

<b>For Information</b>	
<b>Public</b>	<b>Public</b>
<b>Report to:</b>	<b>Audit and Scrutiny Panel</b>
<b>Date of Meeting:</b>	<b>11<sup>th</sup> February 2016</b>
<b>Report of:</b>	<b>Deputy Chief Constable</b>
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<b>Agenda Item:</b>	<b>7</b>

## **Nottinghamshire Police Information Management Freedom of Information and Data Protection update.**

### **1. Purpose of the Report**

- 1.1 To provide the Audit and Scrutiny Panel with data on the legislative compliance of the Freedom of Information Act 2000 and Data Protection Act 1998.

### **2. Recommendations**

- 2.1 Members note the monitoring statistics for 2014 and 2015 in relation to information requests processed by Nottinghamshire Police in line with Freedom of Information and Data Protection legislation.

### **3. Reasons for Recommendations**

- 3.1 To enable the Audit and Scrutiny Panel to fulfil its scrutiny obligations to oversee and consider Freedom of Information and Data Protection Compliance.

### **4. Summary of Key Points**

- 4.1 Nottinghamshire Police registers annually with the Information Commissioners Officer in compliance with the Data Protection Act 1998 that requires every data controller (e.g. organisation, sole trader) who is processing personal information to register with the ICO, unless they are exempt.
- 4.2 Nottinghamshire Police as a public authority has a legal responsibility to respond to information requests received and processed in line with Freedom of Information Act (FOIA) and Data Protection legislation. These requests are processed and completed by the Information Compliance Team
- 4.3 The legislative deadlines for the Acts are:-
- Freedom of Information 20 working days
  - Data Protection Subject Access 40 calendar days

- 4.4 In the calendar year 2015 the Force has received 1170 valid Freedom of Information Act requests and 307 Data Protection Subject Access requests for local information from Force systems.
- 4.5 This is an increase of 9% for FOI and 42% for Subject Access in comparison to the previous reported figures in the same report of last year.
- 4.6 Nottinghamshire Police consistently appears in the upper quartile of all Forces with regard to the number of Freedom of Information requests received. No comparable national figures are collated for Data Protection Subject Access requests.

### **Information Compliance Team**

- 4.7 The Information Compliance Team is responsible for the operational day-to-day activities of the Data Protection and Freedom of Information compliance and disclosure functions including the co-ordination and administration of Court Orders served upon the Force.
- 4.8 Since August 2015 the team has comprised of 3 permanent FTE staff members including 1 Manager and 2 disclosure officers. This is a reduction of 1.8 FTE posts during the same reporting period in 2014, vacancies are being held awaiting the restructure of the wider Information Management team which was due as part of PBS and is now proposed to take place under DtF2 with an anticipated start date of March 2016. Further support to the team has been provided with a 0.5 FTE admin support and other members of the wider IM team taking some of the workload.
- 4.9 All team members liaise with Divisions and Departments across the Force to ensure that relevant material is disclosed in accordance with legislative requirements.
- 4.10 All members of the Information Compliance team have undertaken external training in Freedom of Information and Data Protection, which provides a formal recognised qualification.
- 4.11 Data Protection and Freedom of Information Performance data is monitored and managed by the Force Information Assurance Board (FIAB) on a quarterly basis; this board is chaired by the Deputy Chief Constable in her role as Senior Information Risk Owner (SIRO)

### **Freedom of Information**

- 4.12 The Force monitors compliance and provides quarterly statistics for Freedom of Information to the ACPO Central Referral Unit based in Hampshire. These

statistics are collated from all Forces including Police Scotland and the Metropolitan Police Service. Regional and national statistics are produced and circulated to all Forces on a quarterly basis. Results for Nottinghamshire can be seen in the attached chart at Appendix 1. References to the national position relates to the number of requests received during that period.

- 4.13 Freedom of Information Act requests have increased over the years since its inception ten years ago. All Forces have seen significant increases in FOIA requests and also the levels of complexity and the detailed numbers of questions asked.

