



Councillor Induction 19th May 2015

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)

ico.
Information Commissioner's Office



David Taylor  8536



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



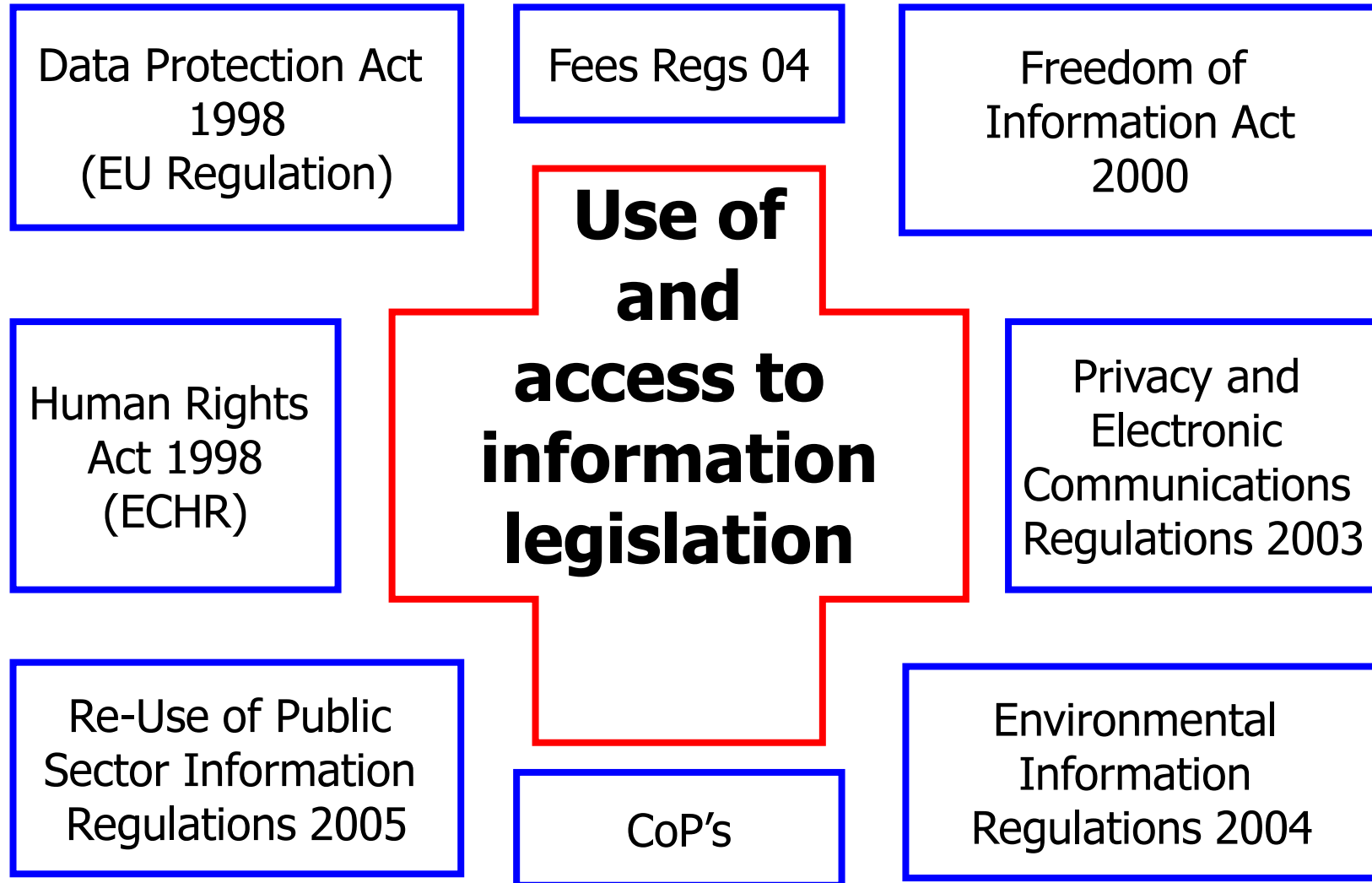


Session topics



- 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



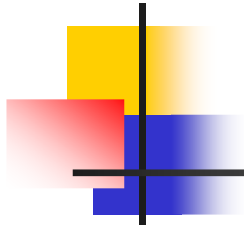
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The Freedom of Information Act 2000 (FOI)



