

Information Governance

What is Information Governance ?

It is a framework that brings together all the requirements, standards and best practice that apply to the handling of information to ensure:

- compliance with the law
- implementation of government guidance
- monitoring and improvement

It is designed to assist with the application of rules concerning **confidentiality, privacy, data security, consent, disclosure and access to records**

Data Protection Act 1998



The DP Act

A law that protects personal privacy and upholds individual's rights

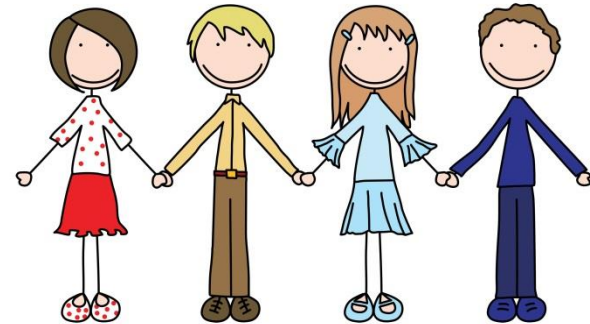
Anyone who handles personal information as part of their job must follow the rules set out in the Act

The Act ensures that data held electronically and in paper-based systems are managed properly

What does the Act do?

Gives rights to the people the information is about :

Data Subjects



Places obligations on organisations that process personal data :

