

SOUTH YORKSHIRE FIRE & RESCUE AUTHORITY

Meeting	AUDIT AND GOVERNANCE COMMITTEE
Meeting Date	20 NOVEMBER 2023
Report of	CHIEF FIRE OFFICER AND CHIEF EXECUTIVE
Report Sponsor(s)	DEPUTY CHIEF FIRE OFFICER, DIRECTOR OF SERVICE DELIVERY
Subject	INFORMATION GOVERNANCE UPDATES (INC GDPR & FOI)

EXECUTIVE SUMMARY

This report presents combined information on South Yorkshire Fire and Rescue's (SYFR) compliance with the Data Protection Act 2018, the UK General Data Protection Regulation (UK GDPR), and requests received under the Freedom of Information Act.

Following the government's open consultation in 2021, "Data: A New Direction", it has since published the "Data Protection and Digital Information Bill". This Bill outlines a number of ways in which the UK intend to amend existing UK data protection legislation very much focusing on an "evolution rather than revolution." The Bill has had its second reading and is currently in the "Reporting Stage" within the House of Commons. There are no further updates as yet.

As previously stated, whilst keeping an overview of this, we are remaining very much business as usual and SYFR's Data Protection Officer (DPO) will update the organisation as necessary in due course.

SYFR's DPO is committed to fostering a culture of good data protection in everyday life throughout stations and departments across the Service.

The DPO continues to work closely with ICT to ensure consistent messages and timely updates are shared service-wide via training sessions, articles in the bulletin and the various meetings the DPO presents data protection actions and updates at.

Since the last report, the SYFR DPO has completed face to face bi-annual training of those departments handling large volumes of personal data on a day to day basis. This covers departments such as OHU, People, Safeguarding, Payroll, Health and Safety, and Control etc.

Along with training high risk areas, this was also offered to any new starters, new recruits and personnel in any department to join a quarterly session put on by the DPO. In this year to date this training has covered 201 SYFR employees with one final session being run towards the end of the year.

Members are provided with information of requests processed under the Freedom of Information Act (FOIA) for the 6-month period 1 February to 31 July 2023. 74 requests for information were processed, which is a 25% increase from the previously reported 6 month figures (59 requests).

A summary of requests shows 54 complete responses, 9 partial responses, 5 refusal notices, 1 clarification (expired) and 4 fees notices (2 open, 2 expired) were issued. One request was withdrawn. No internal reviews were received and no complaints received from the Information Commissioner's Office.

471 questions have been processed, a 19% increase (previously 397) with the average number of the questions per request moving from 7 to 6. Of the 74 requests closed, 96% received a response within 20 working days which is a good progress increase from 91%.

The report also shows the amount of actual office hours spent processing each request (as opposed to the duration taken to reply to the request as defined by the FOIA). Over the last 6 months, processing time was a total of 275 hours with the average maintained at 4 hours to process each request, estimated at £100.00 in staff time per request (£25 per hour).

A broader analysis highlights trends of the type of information requested, where requests are received from, and which departments provided information, showing that the majority of requests were received from the general public (19), businesses (19) and the media (14).

Individual requests can involve more than one department and the Information and Governance (IG) team have worked with 12 different departments from an estimated 20 across the organisation to identify if information is held. The most requested subjects were: incidents (29), staff (15), procured contracts (9) and Business Safety (8); hence our Business Intelligence (27), People and Organisational Development (14) Business Safety (9) and ICT (8) teams were the busiest, locating and providing information to the IG team to process requests.

RECOMMENDATIONS

Members are recommended to:

- a) Note the good data protection and compliance progress by the DPO working with the Senior Information Risk Owner (SIRO) and other officers across SYFR.
- b) Note the good work in training SYFR staff.
- c) Note the processing of incidents over the last 6 month period.
- d) Note the increased in Subject Access Requests and all responded to within 1 month.
- e) Note the increase number of FOI requests and percentage responded to within 20 working days.

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Appendix A – Summary of FOI requests 1 February 2023 to 31 July 2023

BACKGROUND – UK General Data Protection Regulations (GDPR) and The Data Protection Act 2018 (DPA2018)

1. UK GDPR is a defined set of data protection rules not only limiting what organisations can do with individuals' personal data but giving people far more access to, and control over, the information organisations are processing about them. UK GDPR is tailored to the UK by the Data Protection Act 2018. At the heart of UK data protection legislation are 7 key principles for organisations to adhere to. The Information Commissioner's Office (ICO) is the UK's independent body established to uphold information rights. SYFR are registered with the ICO as a Data Controller.

