in accordance with the Council's approved budget? **Yes**

### **4.0 Other alternative options to be considered:**

4.1 Not applicable, to note and acknowledge only.

### **5.0 Council priority:**

5.1 The audit by the Information Commissioner's Office is relevant to all Council priorities.

### **6.0 Background information**

6.1 The Information Commissioner's Office is responsible for enforcing and promoting compliance with data protection and freedom of information legislation in the UK.

6.2 Blackpool Council undertook a consensual audit by the ICO of its processing of personal data in April 2021. The primary purpose of the audit was to provide the ICO and Blackpool Council with an

independent opinion of the extent to which the Council (within the scope of the agreed audit) is complying with data protection legislation and highlight any areas of risk to compliance.

6.3 The audit assessed the risk of non-compliance with data protection legislation, the utilisation of ICO guidance and good practice notes and the effectiveness of data protection activities with specific reference to the agreed scope. The three areas of scope were governance and accountability, information security (security of personal data) and freedom of information.

6.4 Does the information submitted include any exempt information? **No**

**7.0 List of Appendices:**

7.1 Appendix 4(a) - Blackpool Council – ICO Final Executive Summary Audit Report – April 2021 (published <https://ico.org.uk/action-weve-taken/audits-and-overview-reports/>).

**8.0 Financial considerations:**

8.1 None.

**9.0 Legal considerations:**

9.1 Article 58(1) of the UK General Data Protection Regulation (UK GDPR) states that the Information Commissioner’s Office has the power to carry out investigations in the form of data protection audits. Section 129 of the Data Protection Act 2018 (DPA 18) also provides provision to carry out consensual audits. Additionally Section 146 of the DPA 18 allows the ICO, through a written ‘assessment notice’, to carry out an assessment of compliance with the data protection legislation.

**10.0 Risk management considerations:**

10.1 Failure to comply with the UK General Data Protection Regulation (UK GDPR) and Data Protection Act 2018 (DPA 18) can result in harm and distress being inflicted on individuals; as well as resulting in financial and reputational damage against the Council.

10.2 The Information Commissioner’s Office (ICO) has a range of enforcement powers including enforcement notices, prosecutions and monetary penalties of up to £20 million or four per cent of turnover (whichever is higher). As well as regulatory action, the UK GDPR stipulates that any person who has suffered material or non-material damage as a result of an infringement of this Regulation shall have the right to seek compensation.

**11.0 Equalities considerations:**

11.1 None.

**12.0 Sustainability, climate change and environmental considerations:**

12.1 None.

**13.0 Internal/external consultation undertaken:**

13.1 None.

**14.0 Background papers:**

14.1 Blackpool Council – ICO Final Full Audit Report – April 2021.