



# Councillor Induction

19<sup>th</sup> May 2015

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Access to information legislation

Handling requests made under  
the Freedom of Information Act 2000

Managing personal data

Complying with the requirements of  
the Data Protection Act 1998

Whistleblowing



# Councillor Induction



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## Information Governance (IG)



**David Taylor** ☎ **8536**



**FOI, DPA, EIR, PSI, HRA  
PECR, RM, SCR, LGO, IRO  
and Web author for above  
& Open Data and Datasets**





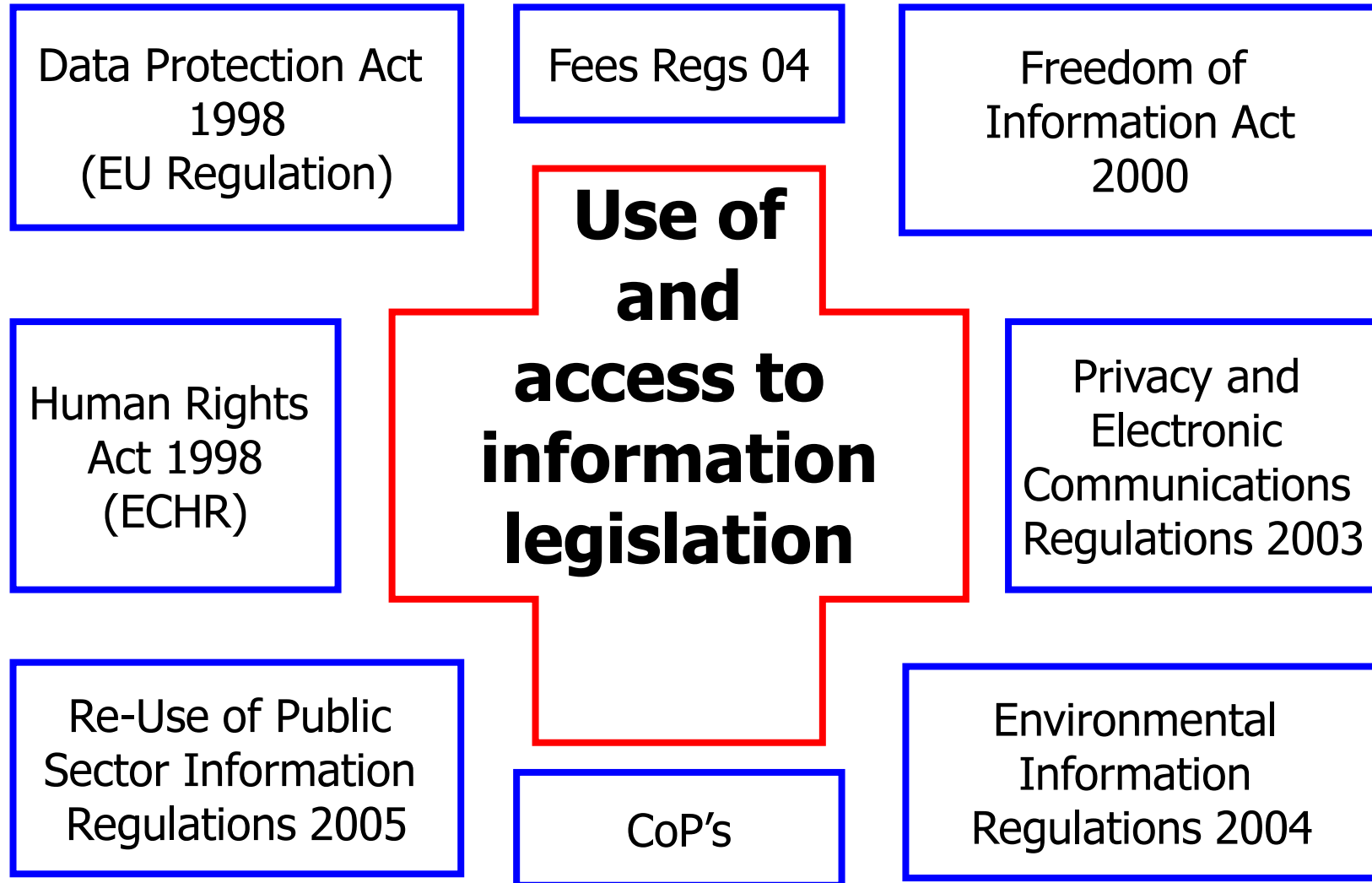
# Session topics

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- Access to Information
  - Freedom of Information
  - Records Management
  - Data Protection
  - The Information Commissioner
  - Whistleblowing
  - Human Rights
- Introducing Customer Services
  - 'My Council' and 'Report it' apps

# Access to Information legislation





# Access to Information



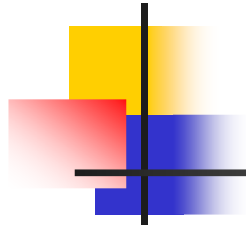
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## **The Freedom of Information Act 2000 (FOI)**



Have you got it? ..... Can I see it?