GDPR 6 MONTHS PROCESSING STATISTICS

2. A Data Breach Incident Management policy, procedure and log are all in place.

During the period 1 February 2023 to 31 July 2023 there have been 14 recorded incidents, these are broken down as:

- X9 email incidents
- X1 documents saved to the wrong file
- X1 documents left unattended e.g. on photocopier
- X3 "other" e.g. verbal

There has been 5 near misses broken down as:

- X3 email incidents
- X2 missing paperwork incidents

None of the above required reporting to the Information Commissioner's Office.

3. The SYFR DPO works with the relevant departments to fully investigate all incidents, taking advice from the Information Commissioner's Office where necessary. A risk assessment is completed for all incidents and is signed off by the Senior Information Risk Owner (SIRO). Lessons learned are worked on for each incident to try and prevent any re-occurrences.
4. SYFR have processes in place to respond to disclosure of personal data requests under the Data Protection Act 2018 including Subject Access Requests (SARs). During the period 1 February 2023 to 31 July 2023 there have been 17 SARs.
5. SARs must be responded to within 1 calendar month; for the 17 responded to within this period, they took an average of 18 days per request. None exceeded the 1 calendar month timescale.
6. During this same period, there have been 18 Personal Data Disclosure requests. These requests come mainly from the Police and are managed via Control. Some also come via court orders, solicitors or legal teams within local authorities that are overseen by the DPO.
7. During this same time period there have been 18 video image requests.

ONGOING AREAS OF WORK

8. Since the last report, the SYFR DPO has conducted face to face training sessions for 201 individuals. This represents an almost 350% increase from last quarter's 45. This is due to the bi-annual face to face training of high risk areas being rolled out this year as advised last quarter.
9. Training has covered SYFR high risk areas such as People, Payroll, OHU, Safeguarding etc. The sessions were then opened up to any new starters in these areas, new Firefighter recruits and existing employees who wanted a refresher. There is one more session to be run before the end of 2023.
10. Data Protection training for Fire Authority Members is also being booked in for the end of 2023.
11. As noted in item 4, the SYFR DPO has processed 17 Subject Access Requests, this represents a 113% increase on last quarter's 8 requests and a 240% increase from this quarter last year, being 5 requests. It is to be noted the increase of SARs having to be managed and the complex nature of these requests.
12. It is noted that all SYFR Privacy Notices are published online. SYFR have a register of these and all are checked periodically to ensure they are accurate, relevant and up to date.

FREEDOM OF INFORMATION ACT & ENVIRONMENTAL INFORMATION REGULATIONS

13. The Freedom of Information Act 2000 and Environmental Information Regulations 2004 provides public access to information held by public authorities. Members of the public can request certain information, which we are obliged to provide subject to a number of exemptions and to have this communicated to them.

FOI / EIR PROCESSING

14. During the 6-month period 1 February 2023 to 31 July 2023, under the FOIA there were 54 complete responses, 9 partial responses, 5 refusal notices, 1 clarification (expired) and 4 fees notices (2 expired, 2 open) processed. 1 request was withdrawn.

FOI Definitions:

- Complete response – information held and provided in full or we don't hold it
 - Partial response – information held and some withheld using an exemption(s)
 - Refusal Notice – all information is in the public domain or all is being withheld supported with an exemption
 - Fees notice – it would take longer than 18 hours work to locate, retrieve the information requested
 - Clarification – where we are unable to interpret the request and require further information
15. Comparison figures alongside the previous 6-month period, show the following:
 - a 25% increase in the number of requests processed from 59 to 74
 - a 19% increase in the number of questions asked from 397 to 471
 - the average number of questions falling from 7 to 6 per request
 - a positive rise to 96% of requests responded to within 20 working days (from 91%)
 - a decrease in the average processing time from 13 to 11 working days.

