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| For Information | |
| Public | Public |
| Report to: | Audit and Scrutiny Panel |
| Date of Meeting: | 9 March 2017 |
| Report of: | Deputy Chief Constable |
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| Agenda Item: | 6 |

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 2015 and 2016 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 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 Disclosure Team
- 4.2 The legislative deadlines for the Acts are:-
- Freedom of Information 20 working days
 - Data Protection Subject Access 40 calendar day
- 4.3 In the calendar year 2016 the Force has received 1239 valid Freedom of Information Act requests and 284 valid Data Protection Subject Access requests for local information from Force systems.

| | 2014 | 2015 | 2016 |
|-------------------------------------|-------------|-------------|-------------|
| Valid FOI's Received/Assigned | 1003 | 1135 | 1239 |
| Invalid FOI's Received/Not assigned | 70 | 50 | 7 |
| Total FOI | 1073 | 1185 | 1246 |
| Valid SAR's Received/Assigned | 221 | 281 | 284 |
| Invalid SAR's Received/Not assigned | 143 | 45 | 78 |
| Total SAR | 364 | 326 | 362 |

- 4.4 Based on the above figures (as recorded on our Cyclops system), this represents an increase in assigned FOI requests received between 2015 and 2016 as 9.16% and an increase in assigned SAR's received between 2015 and 2016 as 1.06%. Overall there is a total increase in FOI requests received between 2015 and 2016 of 5.15% and in total SARDS received between 2015 and 2016 of 11.04%.
- 4.5 The Information Disclosure team is responsible for receiving, validating and recording requests for information under both the FOIA and DPA. This includes Court Orders served upon the Force. The team is responsible for interrogating the relevant Force systems in order to research records available in relation to requests, manually review each record and judge its appropriateness for disclosure in line with the Acts mentioned above.
- 4.6 Any exemptions prohibiting disclosure are applied by the Disclosure officer based on expert knowledge of the Acts. Any exempt information is redacted from disclosure and reasoned arguments recorded. Any public interest arguments are conducted by the relevant Disclosure Officer and recorded accordingly.
- 4.7 Following the Corporate Development restructure in May 2016 the Information Disclosure team comprises of:
- 3 permanent FTE staff members including 1 Manager and 2 disclosure officers dealing with FOIA and DPA.
 - 2 further staff members who facilitate timely and consistent disclosure of information and documents from the police, into the Family Justice System (transferred from the County MASH Team)
 - A further business case agreed an additional support member of staff for the Information Management Team and a 6 month secondment for a further Disclosure Officer, it is hoped that the recruitment process for both posts will be completed shortly.

Freedom of Information

- 4.8 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 charts at Appendices 1 & 2.

Data Protection

4.9 The Information Disclosure team processes Subject Access requests received under Section 7 of the DPA 1998 for information held by Nottinghamshire Police.

Results for Nottinghamshire can be seen in the attached charts at Appendix 3.

Court Orders

4.10 The Information Disclosure 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 2016 Nottinghamshire Police received 401 valid Court orders for disclosure; this is an increase of 29.35% on the number of orders received in 2015.

Results for Nottinghamshire can be seen in the attached charts at Appendix 4

Other types of Information requests

4.11 The Information Disclosure Team also have the responsibility for many other types of disclosure, all of which have to comply with the principles of the FOIA and DPA 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 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 2015 | 415 | |
| Request total 2016 | 522 | |

Income Generation from Information requests

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

| Income £ | 2014 | 2015 | 2016 |
|----------------------|-------------------|-------------------|-------------------|
| SAR | £1,530.00 | £2,180.00 | £2,060.00 |
| Court | £15,812.76 | £17,877.67 | £12,576.70 |
| Insurance | £11,219.50 | £13,128.25 | £13,376.61 |
| Private/Civil | £3,875.95 | £5,782.70 | £7,086.00 |
| DP Gen | £197.10 | £2,364.20 | £2,402.00 |
| Total | £32,635.31 | £41,332.82 | £37,501.31 |

Figures compiled from Cyclops – additional income received electronically (i.e. via BACs) is recorded in Finance

Current Risks and Mitigations

4.13 There are a number of risks relating to the wider Information Management Team identified on the Corporate Development Department Risk Register that are being managed locally and the SIRO has been made aware of the current situation. One of the risks relates to the current DP/FOI workload and is reported below.

Extract from the Corporate Development Departmental Risk register see Appendix 5.

