Information Services & Governance

Annual Report

2021/22

1. PURPOSE AND RECOMMENDATION

1.1 The report presents the annual outturn on the delivery of Information Services and Information Governance in Gwent Police.

1.2 There are no recommendations made requiring a decision.

2. INTRODUCTION & BACKGROUND

2.1 In response to the General Data Protection Regulation (GDPR) requirements in 2018, the force established the Information Services and Information Governance structures both of which report to the Assistant Chief Officer - Resources.

2.2 The Information Governance structure is headed by the Joint Data Protection Lead Officer (DPO) shared with South Wales Police. This role is focussed on meeting the requirements of the GDPR and the Data Protection Act 2018. The structure of the Information Governance Team preserves the independence of the DPO as required by legislation. In addition, it also brings together complimentary processes to ensure compliance when dealing with information across the force.

2.3 The Information Services structure is headed by the Head of Information Services and provides disclosure on data management provision for the force in line with legislative requirements. Other services provided include Police National Computer maintenance and also the Firearms Licencing management.

2.4 This report presents the key performance areas for both Information Governance and Information Services. These are monitored through the Information Assurance Board (IAB).

3. ISSUES FOR CONSIDERATION

3.1 The reporting arrangements have been operational throughout the financial year.

3.2 INFORMATION SERVICES - DISCLOSURES

3.2.1 The disclosure performance areas are summarised below with supporting explanation and the detailed performance analysed at Annex 1 for Subject Access and Freedom of Information. This is also published on the NPCC website, and found at the following link:

https://www.npcc.police.uk/documents/FOI%20Performance%20Monitoring/Performance%20Stats%20Feb%202022.pdf

- Subject Rights Provisions
  - Right of Access (Subject Access Requests)
  - Right to Be Informed
  - Right to Erasure
  - Right to Rectification

    - Right to Restrict Processing
- Freedom of Information (FOI)
- Environmental Information Regulations (EIR)
- Children and Family Court Advisory & Support Service (CAFCASS)
- Road Traffic Collision (RTC) Disclosure
- Criminal Injury Compensation Authority (CICA)
- Family Court Orders
- Data Protection requests
- Common Law Police Disclosures
    - Notifications
    - Disclosures
- Local Authority Safeguarding Checks
- Disclosure and Barring Service (DBS)
- Police National Computer (PNC)
    - Creation
    - History

Subject Rights Provisions

Right to be Informed

Individuals have the right to be informed about the collection and use of their personal data. Data Controllers must provide certain information, such as purposes of processing, retention periods, data processors. This information is set out within the Corporate Privacy Notice.

Right of Access Rights or Subject Access Rights (SAR)

The SAR service involves the processing of requests from Data Subjects wishing to access their personal data. This can include conviction data, non-conviction data, BWV, custody interviews.

SARs must be responded to within one month unless an extension is applicable. The SAR response for the year has been at 100% compliance for nine of the twelve reporting months. The average for the year was 96%.

Right to Erasure

GDPR introduces a right for individuals to have personal data erased. The right to erasure is also known as 'the right to be forgotten'. There were 3 requests in the reporting period, all processed within the statutory timescale.

Right to Rectification

GDPR includes a right for individuals to have inaccurate personal data rectified or completed if it is incomplete. There were 5 requests in the reporting period, 4 processed within the statutory timescale and 1 pending.

Freedom of Information (FOI) Requests

The FOI service involves the processing of requests from members of the public and the media for information held by the force.

The performance for the year fluctuated from a low of 56% to a high of 83%. The statutory compliance rate is 90%. The National average for all forces was 73%. There are two factors that affect performance: capacity within the FOI Team; and capacity within business areas to provide responses. The FOI Team is currently fully staffed. There is a mechanism to chase outstanding requests and overdue requests (categorised by business area) are reported via IAB. The demand and performance analysis are detailed at Annex 1 for information.