Data Controllers



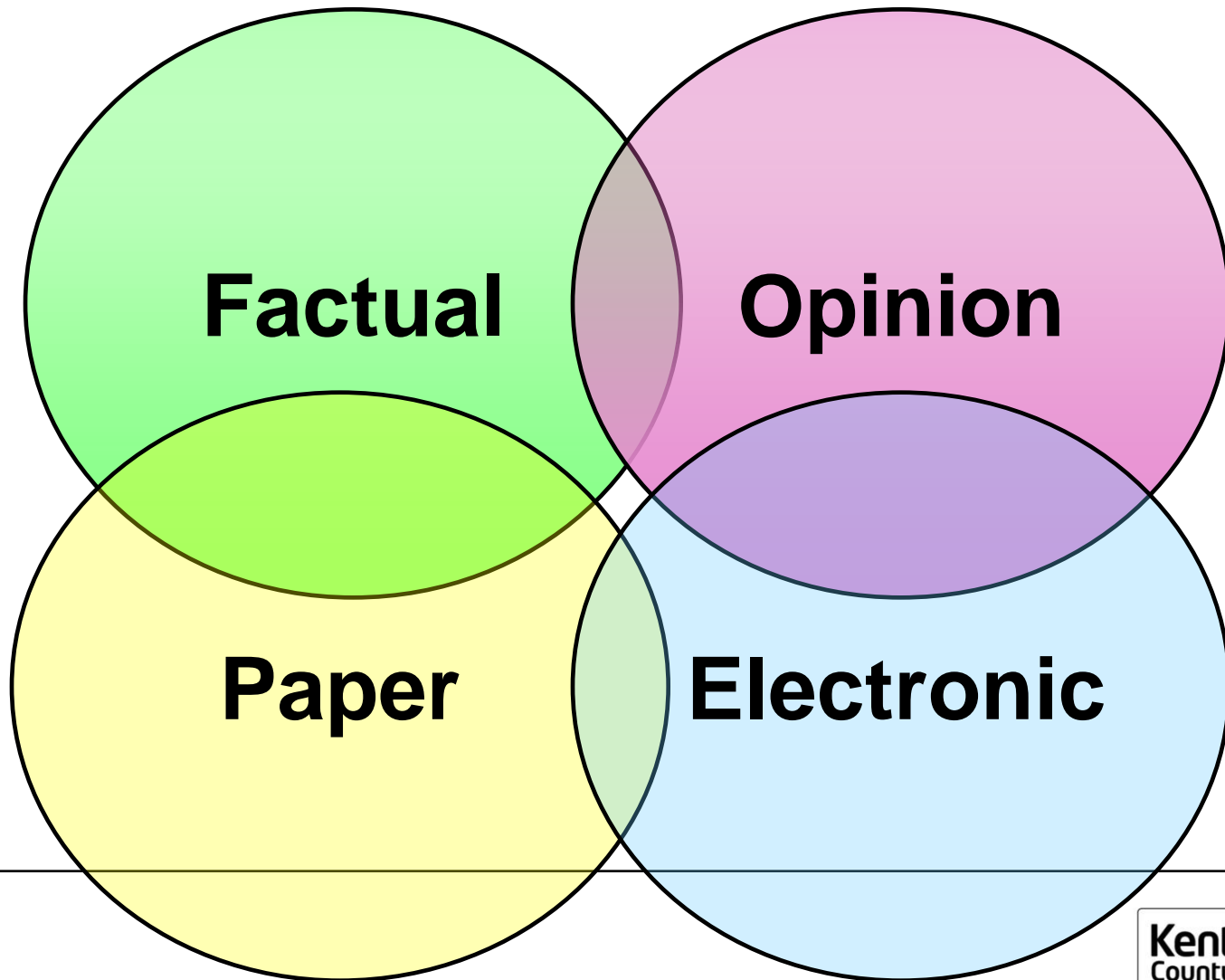
Notification

To comply with the Act every school must register the reasons for processing personal information with the Information Commissioners Office (ICO)

- Fee of £35/£500 is payable annually
- Failure to notify is a criminal offence

Personal Data

Recorded information about an identifiable living individual



Sensitive Personal Data

- a. Racial or ethnic origin
- b. Political opinions
- c. Trade union membership
- d. Religious or similar beliefs
- e. Health or sexual life
- f. Criminal offences, proceedings
and convictions



Where do we hold Personal Data?



Personal Data should be ...



