

| <b>For Information</b>  |  |
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| <b>Report to:</b>       | <b>Audit and Scrutiny Panel</b>  |
| <b>Date of Meeting:</b> | <b>12 February 2015</b>  |
| <b>Report of:</b>       | <b>Deputy Chief Constable</b>  |
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| <b>Agenda Item:</b>     | <b>12</b>  |

## **INFORMATION MANAGEMENT REPORT**

### **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 2013 and 2014 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 2014 the Force has received 1070 valid Freedom of Information Act requests and 216 Data Protection Subject Access requests for local information from Force systems.
- 4.5 This is an increase of 24% for FOI and an 89% 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 The team comprises of 5 members of staff including 1 Manager, 3 disclosure officers and 1 administrative support.
- 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 In December 2013, Nottinghamshire Police invited ICO representatives to complete a consensual audit of their information processes. The outcome of the audit gave an overall rating of 'limited assurance' with areas of good practice and areas of improvement identified. A copy of the executive summary report of the Nottinghamshire Police audit is published on the ICO website.
- 4.11 Following the audit an improvement plan was put in place and a recent follow up by the ICO's office identified some improvements had been made but there are still some areas of concern.
- 4.12 Since the ICO audit all members of the Information Compliance team have undertaken external training in Freedom of Information and Data Protection, which provides a formal recognised qualification.
- 4.13 A restructure of the Information Management Unit, that contains the Information Compliance team, was due to take place following the departure of the previous Information Manager in April 2014. This has been delayed and is currently being reviewed in line with the potential implications and timescales of the Policing Business Services (PBS) Project which is the most

recent collaboration initiative between Nottinghamshire and Northamptonshire Police involving the review of corporate services.

- 4.14 The improvement plan for the ICO audit actions is monitored and managed by the Force Information Assurance Board (FIAB) on a quarterly basis; this board is chaired by the Deputy Chief Constable.

### **Freedom of Information**

- 4.15 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.
- 4.16 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**

- 4.17 The Information Compliance team processes Data Protection Subject Access requests for information held by Nottinghamshire Police.
- 4.18 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.
- 4.19 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.
- 4.20 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.

- 4.21 There has been 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 the changes to Legal Aid in April 2013 which resulted in individuals having to provide evidence of Police involvement in allegations of domestic violence and child abuse leading them to put in a subject access request to receive the relevant documentation.

### **Court Orders**

- 4.22 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 2014 Nottinghamshire Police received 237 valid Court orders for disclosure of which 99 were for Child Care Proceedings. Nottinghamshire figures for 2013-14 can be seen in the attached chart at Appendix 3.
- 4.23 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 has placed more time pressures on the Local Authorities and the Courts leading to increasingly challenging response times for the team.

### **Other Information requests**

- 4.23 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 |

| Category              | Description   | Time scale                                 |
|-----------------------|---|--|
| 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 2013    | <b>431</b>  |  |
| Request total 2014    | <b>332</b>  |  |

4.24 The reduction of the number of 'other' requests received during 2014 is in part due to a review of the Association of British Insurers (ABI) agreements which now requires specific justification requirements for validating claims, where previously more generic validation claims were acceptable.

## **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

## **13. Background Papers (relevant for Police and Crime Panel Only)**

13. No background papers have been provided