

## INTERNAL AUDIT REPORT

**FROM:** Audit and Risk Manager

**SUBJECT:** Data Protection Update

**TO:** Democratic Services Manager

**DATE:** 25 February 2015

**C.C.** Chief Executive  
Deputy Chief Executive (AJ)  
Head of Finance

---

### 1. Introduction

- 1.1. In accordance the Audit Plan for 2014/15, a review of progress in implementing recommendations from the previous audit report on Data Protection (February 2014) has been undertaken alongside some additional consultancy work in support of the implementation process.
- 1.2. This report presents a summary of the work undertaken and an update on the above recommendations.

### 2. Scope and Objectives of Audit

- 2.1. The purpose of the assignment was to ascertain progress in implementing the aforementioned recommendations and to assist with the implementation process on a consultancy basis.
- 2.2. The assistance took the form of:
  - § individual discussions with the Democratic Services Manager;
  - § attendance at a meeting to kick off the process of updating relevant policies with inputs from the Information Technology Manager and Shared Legal Services (the scope was extended to cover policies relating to information security including data handling, information classification, and incident response);
  - § feedback on Warwickshire County Council documents used as a basis for developing a new policy and related guidelines for data protection at Warwick District Council;
  - § consultation feedback on the new draft policy and guidelines.

### 3 Progress on Audit Recommendations

- 3.1. The original timescales envisaged for implementation (completion by July 2014) subsequently proved unrealistic due to other priority demands on available resources. The process will certainly slip into 2015/16 and further Internal Audit input has been planned for that year.
- 3.2. Progress to date against the individual recommendations is summarised overpage.

Recommendation		Progress to Date
1	The Data Protection Staff Guidelines should be reviewed with consideration given to cross-referencing to other relevant policies and legislative /regulatory relationships. <i>(Medium risk)</i>	A draft 'Quick Guide' to data protection aimed at staff has been produced and feedback on content has been supplied by the auditor.
2	Following review, the Data Protection Staff Guidelines published electronically on the Intranet and incorporated within policies to be released on implementation of the awareness management software solution. <i>(Medium risk)</i>	To follow adoption of the new policy and guidelines. The awareness management software solution (MetaCompliance) has been successfully deployed for a recent re-launch of the Code of Financial Practice.
3	An awareness survey should be commissioned to gauge understanding of Data Protection matters among those staff handling personal data. <i>(Medium risk)</i>	It was agreed that this would be addressed through launch of the new policy and guidelines using MetaCompliance.
4	A review of personal data collection arrangements should be undertaken across the Council to identify instances where fair processing notices are not provided to proper standard at the point of collection and institute remedial action taken where required. <i>(Medium risk)</i>	This was envisaged to take place in conjunction with the launch of the new policy and guidelines using Meta-Compliance. Some auditor time has been allocated in the 2015/16 Audit Plan and it is proposed to use some of this allocation to support the recommended review.
5	A review of systematic data sharing should be undertaken across the Council to gauge compliance with the Information Commissioner's Code of Practice and recommend formal data sharing agreements where not already applied <i>(Medium risk)</i> .	The Democratic Services Manager advised that a central register has now been established and some agreements are now stored within it. Some auditor time has been allocated in the 2015/16 Audit Plan and it is proposed to use some of this allocation to support further review.
6	The Data Protection Policy should be updated to reflect systematic data sharing with other organisations and how it is managed. <i>(Low risk)</i>	A draft Data Protection and Privacy Policy has been produced and feedback on content supplied by the auditor (including suggested insertions to give systematic data sharing more prominence).
7	The current arrangements for handling subject access requests should be reviewed to determine and implement actions for improving compliance. <i>(High risk)</i>	The Democratic Services Manager advised that the logging process was subsequently delegated within his Team and progress monitored more closely. Staff awareness was seen as a contributing factor and this would be addressed by the deployment of MetaCompliance. <i>(continued)</i>

Recommendation		Progress to Date
7	(Continued)	Examination of the latest log data indicates that 50 per cent of subject access requests were responded to within the statutory timescale in 2014 (compared with around 25 per cent in 2013). The log data indicates that the late responses in 2014 were actively chased by Democratic Services at reasonable intervals, suggesting that the Service Areas are still failing to give subject access responses due priority. There is clearly room for further improvement and this will be considered as part of the audit review planned for 2015/16.
8	<p>A framework for active monitoring of compliance with Data Protection legislation and good practice should be established with consideration given to reconstituting a network of Service Area representatives.</p> <p>(Medium risk)</p>	<p>It was agreed that this would be built into the management review of corporate data protection. It is envisaged that proposals on the approach will emerge from the adoption of the new policy and guidelines.</p> <p>The Democratic Services Manager advised that subject access requests are shortly to be incorporated into the weekly lists of outstanding information requests currently circulated among the Senior Management Team, Information Technology Manager and Human Resources/Organisational Development Manager. Up until now the scope of these lists has been limited to requests subject to the Freedom of Information Act.</p>

#### 4 Conclusions

- 4.1 The process of improving data protection governance arrangements in line with current law and good practice is clearly under way, although there are still some important areas to be progressed once the updated policy and guidance material is adopted.
- 4.2 Compliance with the statutory provisions on subject access rights has shown significant improvement in the months since the 2014 audit, but the records still suggest failings within the Service Areas in ensuring that the response timescales are met.
- 4.3 A further audit review is planned for the coming year and is expected to focus on Recommendations 4, 5 and 7. There are no new recommendations arising from this update.

Richard Barr  
Audit and Risk Manager