

For Information	
Public	Public
Report to	Joint Audit and Scrutiny Panel
Date of Meeting:	30 September 2020
Report of:	Deputy Chief Constable
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Agenda Item:	13

Nottinghamshire Police Information Management - Freedom of Information and Data Protection Information Requests update for January to June 2020.

1. Purpose of the Report

1.1 To provide the Joint 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 January to June 2020

2. Recommendations

2.1 For members to note the monitoring statistics for January to June 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 Joint Audit and Scrutiny Panel to fulfil its scrutiny obligations to oversee and consider Freedom of Information and Data Protection Subject Access Request (SAR) Compliance.

4. Summary of Key Points

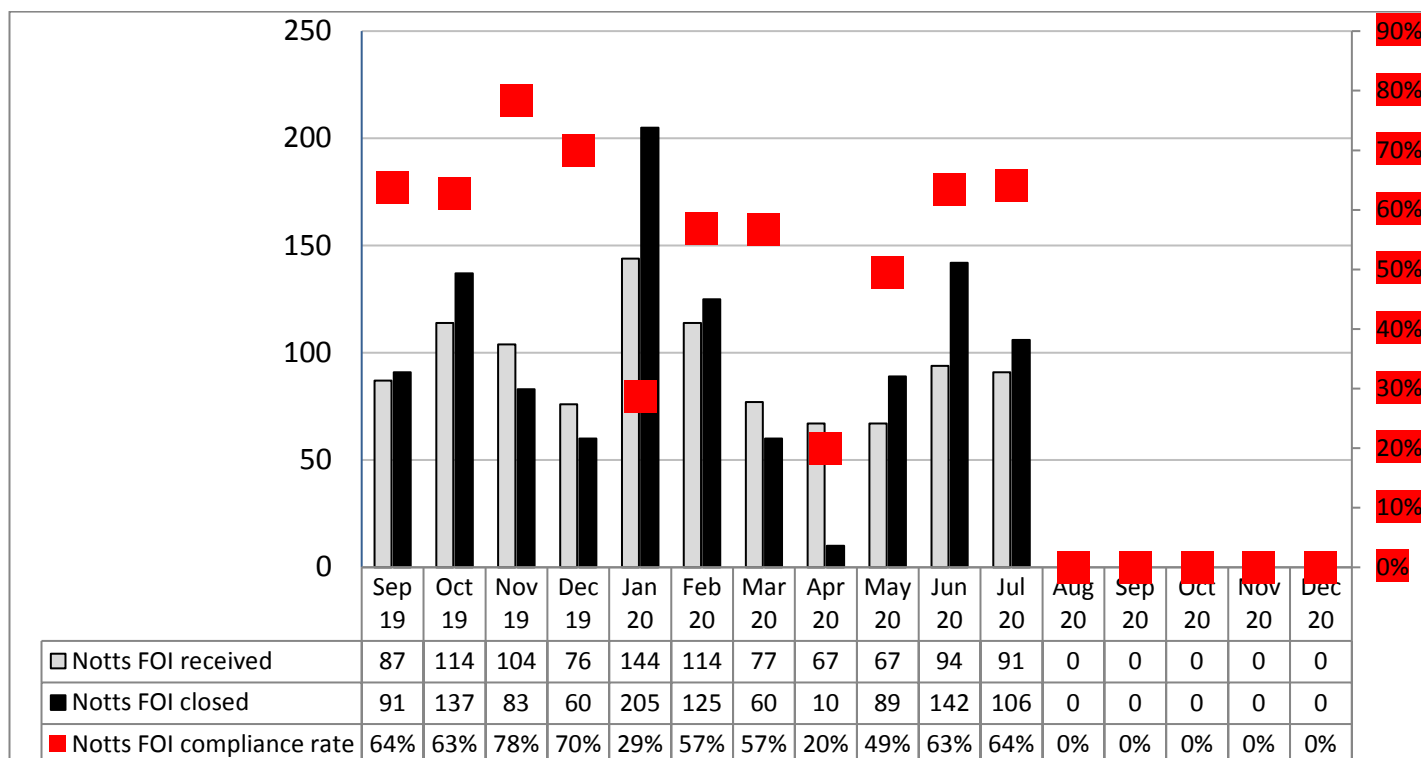
4.1 Nottinghamshire Police as a public authority has a legal responsibility to respond to information requests received and processed in line with Freedom of Information Act (FOIA) and Data Protection legislation. These requests are processed and completed by the Information Request Team

4.2 The legislative deadlines for the Acts are:-

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

4.3 Table 1 – FOI Completion Figures from September 2019 to July 2020

The Force monitors compliance and provides quarterly statistics for Freedom of Information to the NPCC Central Referral Unit based in Hampshire. Since September 2019 compliance figures in respect of FOI and Subject Access requests have been provided to the Information Commissioners Office for performance monitoring purposes.



