

For Information	
Public	Public
Report to:	Audit and Scrutiny Panel
Date of Meeting:	24 February 2021
Report of:	Deputy Chief Constable
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Agenda Item:	14

Nottinghamshire Police Information Management - Freedom of Information and Data Protection Information Requests update for calendar year 2020.

1. Purpose of the Report

- 1.1 To provide the Audit and Scrutiny Panel with data on the legislative compliance for Information Requests under the Freedom of Information Act and Data Protection Act legislation for calendar year January to December 2020

2. Recommendations

- 2.1 For Members to note the monitoring statistics for calendar year 2020 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 Information Request Compliance.

4. Summary of Key Points

4.1 Local Force Performance Figures

4.1.1 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 2000 and GDPR / Data Protection Act 2018 legislation. These requests are processed and completed by the Information Request Team.

4.1.2 The legislative timescales for responding to requests are:-

- Freedom of Information 20 working days
- Data Protection Subject Access 1 calendar month from receipt of request

4.1.3 The Information Request Team (IRT) comprises of:

- 1 x Information Request Team Leader and 9.6 x FTE staff members who process a significant volume and a wide variety of requests including Court Orders, FOI,

Subject Access Requests, Safeguarding Checks and Annual Data Returns (ADR) to the Home Office.

- The team is split into functional areas as follows:
 - 1 x FOI Request Officer – processes FOI requests only
 - 1 x Data Returns Officer whose role is split between conducting FOI Research using Business Objects and collating and send ADR’s to the Home Office
 - 4.6 x Information Request Officers – processes all data protection requests including Court Orders
 - 2 x Safeguarding Disclosure Officers - processing disclosure into the Family Justice System and conducting ‘Police checks’ on behalf of Local Authority Social Care Teams
 - 1 x Information Request Administrator – provides admin support and customer service to requestors.

4.1.4 Income Generation from Information requests:

- Income is generated from certain types of information request.
- Recent & previous budget figures are as below – these are calculated on a financial year and not on the calendar year:

Income £	2016	2017	2018	2019	2020
Total	£37,501.31	£43,187.08	£27,947.35	£69,241.50	£62,162 up to December 2020 – projected income is expected to be over £72,000 by end of March 2021

4.1.5 Mazars Audit on GDPR

An audit was undertaken by Mazars in December 2020 and we are awaiting the draft report. Early indications from the exit meeting are that the result is likely to be ‘Satisfactory Assurance’

The overall objective of the audit was to:

- update the risks and objectives relating to the GDPR processes within the Force following on from last year’s review and consider the progress made in implementing the recommendations.
- align with the ICO Controllers Checklist. The checklist is designed to help organisations, as a controller, assess their high level compliance with data protection legislation. Includes the rights of individuals, handling requests for personal data, consent, data breaches, and data protection impact assessments under the General Data Protection Regulations.

4.1.5 Local Performance Figures:

Every month each Force provides its local data the NPCC DP/FOI Central team for collation of performance figures for the ICO. The full dataset is then sent back to Forces, it is usually a couple of months behind therefore the most recent report covers Sept 2019 to October 2020.

These compliance figures do show that we have performed above the nationally set Police Mean Compliance rate for FOI's & SARs in October 2020.*

*The Police Mean Compliance rate is shown in the national datasets – see Tables 3 & 4 below