16. The total number of actual office hours spent processing each request across all departments (as opposed to the duration taken to identify if we hold the information requested and retrieve it as defined by the FOIA), has increased from 198 to 275 hours, with the average processing time of 4 days per request remaining the same. At £25 per hour (as determined by the FOI Code of Practice) the average request processing cost in staff time is estimated at £100.00.
17. The Information Commissioner recommends the following FOI standard for responses and internal reviews to be issued with 20 working days, using the most recent quarter's data and recognising that the appropriate timescale should reflect current performance.
 - Good – 95% or more
 - Adequate – 90-95%
 - Unsatisfactory – less than 90%
18. For the 6 month reporting period required for this report, of the 74 responses provided, 71 achieved the 20 working days standard. This equates to 96% compared with 91% from the last reporting 6 month period. The IG team are progressing this response rate in a positive direction moving from 'adequate' to 'good'.
19. SYFR always endeavour to process FOIA requests as quickly as possible and regret delays in providing responses outside the 20 working day deadline. Applicants are informed when we experience delays and are provided an expected response date. 3 requests took 21, 25 and 29 days; these were due to the need for an additional day to absolutely ensure information was correct before release, a technical issue with data generation and a misunderstanding of where information was held.
20. A summary of all requests received, numbers of questions, processing times and exemptions is provided at Appendix A.

Partial responses

21. 9 requests received partial responses, where some information was provided and some information exempt, usually as it is already available in the public domain e.g. on the Service, Authority or Government website. Examples of where applicants are mostly directed towards when the exemption is under Section 21 'information accessible by other means':
 - Gov.uk website - A series of Fire and Rescue Service datasets
www.gov.uk/government/statistical-data-sets/fire-statistics-data-tables
 - SYFR website – Contracts Register for all contracts over £5,000
<http://www.syfire.gov.uk/transparency/contracts-register/>
 - SYFR website – Transparency Agenda for spending over £500
www.syfire.gov.uk/transparency/spending-over-500/

Fees Notices and Clarification Requests

22. 4 fees notices under Section 12 and 13 of the FOIA were issued, 2 have expired with no response received and 2 are currently open. SYFR contacted 1 applicant requesting clarification under Section 1(3) to assist us to search for information. The 20 working day response time will not start until a satisfactory reply is received. 2 fees notices were closed and the clarification request were closed as no further response was received within 3 months and 2 fees notices remains open, awaiting a response.

Appeals / Internal Review Requests and Complaints to the Information Commissioner's Office

23. No Internal Review requests of a response provided by the Service were received.
24. No complaints have been received by the Information Commissioner's Office.

Trends and Analysis

25. A broader analysis of requests is provided to Members, which includes trends of the type of information requested, generally where requests are received from and which departments have provided information to the IG team.
26. The majority of requests were received from the public (29), businesses (19), media (14), Government (6 – 5 local, 1 national) and universities (2), charities, representative bodies, partner agencies and other fire and rescue services (1 each).
27. Overall, 12 departments provided information to enable the Service to respond to requests. The main subjects shown below, indicate Business Intelligence (27), People and Culture (14), Business Safety (9) and ICT (10) teams have been the busiest, locating and providing information to the IG team to process requests.
 - Incident data - 29
 - Staff / organisation - 15
 - Supplier contracts (various) - 9
 - Business Fire Safety – 8
 - Finance 4
 - Fleet – 3
 - ICT and Operations – 2 each
 - EDI and Estates - 1 each

FREEDOM OF INFORMATION / ENVIRONMENTAL INFORMATION TRAINING

28. The formation of an introduction to FOI/EIR training for the wider organisation is progressing. In May 2023, the Information and Governance Manager provided a presentation at the Service Middle Manager's meeting which included a summary of 2022/23 FOI processing statistics and trends. In August 2023 an additional joint GDPR / FOI Middle Managers presentation was delivered and in October 2023 an initial introduction to FOI training session was provided to Business Safety new starters. Further information will be provided in the next reporting period.

CONTRIBUTION TO OUR ASPIRATIONS

- Be a great place to work-** we will create the right culture, values and behaviours to make this a brilliant place to work that is inclusive for all
- Put people first-** we will spend money carefully, use our resources wisely and collaborate with others to provide the best deal to the communities we serve
- Strive to be the best in everything we do-** we will work with others, make the most of technology and develop leaders to become the very best at what we can be

CONTRIBUTION TO SERVICE IMPROVEMENT

- [HMICFRS Inspection Framework e.g. Diagnostic area and/ or diagnostic questions](#)
- [SYFR Inspection report Areas for Improvement \(AFIs\)](#)
- [Fit for the Future Improvement Objectives](#)
- [Professional Standards for Fire & Rescue Services in England](#)
- [SYFR Service Plan 2023-24 Priorities](#)
- [SYFR Community Risk Management Plan 2021-24](#)

Compliance with legislation contributes to efficiency and performance.