Current Demand Levels: FOI

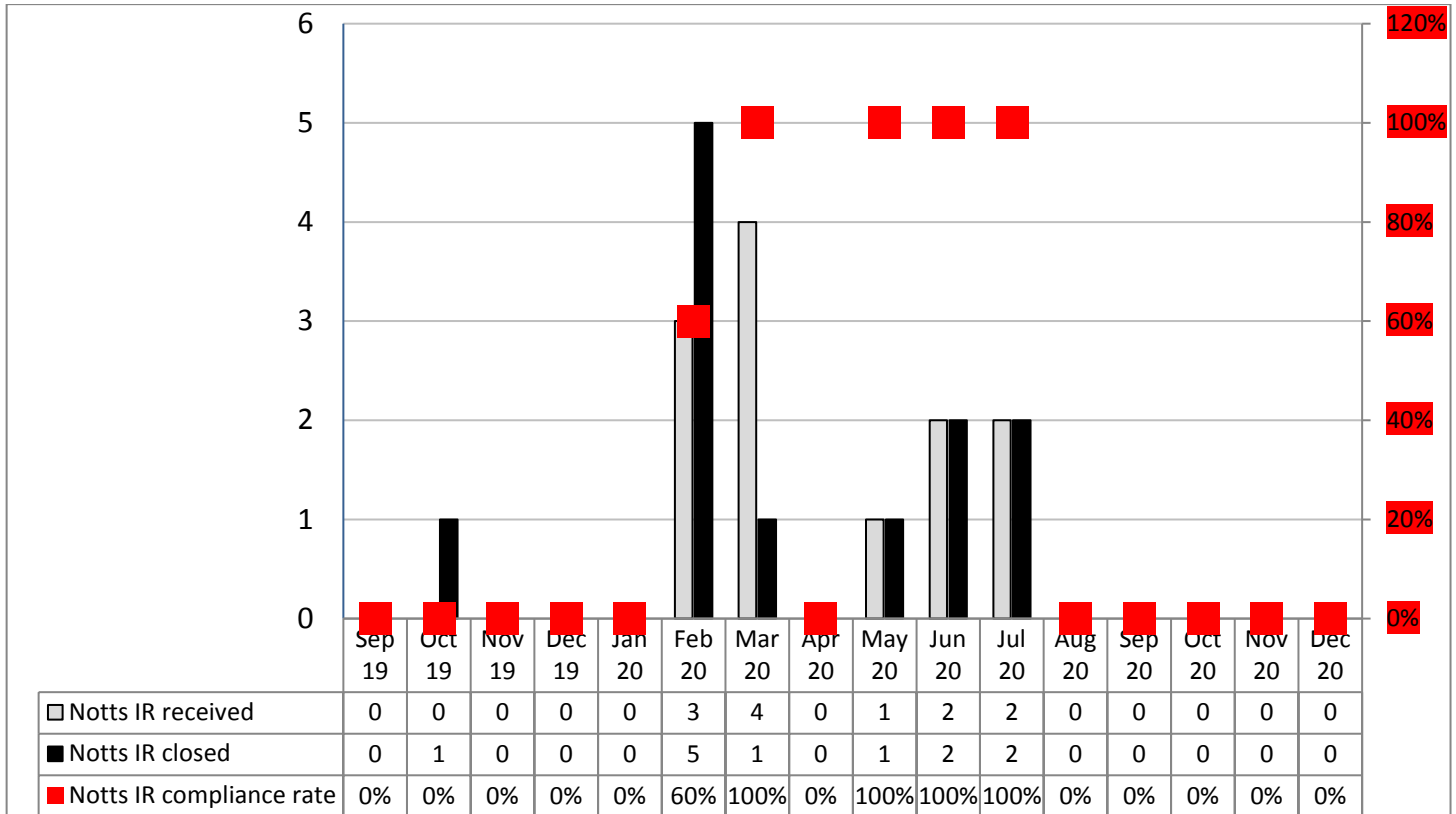
- During the Covid-19 period we assigned one dedicated Information Request Officer to address our lowest compliance level recorded in April 2020, this has worked well but we are conscious of the single person dependency this has created.
- Despite our internal rise in compliance over the last couple of months we are still in the bottom 6 Forces for FOI compliance although we are in the top 13 for total number of FOI closures.
- This is because although we are processing a lot of requests per month, a lot of these are backlogged requests that are already overdue, therefore affecting our compliance rate.
- We continue to work to reduce the backlog and slowly improve our compliance rating to achieve the Police Mean rate of 73%