Table 1: Nottinghamshire Police FOI figures Sept 19 – Oct 2020

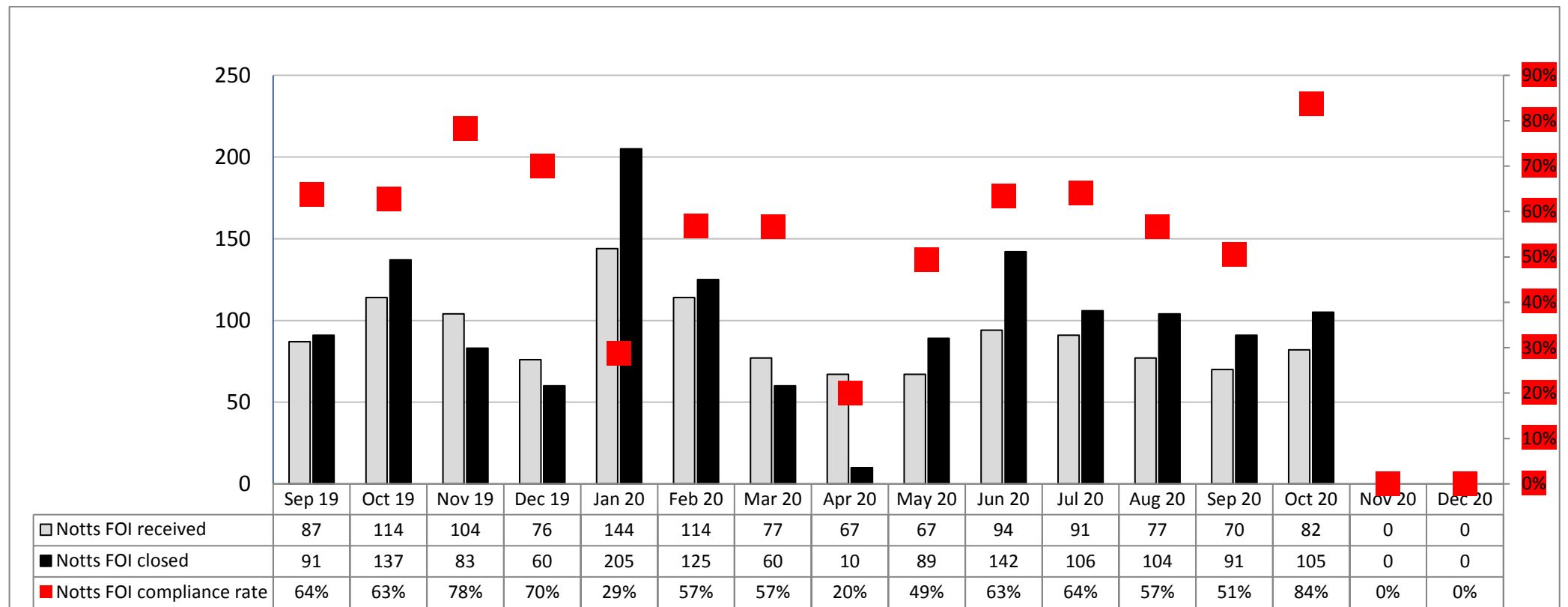
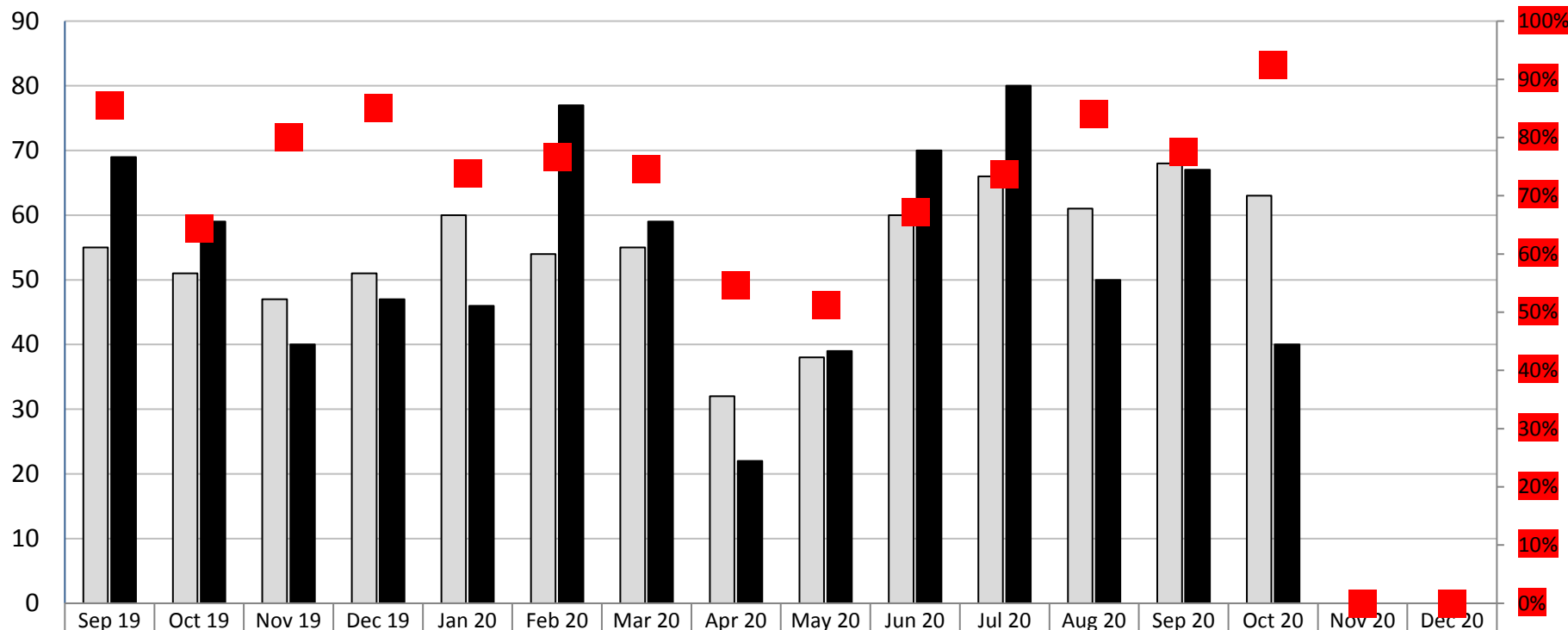