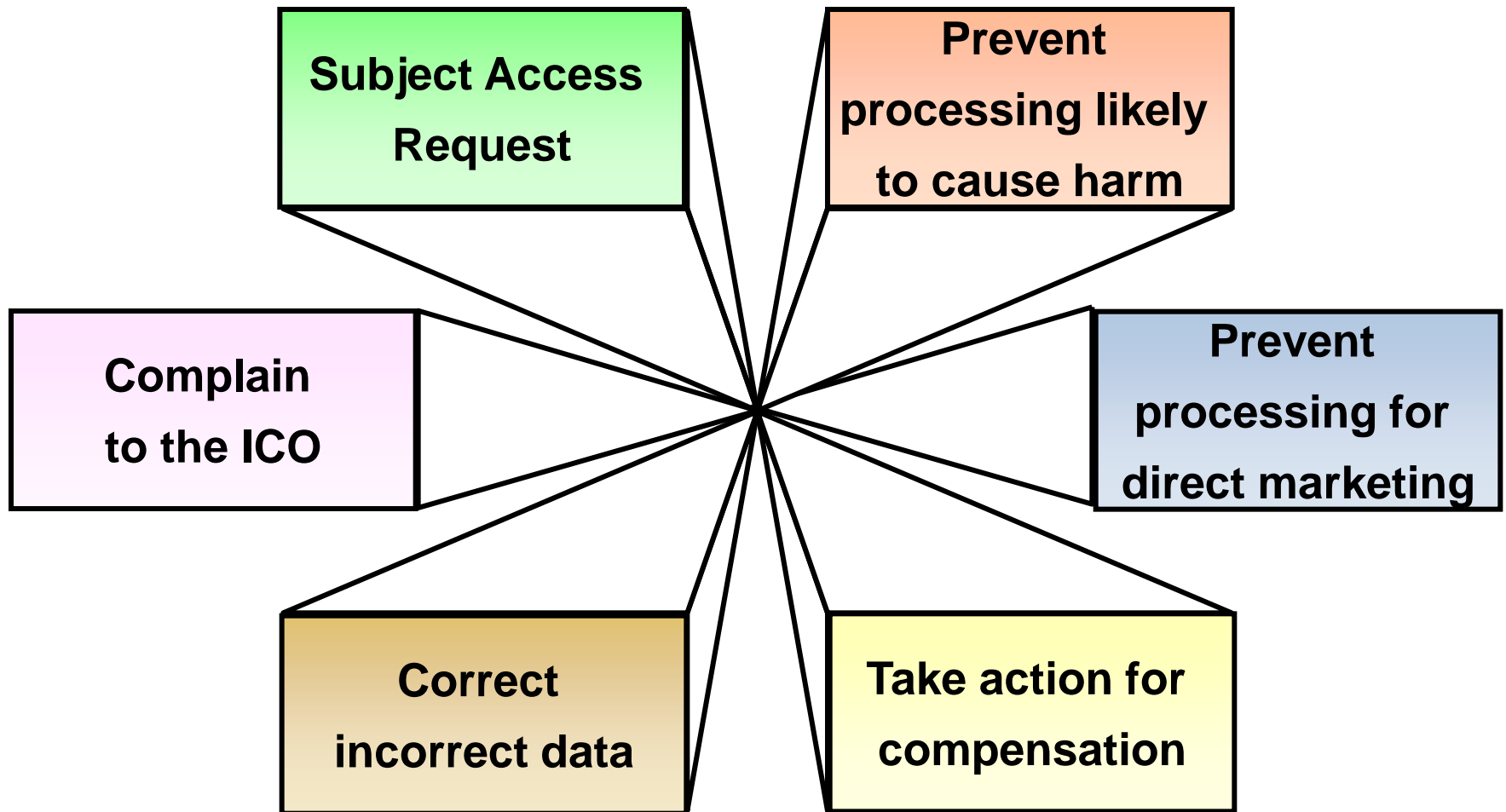
The eight data protection principles

Privacy Notice

We should ensure that all Data Subjects are provided with the following information:

- The identity of the Data Controller
- The purpose for which the data is being processed
- Any further information necessary

Individuals Rights



Access to Records

Education (Pupil Information) Regulations 2005 SI No 1437