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 The General Data Protection Regulations (GDPR) will apply in the UK from 25 May 2018. The NPCC Data Protection portfolio led by Ian Readhead is expected to provide the national steer for Police Forces on the new requirements.
- 10.2 The Information Management area has also been identified as an area for review as part of the Tri-Force Collaboration initiative.

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)

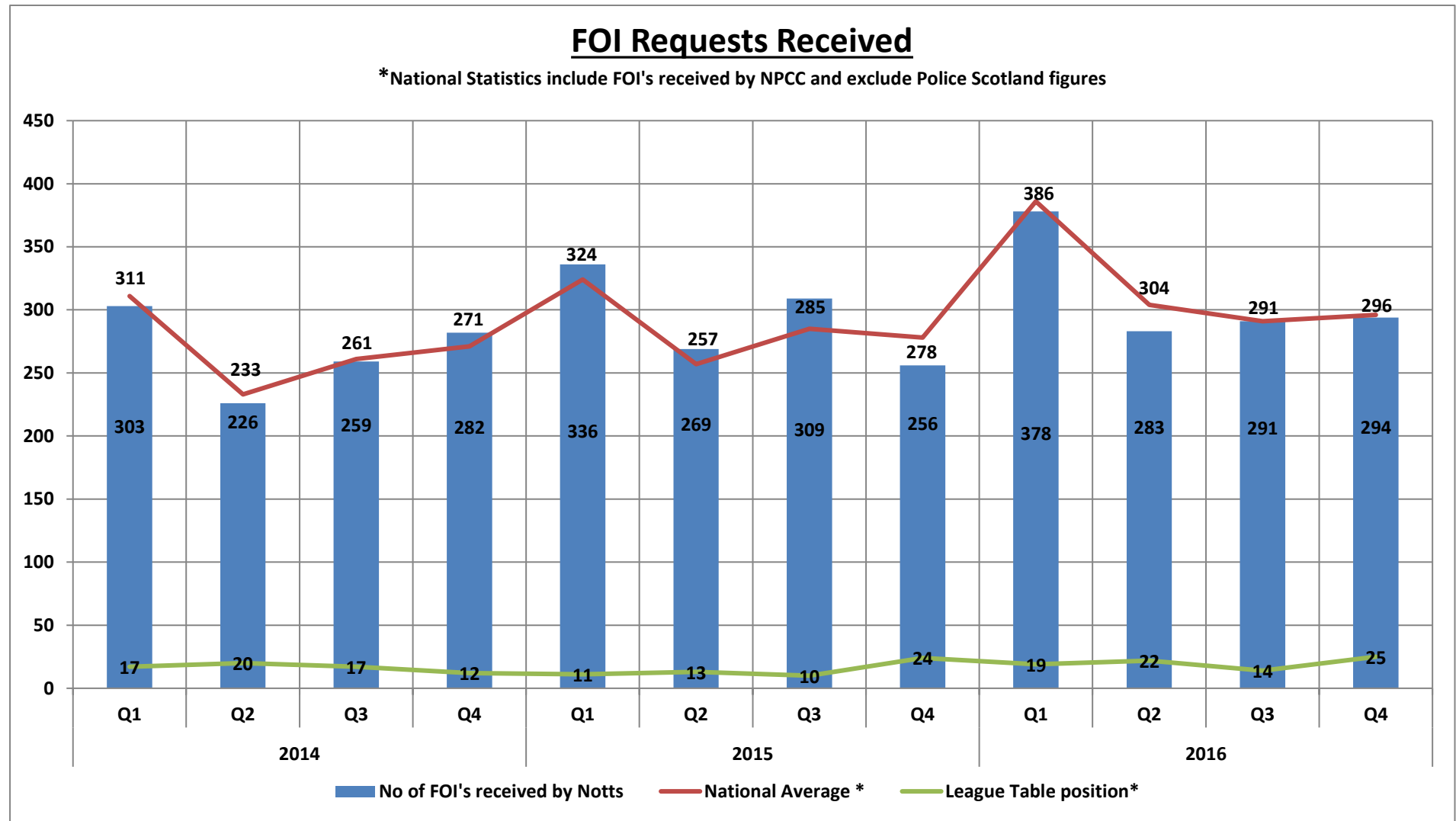
12. Appendices

- 12.1 Appendix 1 – FOI Requests Received
- 12.2 Appendix 2 – FOI Requests Closed
- 12.3 Appendix 3 – Subject Access requests
- 12.4 Appendix 4 – Court Orders
- 12.5 Appendix 5 – Extract from Corporate Development Departmental Risk register