4.4 Table 2 – FOI Internal Review Completion Figures from September 2019 to July 2020

All requestors have the right to an internal review if they are unhappy with the handling of a request for information, made under the FOIA. This could be because:

- an exemption was applied, meaning the request (or a part of it) was denied;
- the 20 working day deadline was not met;
- a full response was not provided; or
- the request was otherwise not handled correctly.

Unlike FOI requests, there is no statutory time frame for carrying out internal reviews, but we aim to provide a full response within 20 working days

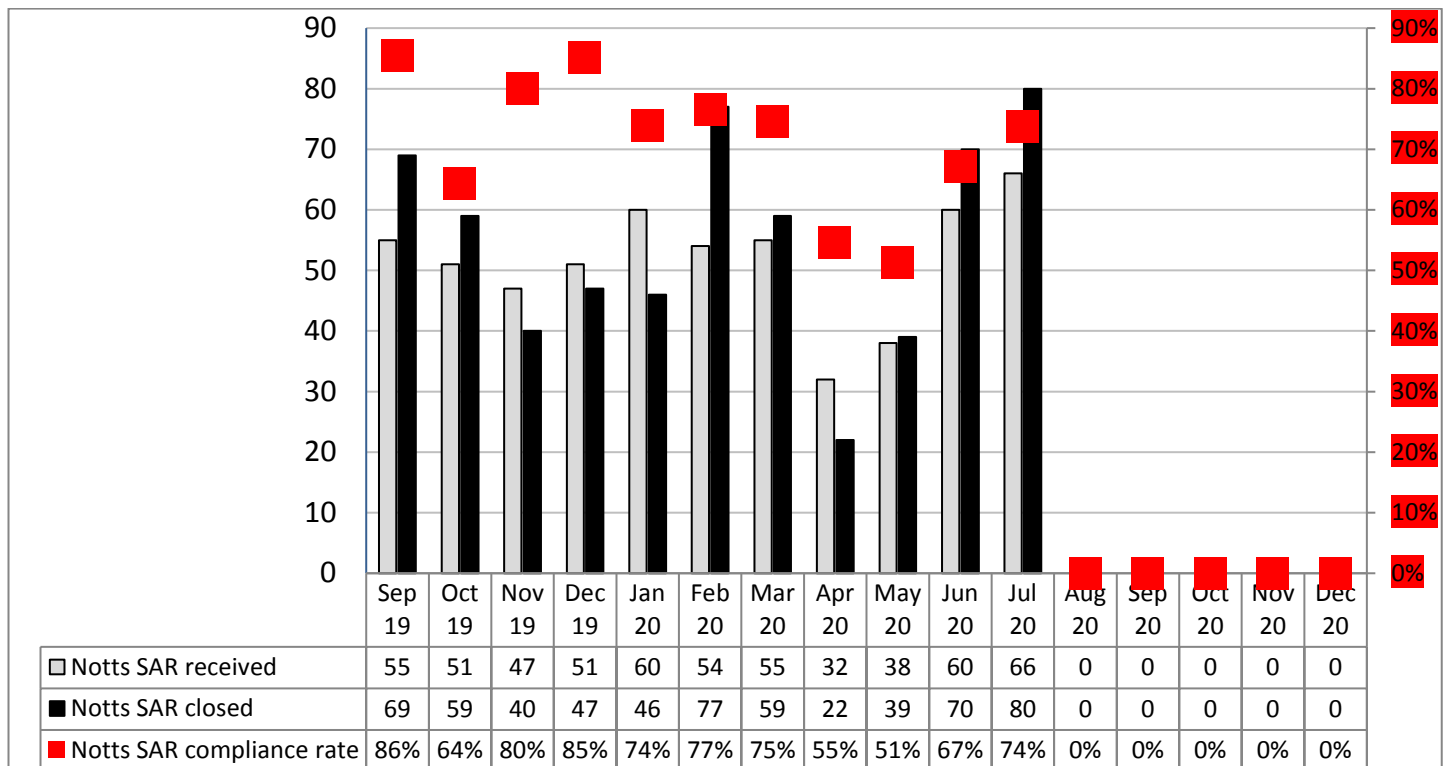


Current Demand Levels:

- The number of internal reviews remain small which is a good indicator that the majority of FOI requestors are satisfied with the responses they receive.

