

# 1. Executive Summary

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## Introduction

This report summarises the findings from our 2004/05 review of aspects of Argyll & Bute Council's controls relating to the arrangements for Information Management that will facilitate effective Data Protection and preparedness for the introduction of Freedom of Information legislation. The report covers the arrangements in place to provide a reliable planning, operational and monitoring environment in this context. Where appropriate, the report suggests actions to strengthen existing controls or otherwise address identified weaknesses. Only those findings that require management action are included in the report.

The Data Protection Act 1998 is the fundamental legislation that the Government has provided as a framework for the secure, fair and lawful processing of personal data. The Act describes the Council's responsibilities to all data subjects, e.g. the general public, taxpayers and employees.

The Freedom of Information Act 2000 and the Freedom of Information (Scotland) Act 2002 are part of the Government's drive to promote a culture of openness and accountability amongst public sector bodies by providing people with legal rights of access to the information held by them. Within the Freedom of Information legislation there are timetables set for gaining agreement with the respective Information Commissioners for information to be published, and for making this information available to the public. The Acts came into force from 1st January 2005. By this time all public authorities are required to carry out the work necessary to meet the deadlines set by the Acts. The Freedom of Information Acts and Data Protection Act 1998 serve as the principal mechanisms for providing access to information held by public authorities.

## Summary of Main Findings

Argyll and Bute Council has demonstrated a clear commitment to achieving the Government's timetable for freedom of information. A working group was established and is progressing actions preparing the Council to be able to comply with freedom of information legislation. A clear statement of the Council's policy that will facilitate a consistent approach to freedom of information has not yet been adopted. Actions underway include creating awareness of the new legislation.

Our review identified that the Council has a number of policies and procedures in place relating to information security, including Data Protection. However, the existing data protection policy requires updating to reflect recent changes and guidelines. Extensive documentation is available on Data Protection and training is provided by the Data Protection Officer on departmental request. Knowledge and awareness of the Council's Data Protection policies and procedures facilitate compliance, however Council officers who should receive detailed training or awareness training needs to be identified and training or awareness sessions should be presented accordingly.

The recent legislation is increasingly demanding on public organisations in terms of records management. The Council has various records management practices in place, although these could come under pressure to meet the additional demands placed on it. An Information Strategy can provide the Council with a sound basis for effective information management and establish a framework within which resources are effectively applied for the purposes of the Council's ongoing modernising government agenda as well as Data

Protection and Freedom of Information legislation. Such a strategy should provide for the consistent management of data, records and information throughout the Council's Services.

### **Conclusions**

Argyll and Bute Council has a number of policies and procedures in place governing information security and data protection. In addition, policies and procedures to enable the Council to comply with the requirements of the recent Freedom of Information legislation were being prepared. Opportunities to strengthen the council's governance and internal control structures were noted and recommendations to that effect are included in the action plan in section 2. Positive action has already been taken on many of the matters arising from this review by the time of our report.

The main issues identified from this report are set out for Argyll and Bute Council to investigate or resolve and form part of an agreed action plan incorporated in the next section of this report. We would like to thank management and staff for their kind co-operation and assistance with this audit.

## 2. Action Plan

No	Recommendation	Responsible Officer	Action	Date	Update as at 22 April 2005
1	The Council's Data Protection Policy should be reviewed and updated with the requirements of the Data protection Act, 1998 and subsequent guidance issued by the Information Commissioner. <b>Priority: High</b>	Data Protection and Information Security Officer	In progress.	June 2005	New regulations are being issued by the government in July and these are to be integrated with our Data Protection Policy therefore a new date of August 2005 is more prudent.
2	The Council should clarify its policy relating to Freedom of Information. <b>Priority: High</b>	Head of Democratic Services and Governance	The policy will be referenced under the Regulation Report (i.e. the new Council Constitution).	May 2005	May 2005 ongoing
3	Job descriptions and remits should be reviewed and updated to incorporate responsibilities for activities to comply with the requirements of Freedom of Information legislation. <b>Priority: Medium</b>	Personnel	Implemented.	Implemented	Implemented
4	The representation on the Freedom of Information Working Group should be reconsidered with the view of including representatives from all the Council's Services. <b>Priority: High</b>	Data Protection and Information Security Officer; and Governance and Risk Manager	Sandra Black represents Operational Services on the Freedom of Information Working Group. In addition to having representatives from all departments David Logan and Stephen Doogan have been visiting departmental management to raise awareness.	Implemented	Implemented

No	Recommendation	Responsible Officer	Action	Date	Update as at 22 April 2005
5	<p>Training and awareness of the Council's Data Protection policies and procedures should be provided continuously. Officers who should receive detailed training should be identified and general awareness sessions should be provided to staff where appropriate.</p> <p><b>Priority: High</b></p>	Data Protection and Information Security Officer	<p>Training will be included in the Performance and Development Review (PDR) process of relevant staff members.</p> <p>A poster campaign is planned for January 2005 to promote awareness.</p> <p>Further training for a wider group of staff is planned for early Spring 2005.</p>	<p>February 2005</p> <p>May 2005</p>	<p>Complete</p> <p>Complete</p>
6	<p>Formalised procedures for the regular updating of the Council's publication scheme and data protection registration should be established.</p> <p><b>Priority: Medium</b></p>	Head of Democratic Services and Governance	The regulation report will touch on a clear statement on review processes for freedom of information and data protection.	May 2005	May 2005 ongoing
7	<p>The Council should consider extending their existing records management and information security practices into an all inclusive information management strategy that provides for the consistent management of data, records and information throughout all the Council's Services.</p> <p><b>Priority: Medium</b></p>	Policy & Strategy Manager	Work is progressing on information management. The Corporate Policy Manager plans to develop work already done by the Head of Application Support and a report will be presented to the Strategic Management Team.	August 2005	August 2005 Ongoing