The force has a publication scheme and this is provided on the force website at the following link: Published items | Gwent Police

In March 2022, the ICO published a follow-up report based on their thematic report issued in 2020 entitled *'Information Access Request Timeliness'* in relation to SAR and FOI compliance. There were nine recommendations in total, aimed at driving compliance with the statutory time for responding to information access requests.

A re-assessment against the recommendations has been completed, indicating that Gwent is achieving 'Substantial Assurance' in eight of the quality areas, and 'Reasonable Assurance' in the remaining area. The one area deemed to require improvement related the volume of requests sat with other departments exceeding the specified time for response, and the delays incurred waiting for SPOC approval both of which have subsequently been addressed.

Environmental Information Regulations (EIR)

The EIR provides public access to environmental information held by public authorities. Public authorities must make environmental information available proactively, and members of the public are entitled environmental information. We have received 3 requests in the reporting period, relating to estate and fleet.

Children and Family Court Advisory and Support Service (CAFCASS)

CAFCASS is an independent arbitration service representing children in Family Court. These include Public and Private Law cases. The function includes the provision of Police National Computer (PNC) review and also locally held Police information.

Performance has been at 100% compliance throughout the year.

Road Traffic Collision Disclosures (RTC)

Requests fall into five main categories:

- Motor Insurance Bureau (MIB) - disclosures for untraced drivers;
- Validating insurance claims;
- Search requests - Insurance claims;
- 3rd Party requests
- Other - primarily requests for OIC reports.

There is a key performance indicator for the MIB requests of 20 days, all other requests are dealt with subject to demand and capacity. This is a high demand area and there are mechanisms in place to ensure performance is monitored.

Criminal Injuries Compensation Authority (CICA)

This involves the processing of requests and provision of information to CICA, who handle requests on behalf of injured parties.

Performance has been at 100% compliance throughout the year.

Family Court Disclosure

This involves the provision of Police held information as detailed in the Court Order, relating to Private and Public Law matters.

Performance has been at 100% compliance throughout the year.

Data Protection / Disclosure

This involves the general disclosure matters and information sharing with regulatory bodies and partners. There is no specified timescale to respond to these requests.

Common Law Police Disclosures (CLPD)

This involves disclosures to regulatory bodies or employers in respect of nominals that have been arrested/charged for a recordable offence where they are considered a risk to children or vulnerable adults. There is no statutory timescale but a local target of 72 hrs in which to disclose.

Performance averaged 99% for the reporting year.

Safeguarding Checks

This is the provision of information to Local Authority Safeguarding Teams in respect of risk assessing children and vulnerable adult placements.

Performance has been at 100% compliance throughout the year.

Disclosure Barring Service (DBS)

The DBS team is externally funded and process all DBS applications for the Gwent area. These include:

- initial research of force systems;
- recording of information onto the Quality Assurance Framework;
- disclosures;
- handling disputes;
- ID fingerprints; and
- referrals to Barring.

Performance is measured in terms of timeliness and productivity. In the reporting period, incoming demand averaged 18% below forecast. The service standard for

completing work in progress is 12 days; the force averaged 6 days. In terms of the % of checks completed within 15 days, the force achieved 86% against the service standard of 65%.

Police National Computer Bureau (PNCB)

The PNCB team maintain PNC Name and Vehicle updates including entering new records, managing alerts, updating current records and deleting records upon request, court resulting, impending prosecutions, and warrants administration. The team is also responsible for inputting Road Traffic Collision injury reports onto the mapping service (AccsMap) and provide RTC statistics to Welsh Government.

Performance in respect of Arrest Summons creation averaged 90% for the year. This excludes April which was 41% due to a national PNC deletion error. The target is 90% within 24 hrs.

Performance in respect of Disposal History updates averaged 80% for the year. The target is 75% within 10 days.