**Releasing public information – Safeguarding personal information**



# FOI



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- Applies to all public bodies
- World citizen right
- In writing to anyone
- Have you got it - Can I see it?
- 23 exemptions
- 20 working days
- The right to challenge
- The right of appeal to the ICO





# What information?



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## All information in any format

- **FOI DOES INCLUDE**
  - Reports, briefings and agendas
  - Personal notes and minutes
- **THE ACT DOES NOT INCLUDE**
  - Party information
  - Personal information





# Points to note

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- Clock starts day after receipt
- Requests are recorded in a disclosure Log
- s9 Fees – free under 18hrs / £450
- 23 Exemptions (15 relevant to NBC)
- s77 - ENRON







# FOI training videos

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ICO FILM – [Tick Tock](#) (13:22)

- Short discussion about the issues raised in the film
- Questions



# FOI and Records Management



- One of FOI's basic assumptions is that we all know where all our information is all of the time .....
- s46 COP
- No time can be charged for finding information





# Managing information

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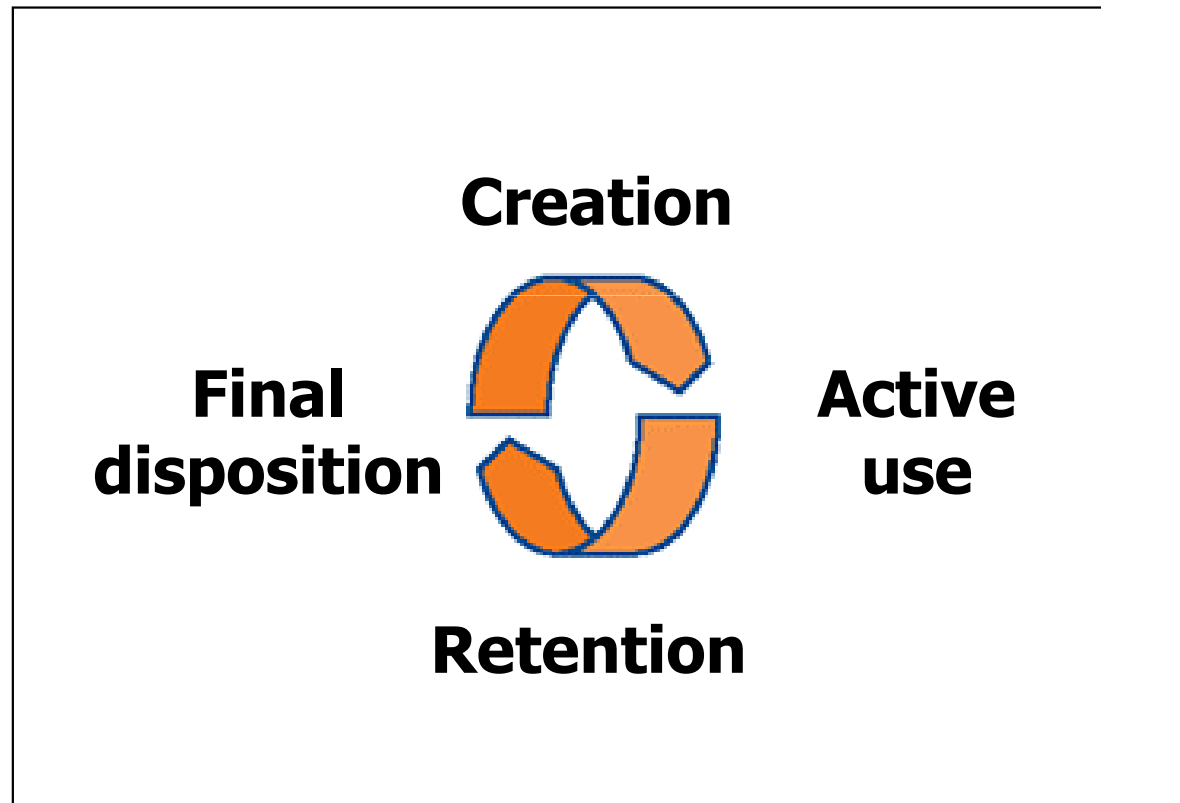
# Records Management (RM)



# Lifecycle of a record



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# Personal Information



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## **The Data Protection Act 1998 (DPA or DP)**



**Releasing public information – Safeguarding personal information**



# The Act



- Wider scope
- All personal information must be held, handled and processed securely
- The Council is DP registered Z5256045
- 8 Principles
- Data sharing
- DSAR



# Principle 6

## - Respectful of Data Subjects rights



- Handle personal information as you would want yours handled
- Be aware of what personal information is around you
- LOCK IT UP when not in use
  - Don't leave it lying around for anyone to see





# DP Training videos

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- ICO FILM – [The Lights are On](#) (22:26)  
– [Blaggers](#) (10:23)