- Parents have a right to access the official education records for their child
- Fee of up to £50 may be charged for photocopying
- Must respond within 15 school days

Subject Access Request under the Data Protection Act 1998

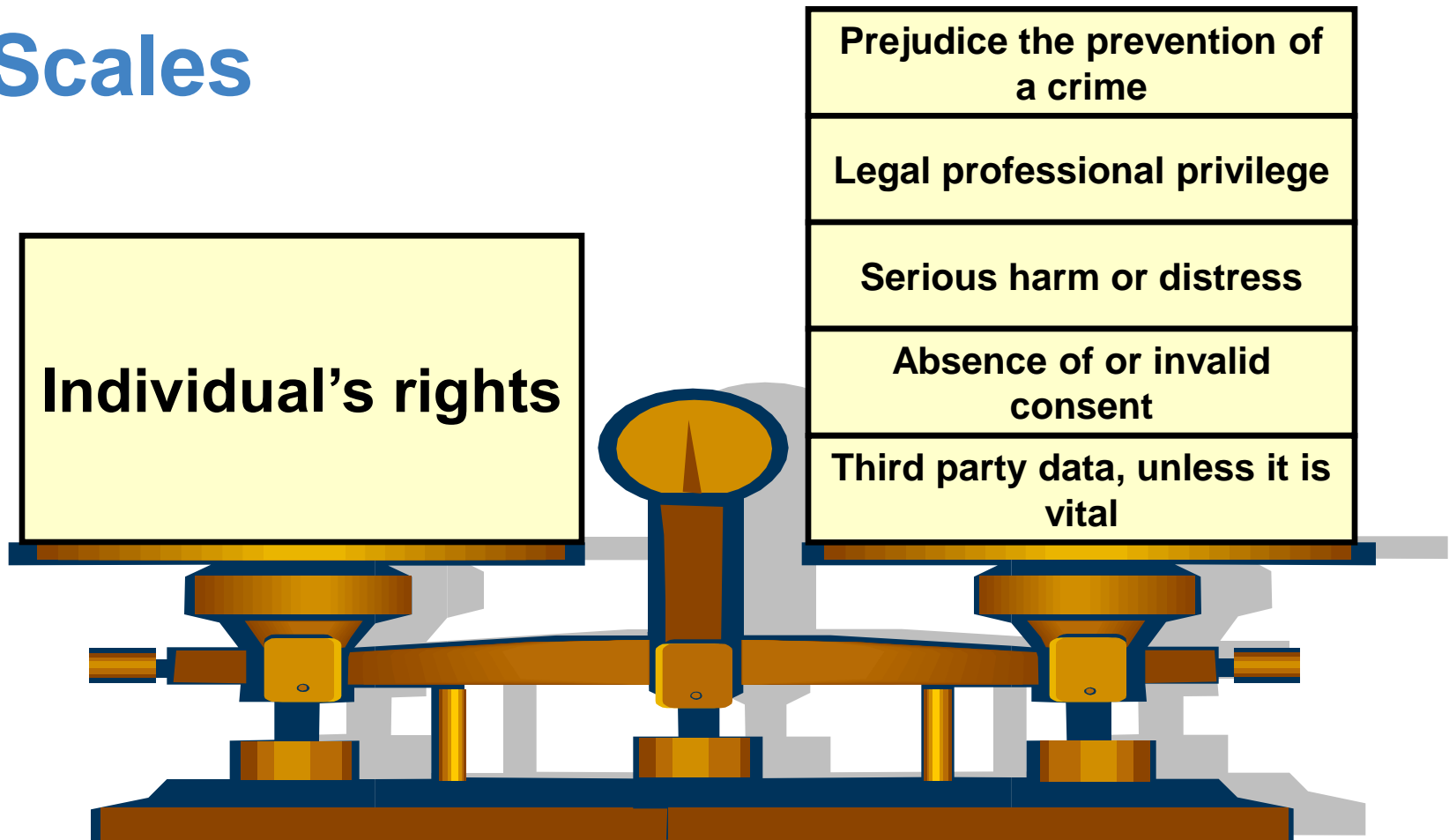
- Staff can access their personnel records
- Past pupils can access their education records
- Any information which does not form part of the education record
- Must respond within 40 calendar days

