

**GOVERNANCE & RESOURCES  
COMMITTEE**

**THURSDAY 9 JUNE 2016**

**ITEM NO. 15**

**DATA PROTECTION HEALTH CHECK**

GOVERNANCE AND RESOURCES COMMITTEE  
9 JUNE 2016

Report of the Head of Resources

## **DATA PROTECTION HEALTH CHECK**

### **PURPOSE OF REPORT**

This report seeks Members' approval for the appointment of a consultant to carry out a Data Protection Health Check.

### **RECOMMENDATIONS**

1. That Members approve the appointment of Company C to carry out a Data Protection Health Check.
2. That Council be requested to approve the virement of £15,790 from the salaries budget to fund the Health Check.

### **WARDS AFFECTED**

None

### **STRATEGIC LINK**

The services provided under this contract will support the District Council's values to be open and transparent when making decisions and to use public resources ethically and responsibly.

### **1. REPORT**

- 1.1 The Council must ensure that the information it holds complies with the data protection act and with the good practice set out by the Information Commissioner's Office (ICO). Failure to comply can result in fines and/or enforcement action.
- 1.2 Members of this committee will be aware that an internal audit review of data protection arrangements concluded that arrangements were unsatisfactory and made a number of recommendations. Some of the recommendations have not yet been implemented.
- 1.3 Provision was made in the 2016/17 budget for the appointment of an employee who would be responsible for addressing some of the data protection issues. The Corporate Leadership Team agreed that, prior to making an appointment, it would be helpful to commission an independent health check of data protection / information governance arrangement in order to assess what resources might be required to enable the Council to comply fully with statutory requirements. This report looks at the proposals that have been received for the Health Check.
- 1.4 Three proposals have been received. The proposals vary considerably in depth and price. The key information is set out in the table below:

Supplier	Company A	Company B	Company C
Price	Data protection £19,500 Information Assurance £10,500	£2,600 covers data protection and information governance	£15,790 covers data protection and information governance
Price includes:			
Scoping exercise?	Already done	Yes	Yes. Will use Privacy Management Framework
Desktop review of existing documentation?	Yes – all relevant documentation	Yes	Yes – up to 10 privacy- related documents.
Interviews with key officers?	Yes	Yes	Yes – up to 10 stakeholders expect this to include one from each Department.
Review of findings against required areas?	Yes – a gap analysis will be prepared. The exercise will consider DPA compliance and the wider Information Assurance Compliance status.	Yes – includes compliance, governance, assurance, assurance, technology	Yes – a gap analysis will be prepared
Report with recommendations and suggested actions?	Yes – written report to highlight areas of compliance and non- compliance & suggested approach to mitigate ore remediate specific non- compliances. Can be presented verbally to CLT.	Yes – could be presented as an interactive workshop. Report will highlight overall risk profile, good practice, knowledge gaps, improvements & training needs.	Yes – will identify gaps in the data protection environment and provide recommendations on how to address these.
Addresses additional requirements of the EU General Data Protection Regulations?	Yes	Not mentioned	Yes
Payment Card Industry Data Security Standard compliance included	Yes but £8,250 additional cost	Not mentioned	Not mentioned
Includes FOI and DP Subject Access Request handling?	Yes	Not mentioned	Not mentioned

- 1.5 The Corporate Leadership Team have evaluated the proposals and agree that the proposal from Company C offers the best solution in terms of price, depth of analysis, experience of those undertaking the work and knowledge of Local Government.
- 1.6 There is no specific budgetary provision for the appointment of a company to carry out the data protection health check. However, the 2016/17 budget includes £26,379 for the salary and oncosts of a data protection officer; this has not yet been utilised. It is suggested that Council be requested to approve virement of £15,790 from the salaries budget to fund the cost of the health check.

## **2. RISK ASSESSMENT**

### **Legal**

The virement provisions are contained within Financial Regulations. The proposals contained within the report are aimed at mitigating risk. The overall legal risk is therefore medium and will be reviewed upon completion of the proposed exercise.

### **Financial**

The cost of the data protection health check can be financed by using virement from the salaries budget. Failure to comply with the Data Protection Act can result in significant fines and/or enforcement action. The financial risk of implementing the recommendations of this report is assessed as "low".

### **Corporate Risk**

The Council holds significant amounts of information / data, some of which is classed as personal information. The Council has a responsibility to adopt arrangements that protect personal information while at the same time it faces intense pressure to deliver unprecedented funding cuts, organisational change and innovation in service delivery while meeting public demands for greater transparency in decision-making and performance.

With the Council's aspiration to become paperless, along with mobile and home working arrangements, there is an increased risk that data is shared inappropriately with the wrong individuals/bodies/committees etc. and that information is not appropriately safeguarded. Effective arrangements for data protection will ensure that the Council does not risk financial or reputation damage arising from data protection security breaches

## **3. OTHER CONSIDERATIONS**

In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

## **4. CONTACT INFORMATION**

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**5. BACKGROUND PAPERS**

None

**6. ATTACHMENTS**

None