
LINCOLNSHIRE COUNTY COUNCIL

IMT - Information Governance

Data Protection Audit by the Information
Commissioner's Office

V.1

Corporate Information Governance
“Confidentiality is everybody’s business”

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Document Control

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Author	David Ingham

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1. Introduction

A data protection audit of Lincolnshire County Council (LCC) was carried out by the Information Commissioner's Office¹ (ICO) between 2nd and 4th February 2016.

The primary purpose of the audit was to provide the ICO and LCC with an opinion of the extent to which LCC (within the scope of the agreed audit) are complying with the Data Protection Act (DPA) and to highlight any areas of risk to our compliance.

The audit assessed the risk of non-compliance with appropriate data protection principles, the utilisation of ICO guidance and good practice notes, and the effectiveness of data protection activities with specific reference to:

- Training and awareness
- Records management
- Data sharing

The audit consisted of; a 3 day on site visit by two ICO auditors; a review of over 120 individual pieces of documentary evidence; and 28 interviews primarily with the Information Governance Team but with crucial support from Children's Services; Adult's Services; Public Health; Business Support; Legal Services; People Management; Serco (Lincoln); and Restore (off-site storage contractors).

2. Audit Conclusion

In total there were **45** recommendations across the three areas. Of those recommendations LCC formally accepted or partially accepted **33**, and rejected **12**.

The ICO commented that LCC responded positively to the audit and within the final report set out the following overall audit conclusion (Annex A provides the audit grading scheme):

Overall Conclusion	
Reasonable assurance	<p>There is a reasonable level of assurance that processes and procedures are in place and are delivering data protection compliance. The audit has identified some scope for improvement in existing arrangements to reduce the risk of non-compliance with the DPA.</p> <p>We have made one limited assurance assessment in relation to training and awareness and two reasonable assurance assessments in relation to records management and data sharing.</p>

For the purpose of comparison Annex B provides a synopsis of audit outcomes across Local Government carried out by the ICO across similar scope and timeframe.

3. Follow on Activity

During September 2016 the ICO carried out a desk based 6 month follow up audit. The purpose of this is to ensure that LCC provide the ICO with a level of assurance that the agreed audit recommendations have been appropriately implemented thus further supporting compliance with data protection legislation and the implementation of good practice.

The follow up audit identified a number of areas LCC had further improved on as well as what the auditor termed outstanding "high risk areas". LCC challenged the ICO on the terminology

¹ The UK's independent authority set up to uphold information rights in the public interest, promote openness by public bodies and data privacy for individuals.

used as the term *high risk* has not been used throughout the audit. The ICO clarified that the term means "*the areas that...have not yet been addressed or have not been appropriately addressed and could lead to a breach of the DPA*".

4. Next Steps

LCC continue to implement recommendations as part of a formal improvement plan. A final follow up audit by the ICO is scheduled for February 2017. The purpose of this audit is to extract ongoing assurances that agreed recommendations continue to be implemented within agreed timescale.

5. Summary and Comment

The audit has provided some benefit to LCC and confirmed the need to enhance a number of areas already marked for improvement.

It was expected that LCC would receive a limited assurance rating for training and awareness as many of the areas attracting recommendations had been identified prior to the audit with remedial activity already planned – the key theme being improved corporate oversight of staff training.

Similarly, records management recommendations include many aimed at enhancing work already underway or planned to be introduced as part of a wider information governance improvement plan.

The improvements already made in the way we share data are evidenced by the fact many of the recommendations in this area relate only to very minor policy amendments.

Reasons vary for those recommendations that LCC have rejected. It was clear that some would present no value to LCC and the impact on resources could not be justified by the anticipated benefit they presented. In some instances it was felt that the challenges faced by the Council had not necessarily been considered. On occasions LCC simply disagreed with the view of the ICO. All recommendations that have been rejected have been justified in our response.

Overall a rating of **Reasonable Assurance** should be viewed as a very good outcome for LCC particularly considering the size of the organisation, the wide scope of services provided, and the maturity of LCC's DPA posture some twenty four months previous to the audit. Significant effort has been made to improve our compliance with the legislation and to meet the obligations put upon us, and the audit conclusion goes some way to recognise that work.

Clearly there is still much work to do with a continued reliance on buy-in from senior management and LCC as a whole, particularly when considering the impending, and challenging, changes put upon us by the anticipated EU General Data Protection Regulation. However, it is notable that the direction of travel for LCC remains positive.

6. Further Information

The author of this report is David Ingham who can be contacted at david.ingham@lincolnshire.gov.uk

Annex A - Audit grading scheme adopted by the ICO

Audit reports are graded with an overall assurance opinion, and any issues and associated recommendations are classified individually to denote their relative importance, in accordance with the following definitions.

Colour code	Audit opinion	Recommendation priority	Definitions
	High assurance	Minor points only are likely to be raised	There is a high level of assurance that processes and procedures are in place and are delivering data protection compliance. The audit has identified only limited scope for improvement in existing arrangements and as such it is not anticipated that significant further action is required to reduce the risk of non-compliance with the DPA.
	Reasonable assurance	Low priority	There is a reasonable level of assurance that processes and procedures are in place and are delivering data protection compliance. The audit has identified some scope for improvement in existing arrangements to reduce the risk of non-compliance with the DPA.
	Limited assurance	Medium priority	There is a limited level of assurance that processes and procedures are in place and are delivering data protection compliance. The audit has identified considerable scope for improvement in existing arrangements to reduce the risk of non-compliance with the DPA.
	Very limited assurance	High priority	There is a very limited level of assurance that processes and procedures are in place and are delivering data protection compliance. The audit has identified a substantial risk that the objective of data protection compliance will not be achieved. Immediate action is required to improve the control environment.

Annex B – Synopsis of Local Government Outcomes²

Organisation	Outcome
Kent County Council	Reasonable Assurance
Northamptonshire County Council	Limited Assurance
Stoke on Trent City Council	Reasonable Assurance
City of York Council	Limited Assurance
Nottinghamshire County Council	Limited Assurance
City of Edinburgh Council	Limited Assurance
Sheffield City Council	Sheffield City Council asked the ICO not to publish the executive summary of the audit report.
Essex County Council	High Assurance
Central Bedfordshire Council	Limited Assurance
Wiltshire Council	Limited Assurance
Lancashire County Council	Lancashire County Council asked the ICO not to publish the executive summary of the audit report.
London Borough of Islington	Reasonable Assurance
Stoke on Trent City Council	Reasonable Assurance
Isle of Anglesey County Council	Limited Assurance
Manchester City Council	Limited Assurance
Sefton Metropolitan Borough Council	Limited Assurance

² The overall focus of each audit is compliance with the DPA. However specific areas of focus may differ and therefore a direct comparison is not available. Taken from the ICO website on 14 March 2016