- Short discussion about the issues raised in the film(s)
- Questions





# What information?



- DPA DOES INCLUDE
  - Personal information about the Data Subject
- DPA DOES NOT INCLUDE
  - Non-personal information held by the Council
  - Information about 3<sup>rd</sup> parties



# DSAR

(Data Subject Access Request)



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- Right to see (£10)
- Structured files / relevant filing systems
- Past and present employees
- Private homeowners and Council tenants
- 40 days to respond
- Amended or deleted





# Data losses & breaches



- Most relate to Principle 7 – Kept secure
- Loss transmitting / moving data
  - Unsecure email – use encryption
  - Accidental loss v deliberate loss
  - Theft (opportunist v malicious)
- Store all info on NBC drives
- Only accessible via secure data link
- BYOD – GOOD
- USB Encryption





# USB Encryption



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- Ensures any data moved onto removable media such as USB, hard drives, CD Rom or DVD is secure
- Authorisation process
  - Forms here today
- Simple automated software
- Protects you and the organisation from data loss

# Councillor surgery consent form



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- Constituent is in your ward
- Beware of blaggers
- Copy ID
- Form signed
- Summary of action

If you copy please keep it orange



# The key differences between FOI & DPA



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## FOI

- 20 working days
- All information held
- No right to amend
- Be made public

## DPA

- 40 days
- Only personal info
- Right to amend
- Applicant only

Both overseen by the Information Commissioner



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Information Commissioner's Office



# So who is the Information Commissioner?



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Information Commissioner's Office

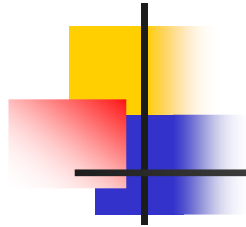
Christopher Graham

 Wycliffe House  
Water Lane  
Wilmslow  
Cheshire SK9 5AF

 0303 123 1113

 [www.ico.gov.uk](http://www.ico.gov.uk)





# The **ico.** role

Information Commissioner's Office



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- **Oversee, provide guidance and enforce....**
  - Data Protection Act 1998
  - Freedom of Information Act 2000
  - Privacy & Electronic Communications Regs 03
  - Environmental Information Regs 04
- **To respond to appeals & complaints**
- **Decisions, enforcement and fines**
- **Annual report to Parliament**



# Whistleblowing

## Anti-Fraud and Corruption

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- Covers wrongdoing, malpractice, irregularity, fraud or corruption
  - Encourage prevention
  - Promote detection
  - Confidential reporting mechanism
  - Protection for disclosing

**Lead by example**

What is....

# Whistleblowing

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What is considered to be whistleblowing?

- Conduct which is a criminal offence
- Disclosure which relate to miscarriages of justice
- Dangerous procedures risking the H&S or welfare of themselves or others
- Damage to the environment
- Unauthorised use of public funds
- Fraud or corruption
- Sexual or physical or mental abuse, actions or comments
- Any other unethical conduct

Protection for

# Whistleblowers

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## Public Interest Disclosure Act 1998

- Internal disclosure
  - Reasonable suspicion/belief is or is likely to occur
- Regulatory Disclosure
  - Honestly and reasonably believe allegations to be substantially true
- Wider disclosure
  - Must have raised concerns as above
  - Not for personal gain

# Whistleblowing

## What to do.....

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- Record
  - As much as you can
    - Dates, times, place, who, what
  - Mobile phone pictures are often helpful
- Inform
  - Mobile hotline: 07900 052 789 (Text or call)
  - Elected member – Francis Fernandez (Borough Secretary)
  - Marianne McCarthy / David Taylor can advise but are not who you report whistleblowing to
- Benefit Fraud
  - National fraud hotline - 0800 854 440


# Whistleblowing Hotline

If you think that a council employee, a Councillor or a contractor working here is

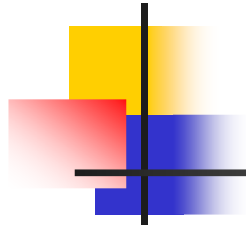
- Doing something illegal
- Damaging the environment
- Misusing public funds
- Committing fraud or corruption
- Not following health and safety rules
- Engaged in any unethical activity

Then please report it in confidence by telephoning the council's Monitoring Officer, Francis Fernandes on the Whistleblowing Hotline

 **07900 052789**

 You can also find our whistleblowing policy on the intranet at <http://intranet/whistleblowingpolicy>





# Personal rights



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# The Human Rights Act 1998 (HRA)





# Rights in Articles



- 16 basic individual rights
- Based on 1953 European Convention of Human Rights



Article 8 states: Everyone has the right to respect for private and family life, home and correspondence



# One to One's



- Welcome to book a one-to-one meeting to discuss the access to information legislation (or just email me 😊 )
- I can answer your specific questions or concerns you may have
- Individually or in groups of up to 4







Thank You for listening



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Any Further  
Questions

**? ? ?**



# Notes

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