

Report to:

AUDIT COMMITTEE

Relevant Officer:

Jonathan Pickup – Head of Information Governance

Tony Doyle – Head of Information Technology

Meeting:

21 July 2022

INFORMATION COMMISSIONERS OFFICE (ICO) AUDIT FOLLOW-UP

1.0 Purpose of the report:

1.1 To consider the final report from the Information Commissioners Office (ICO) after they followed-up the recommendations made as a result of their April 2021 inspection.

1.2 The initial outcome of the ICO inspection was reported to Audit Committee on 30 September 2021.

2.0 Recommendation(s):

2.1 To consider the progress made in implementing the recommendations made by the ICO in relation to:

- Governance and Accountability
- Information Security
- Freedom of Information

3.0 Reasons for recommendation(s):

3.1 To enable Audit Committee to consider an update and progress report of the ICO inspection recommendations.

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 N/A.

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.

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.

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.

A summary of the ICO findings was presented to Audit Committee on the 30 September 2021. Since then the ICO have revisited the Council to assess what progress has been made in implementing the recommendations and the findings are set out in the appended report.

- 6.2 Does the information submitted include any exempt information? No

7.0 List of Appendices:

- 7.1 Appendix 4(a): ICO Follow-up data protection audit report.

8.0 Financial considerations:

- 8.1 The controls being implemented have been done so within current budget constraints.

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.

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 Where equality analysis is appropriate these will have been undertaken whilst making decisions relating to the subject.

12.0 Sustainability, climate change and environmental considerations:

12.1 Any matters relating to sustainability, climate change and environmental considerations will be considered when making decisions relating to the subject.

13.0 Internal/external consultation undertaken:

13.1 The progress report has been prepared in conjunction with the relevant Heads of Service.

14.0 Background papers:

14.1 N/A.