3.2.2 Firearms Licensing

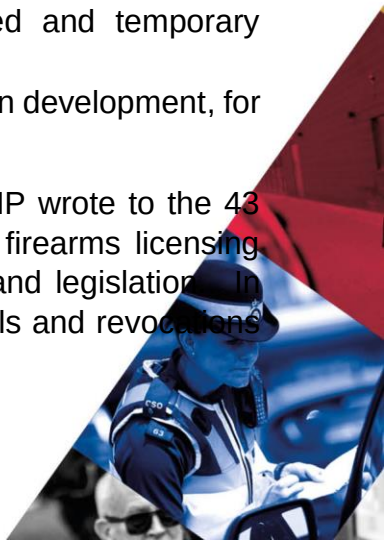
The Firearms Licensing Unit consists of the Administration Team and the Firearms Enquiry Officers (FEO). Tasks include services involving the granting of certificates which are:

- renewals, variations, transfers, clubs and registered firearms dealers;
- explosive certificates;
- vetting and medical process;
- suitability and security visits / telephone assessments.

Under the auspices of the All Wales Convergence Programme, the Firearms Licencing Unit has been under review to establish the most efficient and effective way in which to deliver the service. Significant progress has been made in the financial year and the achievement include:

- Systems and processes are now aligned with South Wales Police, utilising NICHE as the primary system for tasking activity and monitoring compliance.
- A joint policy/procedure has been published to underpin our processes and commitment to public safety. The processes are compliant with legislation but also efficient.
- An overall increase in the capacity has been identified and temporary resources have already been agreed to manage demand.
- The business case in respect of the structural alignment is in development, for submission to SIB for approval in the Summer 2022.

In response to the Plymouth Shootings, Rt Hon Priti Patel MP wrote to the 43 police forces of England and Wales requesting a review of firearms licensing processes in accordance with Home Office (HO) guidance and legislation. In response to this, the Delegated Authority in respect of refusals and revocations



of licences reverted to the Assistant Chief Constable (ACC) and a temporary Police Inspector role was agreed to provide greater assurance in the management of risk, threat and harm.

An internal audit review of Firearms Licensing was conducted in March, areas in scope included: governance framework; risk mitigation; and compliance. The final report confirmed Reasonable Assurance with one Important and one routine recommendation.

3.3 INFORMATION GOVERNANCE

3.3.1 The Information Governance team oversee the compliance with information management requirements and also advise on areas of risk to co-ordinate the identification, assessment and response. These are explained below.

3.3.2 **Data Protection Act 2018 and UK General Data Protection Regulation (UKGDPR)**

The Data Protection Act 2018 (DPA) and UK GDPR has required the organisation to enhance reporting arrangements in relation to the following:

Data Incidents

There are no incidents that remain open. Appropriate advice is given to individuals or departments where applicable and escalated to the professional standards department if necessary. The Data Incident report is monitored through the Information Assurance Board that details all data incidents reported to Information Governance department from May 2018 when the EU GDPR came into force. The information is monitored on a calendar year basis and the data relating to 2021/ 22 is below.

In reporting year 2021/22 there were sixty-two data incidents reported to Information Governance and, following investigation, none have been considered as posing a risk to individuals (personal data breach) and therefore requiring reporting to the Information Commissioner's Office (ICO).

The incidents have been assessed for impact as follows:
GREEN = 38 (Impact on data subject is minimal)
AMBER = 9 (Subject suffers some damage or distress but this is mitigated)
RED = 0 (Impact on data subject is significant)
No Breach = 15 (Conclusion of no breach following assessment)

All 62 reported incidents were assessed and closed with suitable advice

Right to be Forgotten

There have been no requests under GDPR for Right to be Forgotten. The Right to be Forgotten does not apply to Law Enforcement data.

Records of Processing

As part of the DPA & UKGDPR there is a mandatory requirement for the data controller to maintain a record of processing activities. Whilst this is linked to the established Information Asset Register regime, the way in which Police systems are used means that a separate record has been established in the Information Governance team which works with departments to document all processes involving personal data, the lawful basis, recipients and sources, security measures and categories of data. This is undertaken through data mapping and will assist the controller in maintaining awareness of where data is collected, processed, stored and protected and which information is being managed by third parties and suppliers (data processors). Controller and processor obligations are also embedded in the contract and procurement process, with data sharing agreements established.