4.5 Table 3 – SAR Completion Figures from September 2019 to July 2020

The Force monitors compliance and provides quarterly statistics for Freedom of Information to the NPCC Central Referral Unit based in Hampshire. Since September 2019 compliance figures in respect of FOI and Subject Access requests have been required to be provided to the Information Commissioners Office for performance monitoring purposes



Current Demand Levels: SAR

- From May 2020 we have introduced a robust triage and allocation process to the remaining 4 Information Request Officers managed by the Information Request Team Leader, this seems to be working well and compliance rates are going up.
- We continue to find that requests are becoming more complex and voluminous in nature due to increased social awareness of GDPR and right of access provisions.
- Despite our internal rise in compliance over the last couple of months we are still in the bottom 13 Forces for SAR compliance although we are in the top 8 for total number of SAR closures.
- This is because although we are processing a lot of requests per month, a lot of these are backlogged requests that are already overdue, therefore affecting our compliance rate.
- We continue to work to reduce the backlog and slowly improve our compliance rating to achieve the Police Mean rate of 80%

4.6 Table 4 - Other types of Information Requests

Category	Description	Time scale
Court Orders*	Court orders which can be received from any court in the UK and Ireland for Child Care, Private and Family Proceedings.	Can be required immediately or within days due to the threat, risk & harm of the case
CCrims Checks & Annex D's **	2013 Protocol and Good Practice Model - Disclosure of information to Local Authorities on closed cases of alleged child abuse and linked criminal and care directions hearings into the Family Justice System.	Can be required immediately or within days due to the threat, risk & harm of the case
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.	10 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	20 working days
Legal proceedings	Private legal proceedings such a personal injury claims	20 working days
Other Police Forces	Request from other forces for information held by Nottinghamshire Police	No set timescale as soon as is practicable
Schedule 2, Part 1, Paragraph 2: Crime and Taxation	Requests from other prosecuting bodies such as DWP, local authorities and RSPCA	20 working days

Current Demand Levels: Court Orders*

Between January and June 2020 Nottinghamshire Police received 295 Court Orders. The majority of all Court Orders received are responded to within the order deadline as they are prioritised over other types of request. We have seen a steady increase in Court orders year after year which is reflected nationally.

Requests for Court orders are always prioritised due to the risk of delays on cases being managed through the Family Court system if timely checks are not completed. This prioritisation impacts on the corresponding delays to the other types of request such as FOI's and Subject Access requests.

Current Demand Levels: CCrims & Annex D's**

Between January and June 2020 Nottinghamshire Police received 2572 CCrim requests and 132 Annex D's. During this time a backlog of requests has formed as only one out of two Safeguarding Disclosure Officers (SDO) were in post. A new SDO started in July 2020 to ensure that the team can reduce the overdue requests and facilitate timely and consistent disclosure of information and documents from the police, into the Family Justice System and conduct 'Police checks' on behalf of Social Care.

4.7 The Information Request Team comprises of:

- 1 x Team Leader
- 5.6 x Information Request Officers (0.6 post currently on maternity leave)
- 2 x Safeguarding Disclosure Officers
- 1 x Information Request Administrator post

Current Risks and Mitigations

4.8 A continuous trend of delays to requests outside of the legislative timescales may increase the possibility of scrutiny by the Information Commissioners Office.

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 became law in the UK from 25 May 2018.

10.2 An extension to the FOI Act is currently being debated in Parliament which seeks to add to the authorities who are subject to FOI legislation. The bill would include Social Housing and Children’s Safeguarding Boards (amongst others). It would also make information held by contractors acting on behalf of public authorities subject to FOI Act. If the changes to the Contractors information are implemented this could significantly add to FOI demand already in place. A second reading of the Bill is being heard in Parliament on a date to be announced.