### **Data Protection**

- 4.14 The Information Compliance team processes Data Protection Subject Access requests for information held by Nottinghamshire Police.
- 4.15 The information requested from the 'data subject' can vary between accessing incidents, crime reports and statements to interview tapes, CCTV images, information held by the Professional Standards Department, Human Resources, and Child Abuse Investigation Unit etc.
- 4.16 The main research is conducted by the Information Disclosure Officers, but the team also relies on specific departments and Officers obtaining information and supplying this to them. All documentation is then collated by the team, read and redacted of third party data and any exemptions applied in accordance with the rights of access to information under the Data Protection Act 1998, prepared for disclosure and sent to the applicant.
- 4.17 The length and complexity of each disclosure varies dependent on the applicant's involvement with Nottinghamshire Police. Obtaining CCTV footage, tape recorded interviews and dealing with large volume disclosures that require all information to be manually read and redacted, impacts on time taken to prepare the paperwork ready for disclosure. Whenever possible partial disclosures are made to the applicant before the deadline is reached.
- 4.18 There continues to be a significant increase to the number of Subject Access requests received, the results of which can be seen in the attached chart at Appendix 2. This increase is in part as a result of personal subject access being requested instead of other chargeable paths being used and also a National Injury Pension Review has resulted in many ex-officers requesting their personal files.

### **Court Orders**

- 4.19 The Information Compliance Team also have the responsibility for disclosures to Court orders which can be received from any court in the UK and Ireland for Child

Care, Private and Family Proceedings. In 2015 Nottinghamshire Police received 310 valid Court orders for disclosure; this is an increase of 30% on the number of orders received in 2014. Nottinghamshire Police figures for Court Orders 2014/15 can be seen in the attached chart at Appendix 3.

4.20 In all cases the Judge will determine a deadline for the Force to respond by, this can vary from less than 24 hours to several weeks. Failure to comply without the proper notification to the Court can result in an Officer being summoned to Court. In October 2013 there were changes to the time period for Child Care proceedings which reduced the time from an average of 52 weeks to a recommended 26 weeks; this placed more time pressures on the Local Authorities and the Courts which continues to introduce increasingly challenging response times for the team.

### Other Information requests

4.21 The Information Compliance Team also have the responsibility for many other types of disclosure, all of which have to comply with the principles of the FOI and DP legislation but may have different timescales. (See table below)

**Table of Data Protection General Requests**

Category	Description	Time scale
Insurance	Validation of details in relation to crimes for insurer to settle claim	30 working days
Home Office	UK Border Agency and Immigration requiring confirmation and details of Police involvement for those wishing to stay in the country	40 calendar days
Housing Confirmation	Local and Social housing requiring confirmation of the reason given by the person who has presented to them as homeless.	5 working days
Housing General	As above but require more specific detail	40 calendar days
Insurance Appendix E	Insurance companies requiring information in relation to a claim that they believe is fraudulent	40 calendar days
NHS	General Medical Council, Nursing Midwifery Council require details of a registered practitioner who has been involved with the police to consider their fitness to practice	40 calendar days
Legal proceedings	Private legal proceedings such as a personal injury claims	40 calendar days

Police	Request from other forces for information held by Nottinghamshire Police	No set timescale as soon as is practicable
Section 29 of the DPA	Requests from other prosecuting bodies such as DWP, local authorities and RSPCA	40 calendar days
Request total 2014	<b>446</b>	
Request total 2015	<b>415</b>	

## Income Generation from Information requests

4.22 The Information Compliance Team generate income from some types of information request. (See table below)

Income £	2014	2015
<b>SAR</b>	£1,727.10	£2,200.00
<b>Court</b>	£19,774.12	£16,856.15
<b>Insurance</b>	£11,219.50	£12,766.65
<b>Private Civil</b>	£3,875.95	£5,133.70
<b>DP Gen</b>	£1,427.10	£2,237.90
	<b>£36,296.67</b>	<b>£39,194.40</b>

## 5. Financial Implications and Budget Provision

5.1 There are no direct financial implications

## 6. Human Resources Implications

6.1 There are no direct human resource implications

## 7. Equality Implications

7.1 There are no equality implications

## 8. Risk Management

8.1 Not meeting the Forces legislative obligations under the Acts.

## **9. Policy Implications and links to the Police and Crime Plan Priorities**

9.1 N/A

## **10. Changes in Legislation or other Legal Considerations**

10.1 There are no legislation changes

## **11. Details of outcome of consultation**

11.1 Information Management in relation to Freedom of Information and Data Protection compliance is monitored through the Force Information Assurance Board (FIAB)

## **12. Appendices**

12.1 Appendix 1 – FOI Requests

12.2 Appendix 2 – Subject Access requests

12.3 Appendix 3 – Court Orders