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

- Factual
- Opinion
- Paper
- Electronic
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 ...

1. Processed fairly and lawfully
2. Processed for specified purpose
3. Adequate, relevant and not excessive
4. Accurate and up to date
5. Held no longer than necessary
6. Processed in line with the individuals rights
7. Kept secure
8. Only transferred to countries with adequate security measures

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

- Subject Access Request
- Complain to the ICO
- Correct incorrect data
- Prevent processing likely to cause harm
- Prevent processing for direct marketing
- Take action for compensation
# 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

- Prejudice the prevention of a crime
- Legal professional privilege
- Serious harm or distress
- Absence of or invalid consent
- Third party data, unless it is vital

Individual’s rights
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
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 workings 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
Sandra Town 1790
Michelle Hunt 6692
Pauline Banks 4999
Records Manager – Elizabeth Barber 4373

KNET: http://knet/ourcouncil/Pages/information-governance.aspx