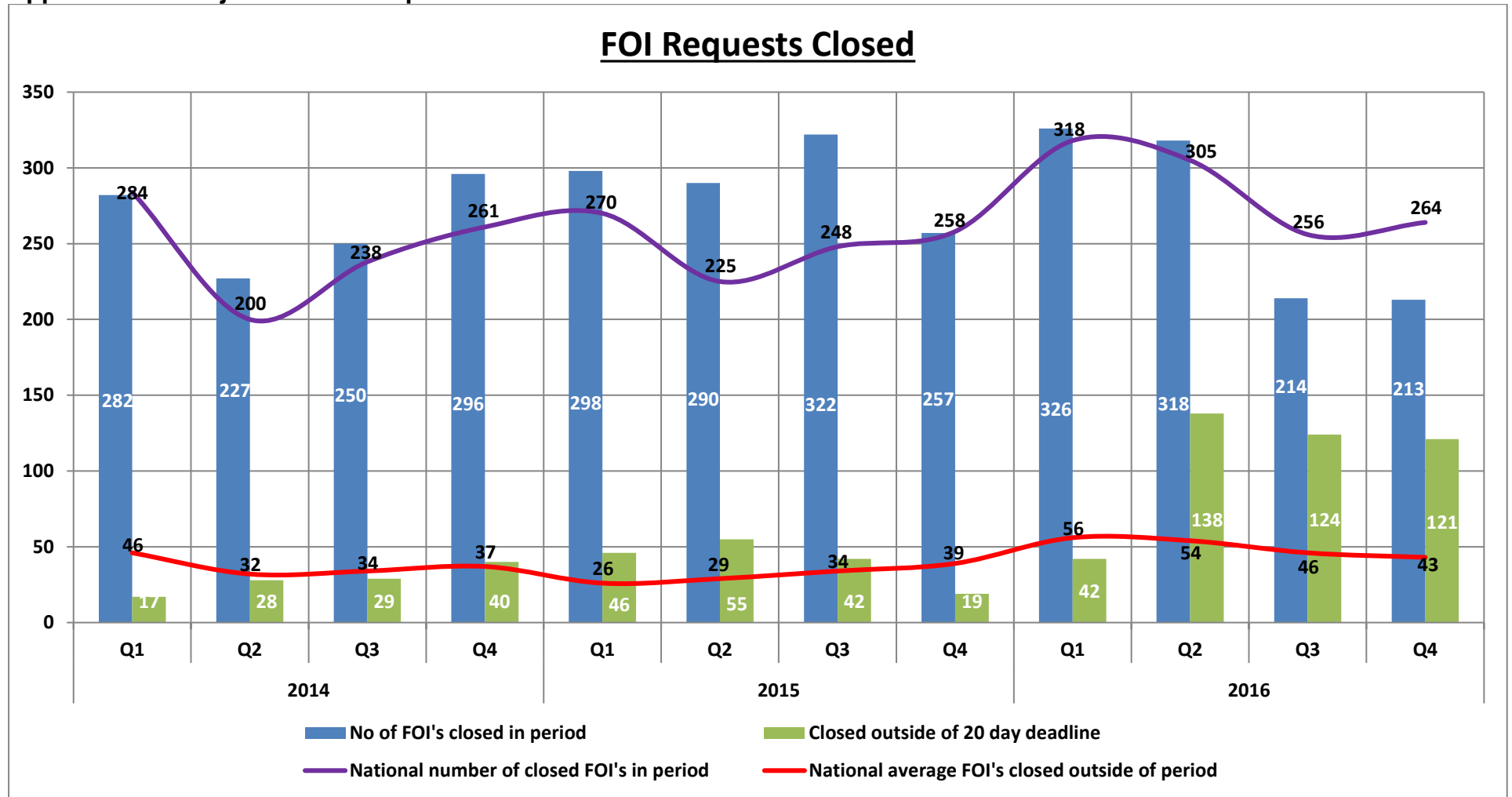
13. Background Papers (relevant for Police and Crime Panel Only)