Table 2: Nottinghamshire Police SAR figures Sept 19 – Oct 2020



□ Notts SAR received	55	51	47	51	60	54	55	32	38	60	66	61	68	63	0	0
■ Notts SAR closed	69	59	40	47	46	77	59	22	39	70	80	50	67	40	0	0
■ Notts SAR compliance rate	86%	64%	80%	85%	74%	77%	75%	55%	51%	67%	74%	84%	78%	93%	0%	0%

4.2 National Police Service Performance

As part of the National DP/FOI dataset the NPCC have provided a breakdown of each Force performance on FOI & SAR timeliness compliance in June 2020 – a further 6 monthly comparison is expected for December 2020 and available later in Q1:

Table 3: National breakdown of FOI Request volume & compliance in June 2020

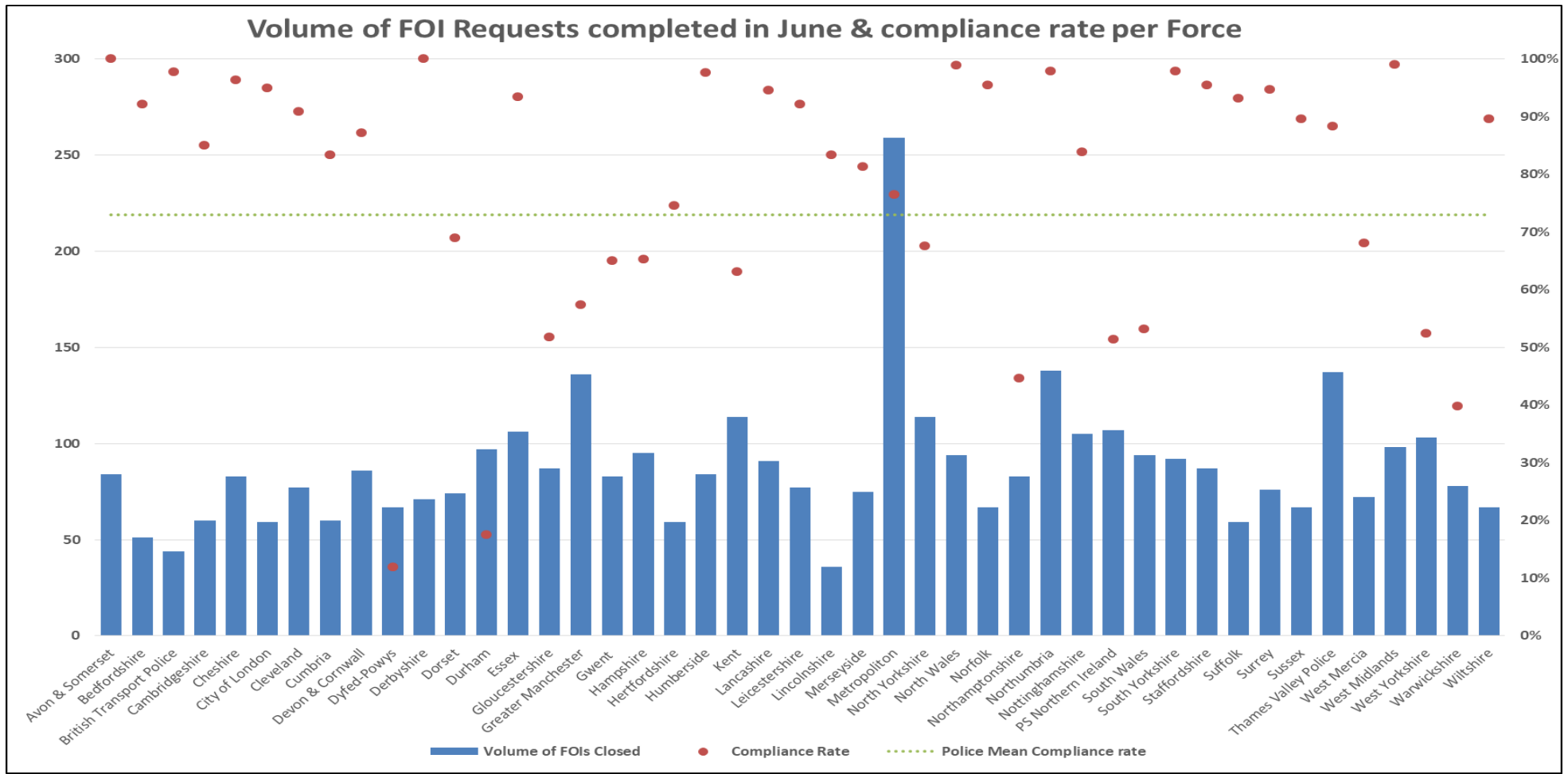
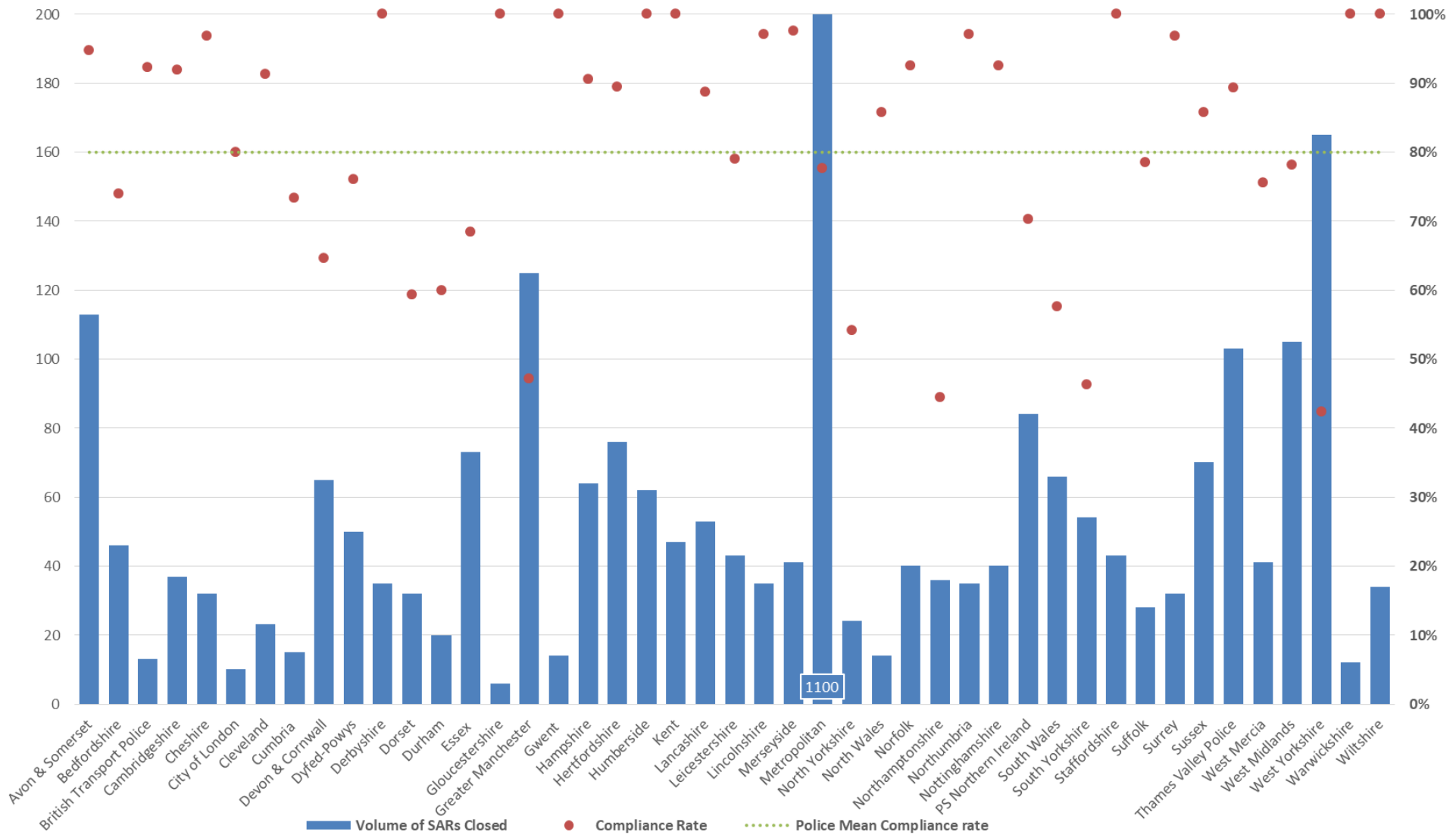