Since the introduction of DPA & UKGDPR, Gwent Police compliance has been subject to internal audit and found to be operating effectively.

3.3.3 **Record Management**

The Records and Compliance team provide advice and support to ensure that the organisation is compliant with Data Protection legislation. The programmes undertaken in 2020/21 are summarised below:

a *Review of Physical Data / Retention*

- **Interview Tapes:** The records team are continuing to review interview tapes, video tapes and DVD's stores across the Gwent Police estate. Following a review / destruction process the retained items will be secured in long term storage.

- **Digitisation Work/HQ Decant:** Digitisation has been completed in the Dedicated Source Unit, Fleet records and Major Incident Team. The review of legal files will commence in 2022.

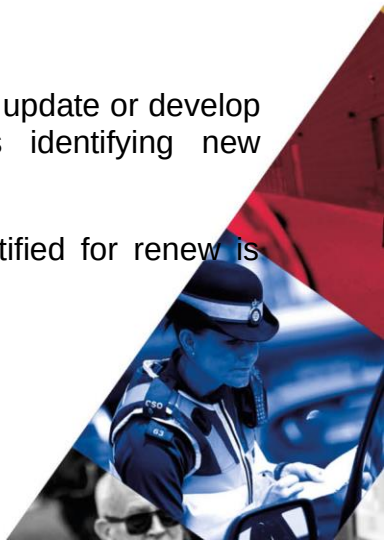
- **Email Retention:** The policy has been implemented at 12 months retention and the email archive has been finalised alongside a review of the functionality of eDiscovery in Microsoft 365 (M365).

- **Gwent Police Retention Schedule:** The records team continue to monitor compliance with the Retention Schedule during the Data Mapping process. This will also form part of the work we are doing on M365 migration.

b *Review of Information Sharing Agreements (ISA)*

All departments are engaged to review the existing ISA's and update or develop new agreements where the Data Mapping process is identifying new requirements.

Through this process Information Sharing Agreements identified for renew is summarised in the below table:



Information Sharing Agreements

Agreement Type	Completed	In Progress
Information Sharing Protocols	7	13
Data Processing Agreements	4	0
Memo of Understanding	3	0
Data Disclosure Agreement	0	1

c *Review of Processing Activities*

The Compliance Officer has been working with Procurement to develop a plan to audit our Third-Party Processing activities. This is an area that we have historically not undertaken however this is forms part of due diligence and would likely feature in any future ICO audit.

d *Microsoft 365*

Information Governance continues to be part of the Digital and Agile Project Team delivering the migration of Microsoft 365 across the organisation.

A summary of the progress is shown below:

- The project continues to be on track with the plan.
- Creation of Corporate SharePoint sites is complete.
- Developing metadata and retention policies for legacy data is ongoing.
- Testing of file conversion of legacy documents was successful.
- Migration of Data is being planned so that effective information management practices can be embedded in long term storage repositories in the new platform.

e *Information Mapping*

The mapping of information across the organisation enables transparency on the data being held and the justification for its purpose. There remains six areas awaiting sign off in 2021/22.

4. COLLABORATION

4.1 A baseline assessment of each force's compliance with data protection obligations has been undertaken and enabled the joint DPO to assess compliance and areas for improvement, using the collaboration project to implement and align examples of best practice for each force. Processes have subsequently been consolidated into one process for both forces. The DPO is also aligning data protection policies so they are the same across Gwent and South Wales and enable best practice as well as alignment for collaborative units.

The DPO advises the Senior Information Risk Owners (SIROs) of both forces over many common areas as a result of the system and service alignment that has been developed in collaboration.

The introduction of the National Enabling Programme provides M365 SharePoint and a corporate document structure which is being implemented in line with the National Police Chief Council (NPCC) guidance.

This will enable the two forces to share documentation in a more accessible manner and improve the efficiency of our collaborative teams.