13. No background papers have been provided

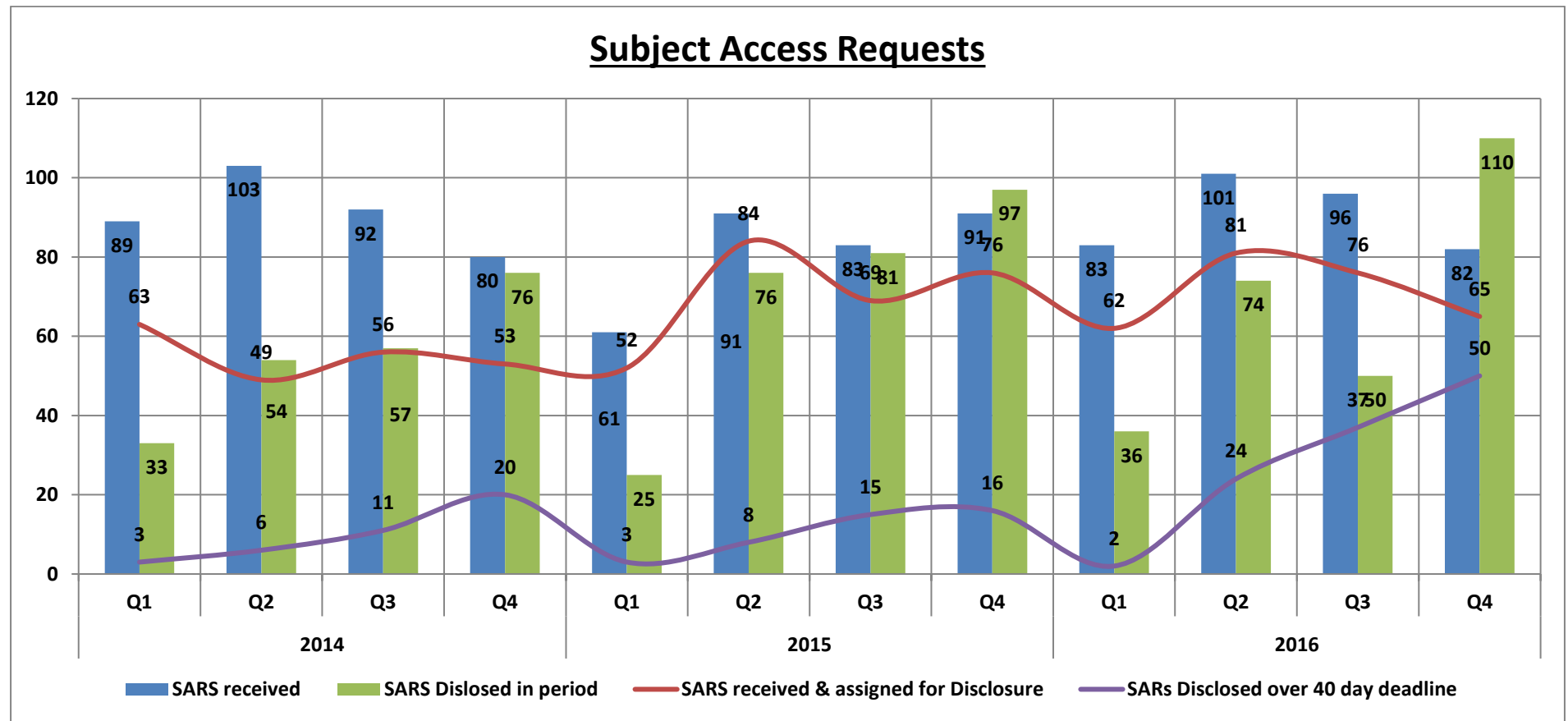
Appendix 1: Freedom of Information Act Requests