OPPORTUNITIES FOR COLLABORATION

- Yes
- No

If you have ticked 'Yes' please provide brief details in the box below and include the third party/parties it would involve:

SYFR DPO engaged with the SY Joint Authority and Governance Unit and will again be delivery data protection training to Fire Authority Members towards the end of 2023.

CORPORATE RISK ASSESSMENT AND BUSINESS CONTINUITY IMPLICATIONS

29. The biggest risk for SYFR under Data Protection legislation is enforcement action and/or monetary penalties that can be enforced by the Information Commissioner's Office (ICO) for non-compliance; a fine could be up to £17.5 million or 4% of annual global turnover – whichever is higher.
30. A data protection incident could also mean reputational damage for the organisation, a loss of trust and confidence, media scrutiny, complaints, legal action, and further far reaching problems for data subjects such as distress, embarrassment and in the worst case scenarios physical harm.
31. The increasing number and complexity of Subject Access Requests (SAR) can have a significant impact on departments called upon to pull together documentation for responses. SAR responses have a timeframe of "without undue delay and at the latest within one calendar month of receipt". Prioritising this work can often mean taking officers away from other tasks. Whilst this places a burden on the authority, we must ensure these timeframes are met to avoid potential enforcement action or fines by the ICO, reputational damage and/or a loss of trust by data subjects.
32. It is to be noted that the SYFR DPO role is a standalone role reporting in to SYFR Deputy Chief Fire Officer. SYFR have a mutual cost neutral service level agreement (SLA) for DPO support with Derbyshire FRS and Nottinghamshire FRS. In the event of absence/annual leave/bank holidays where a DPO is out of the office for more than 2 consecutive days, cover is provided through this agreement. This would also be called upon in any extraordinary business continuity circumstances. This

agreement is currently being reviewed to ensure it is still accurate, up to date and fit for purpose.

33. The number, depth and complexity of FOI requests can constitute a significant burden to the Service. Officers mindful of the 20 working day limit, which the legislation imposes, have to prioritise research and consider exemptions and responses that can take them away from other work. FOI responses are however, an opportunity to show the public we are open, honest and here to help and if managed well, to improve the public's perception of us.
34. The IG team ensure all requests are acknowledged and a response is provided. Each request has a minimum of 2 qualified FOI Officer processing for drafting and checking a response prior to release. Processing of requests has not been identified as an immediate risk critical function, nevertheless resilience for managing the process is part of the department's business continuity planning.

EQUALITY ANALYSIS COMPLETED

Yes

If you have ticked 'Yes' please complete the below comment boxes providing details as follows:

Summary of any Adverse Impacts Identified:	Key Mitigating Actions Proposed and Agreed:
The FOIA requires requests for information to be made in writing. This is potentially discriminatory in that it places a statutory barrier in the way of those who have certain disabilities or who do not communicate easily in English, to access the service.	Information is included within the policy explaining should a phone call be received requesting information, FOI officers will establish if a reasonable adjustment can be offered i.e. to write the request down and send it to the requestor for signature. Within the existing statutory restrictions, this is the easiest "work around" available, and also complies with our duty to provide advice and assistance to those making requests under the Act.

No

N/A

If you have ticked 'No' or 'N/A' please complete the comments box below providing details of why an EA is not required/is outstanding:

HEALTH AND SAFETY RISK ASSESSMENT COMPLETED

Yes

No

N/A

If you have ticked 'No' or 'N/A' please complete the comments box below providing details of why a Health and Safety Risk Assessment is not required/is outstanding:

The processes do not pose any health and safety risk which would fall outside normal business.

SCHEME OF DELEGATION

35. Under the South Yorkshire Fire and Rescue Authority Scheme of Delegation a decision *is required / *has been approved at Service level.

Delegated Power Yes
 No

If yes, please complete the comments box indicating under which delegated power?

D: Legislation D11: FOIA 2000 Requests

IMPLICATIONS

36. Consider whether this report has any of the following implications and if so, address them below: Diversity, Financial, Asset Management, Environmental and Sustainability, Fleet, Communications, ICT, Health and Safety, Data Protection, Collaboration, Legal and Industrial Relations implications have been considered in compiling this report.

List of background documents		
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