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



- 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



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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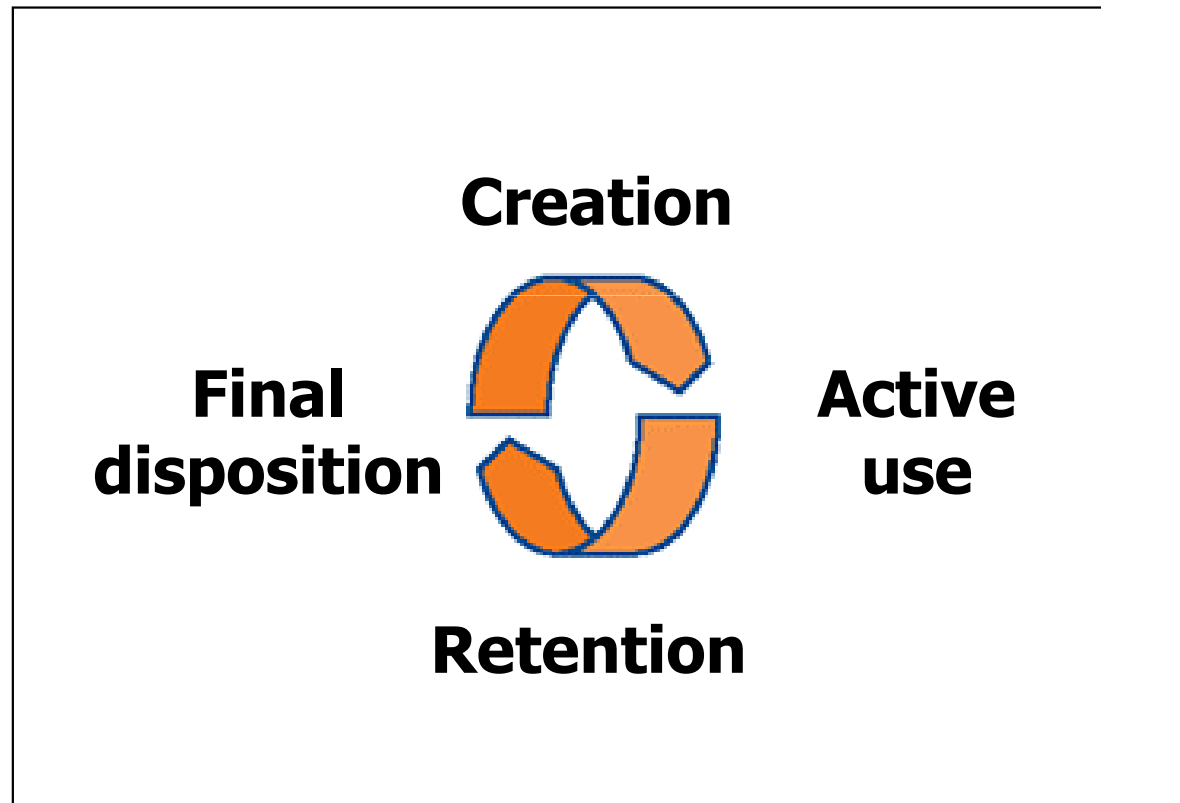
Records Management (RM)



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 3rd 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

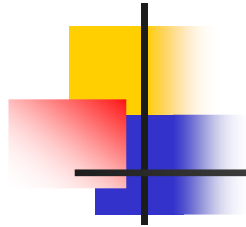
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 www.ico.gov.uk





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



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

Lead by example

What is....

Whistleblowing



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



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.....



- 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

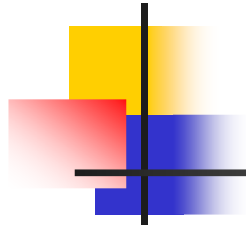
- Doing something illegal
- Damaging the environment
- Misusing public funds
- Committing fraud or corruption
- Not following health and safety rules
- Engaged in any unethical activity

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