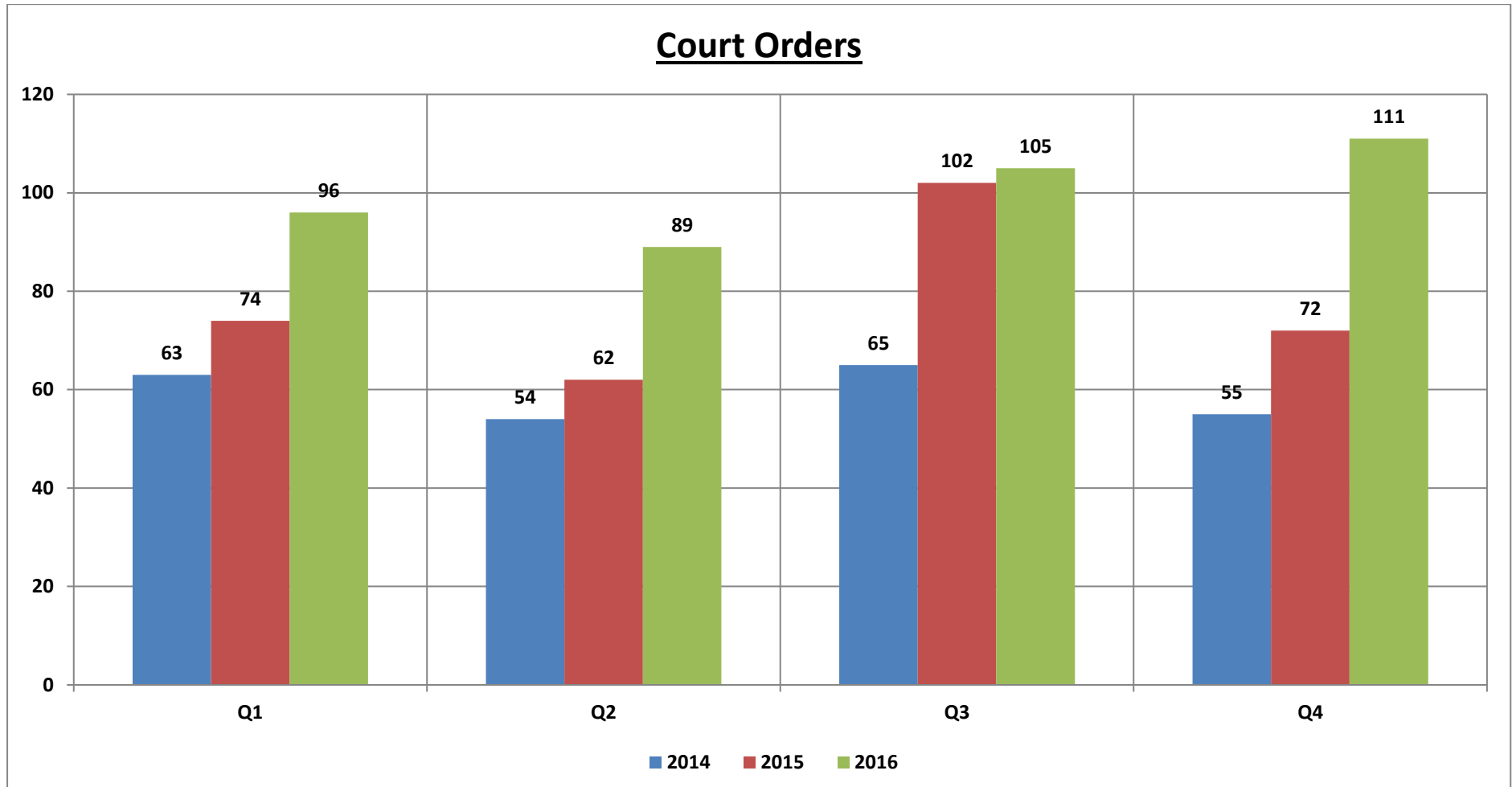
Appendix 2 – Subject Access Requests



Appendix 3 – Subject Access Requests



Appendix 4 – Court Orders



Appendix 5 – Extract from Corporate Development Departmental Risk register

| Identifier | Category | Risk description | Owner / Manager | Proximity | Likelihood | Impact | Rating | Trend | Response plan | Risk rating confidence |
|------------|--------------------------------|--|-----------------------------|-----------|------------|--------|--------|-------|--|------------------------|
| CD002 | Performance / Service delivery | <p>A variety of events have led to a backlog of DP and FOI requests within the IM Team, namely:</p> <ul style="list-style-type: none"> • Promotion of staff as a result of the restructure leading to a recruitment process and reduction in trained resources within the Disclosure team • Recruitment delays • A number of outstanding historical and complex SAR requests that have come to light since the restructure that had not been dealt with – predominantly involving the searching of the email archive system and subsequent issues with this system <p>Leading to:</p> <ul style="list-style-type: none"> • An increase in complaints and potential for further scrutiny by the ICO – in the last 6 months 3 x ICO complaints and 3 x PSD complaints have been received relating to Data Protection requests. • Potential for non-compliance with legislative requirements | Information Management Lead | Now | VH(4) | M(2) | M(8) | ↔ | <ul style="list-style-type: none"> • The team are currently utilising the Data Protection & Information Sharing Officer and the Compliance Auditor roles full time to undertake disclosure work • In September 2016 it was agreed in that an additional resource would be brought in for 6 months to help reduce the backlog and we are in the process of recruiting an individual via Brook Street Agency • The team has informed the Information Commissioners Office on the legislative delays | |