Dealing with a Request

You must:

- Confirm the identity of the data subject
- Confirm the identity & legitimacy of the requestor (if not the data subject)
- Ensure 'consents' have been obtained where necessary
- Gather enough information to begin the search

Disclosure Scales



Offences

The Information Commissioners Office (ICO) has a duty to investigate a complaint

Reasons for complaint could be:

- Failure to comply with a written request
- Unauthorised disclosure of personal data

Information Security





The ICO has stated that information security is probably the most important aspect of data protection for schools

The ICO has the power to impose fines of up to **£500,000** for serious breaches of the DP Act

The school must consider informing the ICO of any breach involving personal information

Breaches

Nov 2012 - Leeds City Council - Child care files sent to the wrong address - Fined £95,000

Dec 2012 - London Borough of Lewisham - social work papers left on train in plastic shopping bag - Fined £70,000

Dec 2012 - Devon County Council – social worker used previous case as a template and the old report was sent in error, identifying 22 people – Fined £90,000

June 2013 - Halton Borough Council - clerical officer sent adoptive parent's address details to birth mother who then gave them to her parents who in turn contacted the adoptive parents - Fined £70,000

Information Security

Keep all personal
information secure
when it's not being
used



Passwords

Look after your
user ID and
password used to
access your
computer



Conversations

Do not discuss
someone's personal
business in a public
place



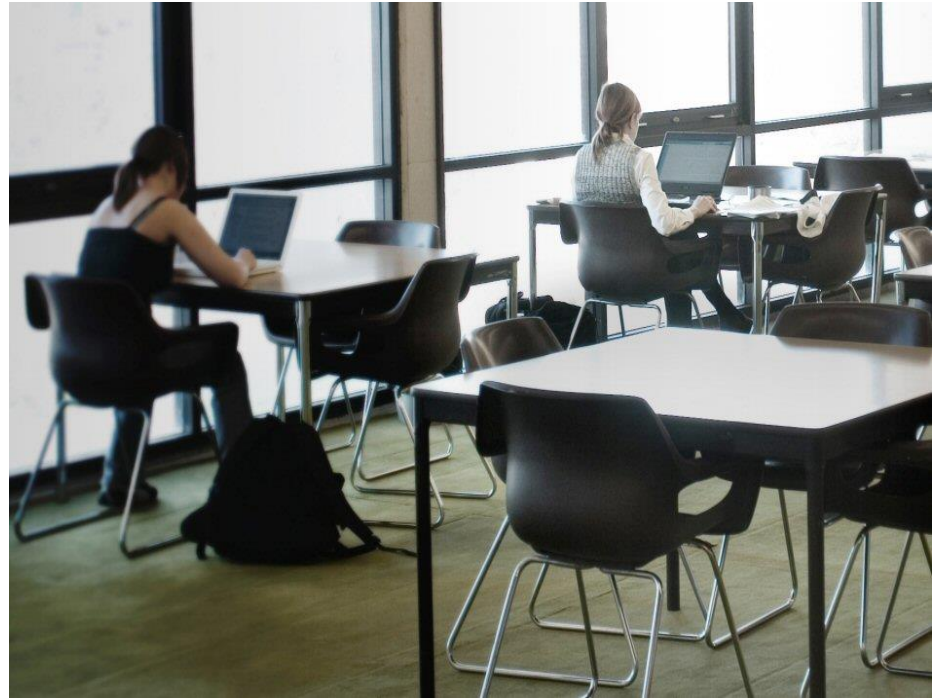
Phoning

Take care when
disclosing personal
information
particularly on the
telephone



Computer Screens

Make sure the computer screen is shielded in open plan or public areas



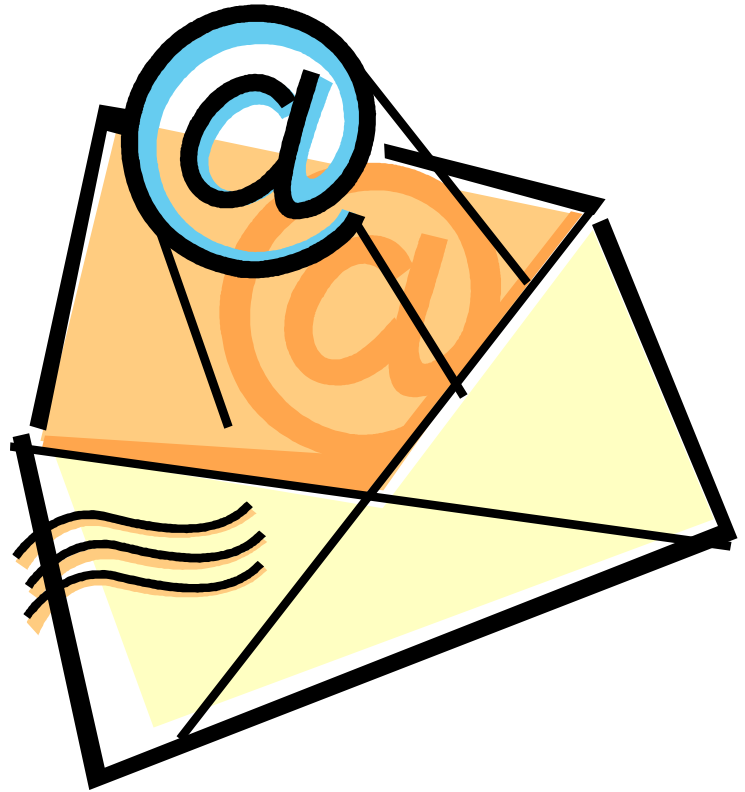
Memory Sticks

Do not keep
personal or
confidential
information on
memory sticks



Email

Take care when
using email to send
sensitive or
confidential
information



Faxing

Be very careful if
you need to fax
personal
information



Photocopying/printing

Only send personal or confidential information to multi-function printers in 'safe haven' locations



Building Security

Tighter access
controls to
prevent
unauthorised
access



Information in Transit

Keep personal information confidential when moving it from one location to another



Confidential Waste

All papers that identify individuals must be destroyed in a secure manner



Freedom of Information Act 2000



FOI Act 2000

All public authorities should be open & transparent with information

Gives right of access to all types of information held by the school

Sets out exemptions from that right



Right of Access

Any individual has the right of access to:

- Information recorded in any form
- Information, not a record
- Information held (not just owned)



Making a Request

Requests must be made “in writing”

Must include name & address of applicant

Must describe the information required

No need to prove ID and do not have to say why they want the information or refer to FOI Act



New Rights for Public

To be informed in writing whether information held (“duty to confirm or deny”)

If so, to have information communicated to them subject to...

- an exemption applying
- cost threshold
- vexatious or repeated requests

Exemptions

Absolute exemptions

- No right of access under FOI
- Still a legal obligation to provide advice and assistance to enquirer

Qualified exemptions

- Even if an exemption applies, authorities must still disclose if it is in the public interest
- Carry out a ‘public interest test’

Dealing with requests

The school has 20 working days to deal

Have a duty to provide advice and assistance

Information must be provided in the form requested, where 'reasonably practicable'

Tampering with existing information once requested is a criminal offence!

Key to FOI

Knowing what information you are creating

Ensuring that the information is easily accessible

Knowing what information is being published on the school website

Ensuring that information is disposed of properly using the retention policy



Remember ...

Third parties may have a right to access the information the school holds

Ensure contractors are aware of how FOI will impact on them

Create records with an eye to other people seeing them

There is no exemption for embarrassment!

Contact Details

Information Commissioner

Website: www.ico.org.uk

Tel: 01625 545745

Email: mail@ico.gsi.gov.uk

IR&T Team

Information Governance Specialists:

Caroline Dodge	(Team Leader)	1652
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Sandra Town		1790
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Michelle Hunt		6692
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Pauline Banks		4999
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Records Manager – Elizabeth Barber		4373
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KNET: <http://knet/ourcouncil/Pages/information-governance.aspx>