4.2 There has been steady progress on collaborative Information Management with South Wales Police. The manner in which the information management functions process data when responding to disclosure requests should be aligned to ensure interoperability across the functions, providing resilience to each. To date this has seen an alignment of processes (considered best practice) for Gwent and South Wales for the following:

- Management of Police Information (MOPI)
- Data Protection Impact Assessments
- Information Sharing
- Subject Access Requests (SAR)
- Freedom of Information (FOI)
- Common Law Police Disclosure
- Data Incident Management
- Aligned processes across Firearms and Disclosure business areas
- Joint Firearms & Explosives Licensing policy published
- Joint Demand & Performance platform
- Joint Data Protection policy/procedures
- Joint Data Protection Impact Assessments
- Joint Records Management policy
- Joint Data Protection Privacy Notices

The work has bene undertaken using the Process Evolution modeller to inform skills output and has delivered the following benefits:

- Wider network of skills and knowledge to improve decision making
- Efficiency gains across a number of processes
- Reduced risk to our communities
- Retained organisational identity for staff.

4.3 A joint and mirrored structure for Information Governance is being developed with support from Business Change that will enable the Joint DPO to deliver the Information Governance responsibilities for the two forces.

As this arrangement has been in place for over a year a review of the Information Governance team has been undertaken in 2021-22 to ensure that there is sufficient skills and capacity to manage the information management requirements and to develop and maintain new processes to meet legal obligations. This is collaborative work with South Wales Police and will enable the alignment and mirroring of structures, processes and policies to support the work of the Joint DPO.

5. NEXT STEPS

5.1 The force will continue to report its improvement plans and overall performance through the Information Assurance Board.

5.2 The Business Case for the alignment of the alignment of processes and mirrored structures for the Information Services and Information Governance Team will be completed and presented to the Service improvement Board.

5.3 The Joint DPO will complete the alignment of data protection policies.

5.4 To complete the Information Sharing Agreements to ensure compliance and monitor and maintain the Records of Processing, Information Asset Register and Information Risk Register.

5.4 Provide appropriate Data Governance to support the full rollout of M365.

6. FINANCIAL CONSIDERATIONS

6.1 There are no financial considerations in this report.

7. PERSONNEL CONSIDERATIONS

7.1 Training and support is provided to staff to ensure they are able to meet the obligations of their role.

8. LEGAL IMPLICATIONS

8.1 There are no legal implications at this stage.

9. EQUALITIES AND HUMAN RIGHTS CONSIDERATIONS

9.1 This project/proposal has been considered against the general duty to promote equality, as stipulated under the Single Equality Scheme and has been assessed not to discriminate against any particular group.

9.2 In preparing this report, consideration has been given to requirements of the Articles contained in the European Convention on Human Rights and the Human Rights Act 1998.

10. RISK

10.1 There are financial implications to the force not meeting its deadlines, however there are no current concerns based on performance.

10.2 The introduction of a single consistent Disclosure Team has improved the quality and consistency of disclosure by the force.

11. PUBLIC INTEREST

11.1 In producing this report, has consideration been given to 'public confidence'? **Yes**

11.2 Are the contents of this report, observations and appendices necessary and suitable for the public domain? **Yes**

11.3 If you consider this report to be exempt from the public domain, please state the reasons: **N/A**

11.4 Media, Stakeholder and Community Impacts: **None**

12. REPORT AUTHOR

12.1 Natasha Gilbert, Head of Information Services & Louise Voisey, Joint Data Protection Officers

13. LEAD CHIEF OFFICER

13.1 Nigel Stephens; Assistant Chief Officer – Resources

14. ANNEXES

14.1 Annex 1 - Information Services Performance (SAR & FOI)

4.7 ANNEX 1 - SAR FOI Annual Performar

15. CHIEF OFFICER APPROVAL

15.1 I confirm this report has been discussed and approved at a formal Chief Officers' meeting.

I confirm this report is suitable for the public domain.

Signature: Nigel Stephens **Date : 05**/05/2022