Table 4: National breakdown of SAR Request volume & compliance in June 2020

Volume of Subject Access Requests completed in June & compliance rate per Force



4.3 ICO Report : Timeliness of responses to information access requests by police forces in England, Wales and Northern Ireland - November 2020

4.3.1 In November 2020 the ICO produced a report as a result of monitoring timeliness compliance levels in the police sector. The ICO became aware that there were compliance concerns across the sector and undertook a programme of work to consider timeliness performance in detail. They monitored police forces for different periods of time; the earliest from June 2018 and they continue to monitor some to the present.

A link to the full report is available on request.

4.3.2 The detailed findings identify areas of good practice in meeting time limits for responding to Freedom of Information, Environmental Information and Subject Access requests from which other forces can learn. Their research has resulted in nine practical recommendations that the ICO consider will drive improvements.

4.3.3 The report also highlights failings. Police forces are improving, but many must do better. Where the ICO found particularly poor practice, they have taken action. The ICO have issued three forces with practice recommendations – Gloucestershire, Northamptonshire and North Yorkshire and have re-emphasised that failure to improve could result in further regulatory action.

4.3.4 Nottinghamshire Police's response to the ICO report is to incorporate the recommendations from the report with the recommendations from the GDPR Mazars Audit Report (see 4.1.5) to create an improvement plan that can be managed and monitored by DCC Barber as SIRO via the Information Management Board.

5 Financial Implications and Budget Provision

5.1 There are no direct financial implications for this year

6 Human Resources Implications

6.1 There are no direct HR implications for this year

7 Equality Implications

7.1 There are no equality implications

8 Risk Management

8.1 Any risks relating to the FOI/DP function are identified on the Information Management Risk Register and managed locally. The Senior Information Risk Owner (DCC Barber) monitors all relevant risks via the Information Management Board

9 Policy Implications and links to the Police and Crime Plan Priorities

9.1 Links to Police and Crime Plan 2018 – 2021:

- 9.1.1 **Transforming Services** and Delivering Quality Policing: The benefits of providing a good service to the public by responding to external DP and FOI requests fully and on time will support the Commissioners pledge to improve confidence and satisfaction in policing services. It will also reduce complaints to both the Information Commissioners office and PSD and reduce the resources required to respond to this failure demand.
- 9.1.2 **Demand for Service:** As stated in the PCP 2018-2021 “Calls for service to the Force remain significantly higher than average and are increasing in Nottinghamshire against the backdrop of reduced Police officer and staff capacity. The service also records more incidents than an average force” The higher demand recorded in Nottinghamshire aligned with the records management issues that sees the Force retaining data for longer periods, especially those relating to IICSA and UCPI, also increases the amount of data that needs to be searched on and returned when queried leading to additional time to read and redact requests appropriately.
- 9.1.3 **Governance & Accountability** As stated in the PCP 2018-2021 “To discharge this accountability the Commissioner and senior officers must put in place proper procedures for the governance and stewardship of the resources at their disposal” Both Data Protection and FOI legislation identify roles and responsibilities accountable for the legislative compliance against the Acts. The Information Commissioner would assess the governance processes in place if the Force was to come under their scrutiny following an event such as a number of complaints or a data breach.

10 Changes in Legislation or other Legal Considerations

- 10.1 The General Data Protection Regulations (GDPR) including the Data Protection Act 2018 is now applicable in the UK from 25 May 2018.

11 Details of outcome of consultation

- 11.1 No consultation took place in preparing this report

12. Appendices

- 12.1 No appendices

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

13. No background papers have been provided