11 Details of outcome of consultation

11.1 No consultation took place in preparing this report

12. Appendices

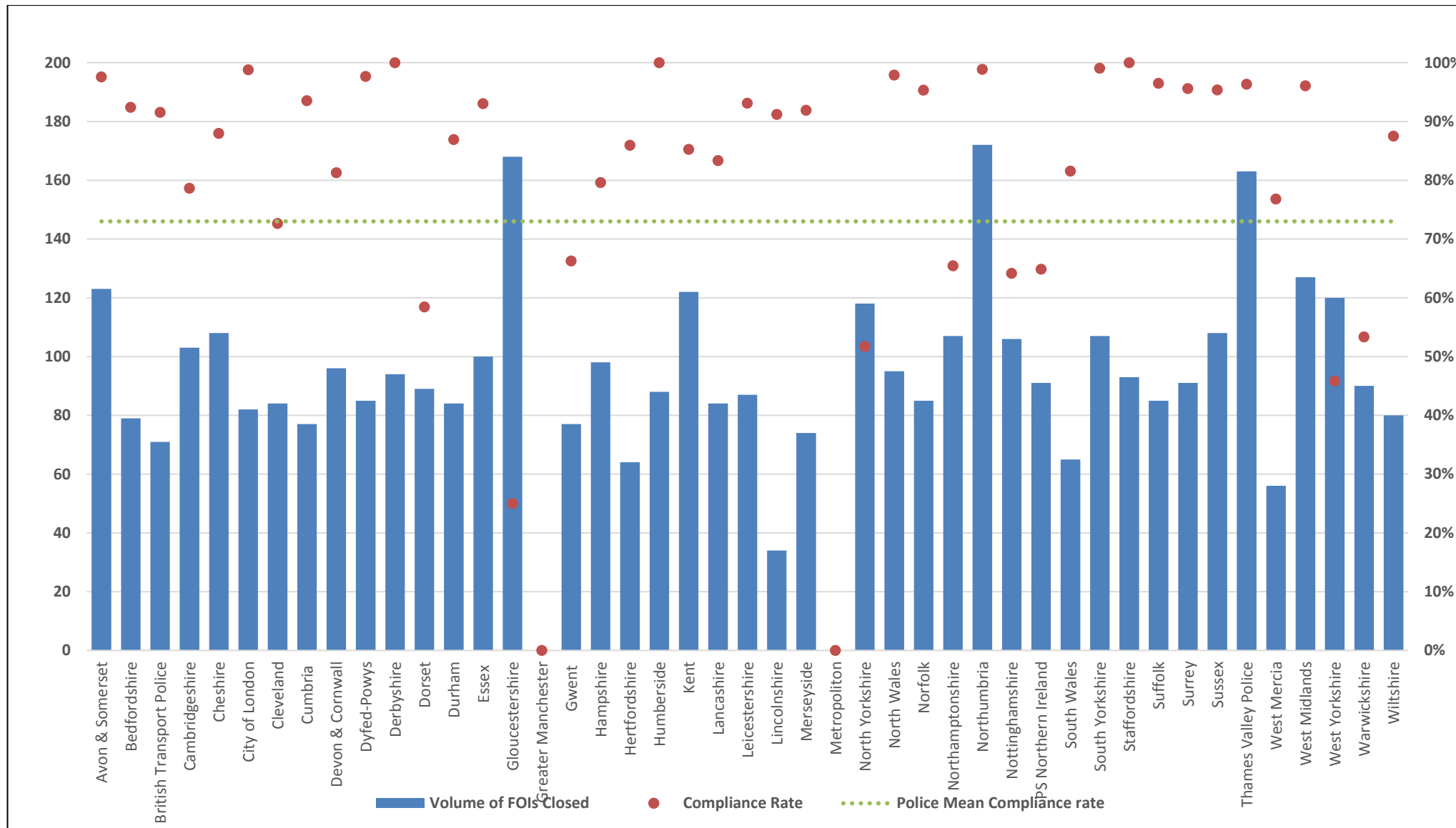
12.1 Appendix 1 – National Figures: Volume of FOI Requests completed in June 2020 & compliance rate per Force

12.2 Appendix 2 – National Figures: Volume of Subject Access requests completed in June 2020 & compliance rate per Force

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

13. No background papers have been provided

Appendix 1: National Figures: Volume of FOI Requests completed in June 2020 & compliance rate per Force



Appendix 2: National Figures: Volume of Subject Access requests completed in June 2020 & compliance rate per Force

