ESSEX POLICE, FIRE AND CRIME COMMISSIONER
FIRE & RESCUE AUTHORITY
Essex County Fire & Rescue Service

Classification	**Official**		
Meeting	**ECFRS Performance & Resources Board**	**Agenda no.**	**12**
Meeting Date	**29 September 2023**		
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Presented By	**Karl Edwards, Director of Corporate Services**		
Subject	**Audit of Information Governance- update**		
Type of Report	**Information**		
PFCC Action Point No.	**N/A**	**For Publication**	**Yes**

RECOMMENDATION(S)

That the Board note the action plan produced by the last Data Protection Audit conducted by the DPO on 11 July 2023.

EXECUTIVE SUMMARY

In July of this year, a second audit was conducted to assess the progress made towards meeting the action plan since the last audit in 2022. ECFRS received a rating of "Adequate Assurance", which is an improvement over its previous rating of "Limited Assurance". The audit outcome can be found in Appendix 1.

BACKGROUND

As part of the internal data protection audit, all Information Governance processes and policies were evaluated. Audit areas included:

1. Transparency & Accountability
2. Records Management
3. Risk & Assurance
4. Training & awareness

The audit identified 17 recommendations, which are included in the accompanying action plan (Appendix 2). DPO comments indicate that progress has been made in several areas. There is a clear intent and commitment to comply with the law. However, more work is required to demonstrate compliance with the law, including compliance with the accountability principle.

To achieve Good Assurance, a greater focus should be placed on records management activities. Staff members need better guidance on technology use, and policies should be clearer. It is likely that an increase in resources will be required for the IG team to fully support records management activities.

Training and awareness raising are necessary, as if staff members are not familiar with what is required, they will not be able to perform the tasks correctly and manage data in accordance with ECFRS expectations.

To improve the management of records within the Authority, IG and ICT should work collaboratively. Although IG is responsible for 'people controls', it is largely reliant on ICT to ensure that technical controls protect the data we process and enable the most efficient working practices.

OPTIONS AND ANALYSIS

With the implementation of the action plan currently underway, this will assist in reaching the goal of Good Assurance and decreasing the level of organisational risk.

RISKS AND MITIGATIONS

There is a significant risk associated with the management of records and the storage of electronic records. Managing data is difficult due to the large number of SharePoint sites. Five data breaches associated with SharePoint have been reported to DDPO this year. To mitigate the risks, the DPO, SIRO, and DPO have agreed to develop an electronic storage project. The project has established deadlines and is designed to implement the ICO's recommendations. Appendix 3

LINKS TO FIRE AND RESCUE PLAN

- Digital & Data Strategy
- Infrastructure and Security (Annual Plan)
- Data Quality (Annual Plan)
- Data Management Fire Standard

FINANCIAL IMPLICATIONS

ICO fines, claims for compensation.

LEGAL IMPLICATIONS

1. Personal data is not actively minimised, which breaches the data protection principles. This happens when personal data is collected unnecessarily, for example because it is already held elsewhere in the Authority, or excess personal data is collected for a specific purpose, or personal data is duplicated across systems due to poor records management. Non-compliance with the data minimisation principle could result in reputational damage, regulatory censure, and harm to individuals. Highlighted on the ICO recommendations. Appendix 4.

2. Personal data is not controlled, retained or destroyed in line with data protection law or the S46 records management code of practice. Records are stored across multiple storage areas, leading to duplication, inaccuracies and an inability to respond to statutory requests for information within legal timeframes. This may cause the Authority reputational damage, regulatory censure, increased workload, and damage the trust of staff, the public, and suppliers. **Action**: Specific actions have been added to the action plan to ensure compliance with ICO recommendations, however, this risk remains the main concern for ECFRS.
3. Staff who manage information on behalf of the Authority (including volunteers) unknowingly breach data protection policies and guidance due to lack of awareness, communication and training. This can result in regulatory action or fines by the ICO, potential harm to individuals and claims for compensation. **Action**: The risk has been partially mitigated. A module called *"Data Protection Essentials"* has been published on the Service-learning platform in May 2022. Further work is required on role based training and regular communications.

STAFFING IMPLICATIONS

The Information Governance team will need additional resource to deliver the required improvements.

EQUALITY AND DIVERSITY IMPLICATIONS

The actions being taken will not have a disproportionate impact on individuals with protected characteristics (as defined within the Equality Act 2010), when compared to all other individuals and will not disadvantage people with protected characteristics.

Race	N	Religion or belief	N
Sex	N	Gender reassignment	N
Age	N	Pregnancy & maternity	N
Disability	N	Marriage and Civil Partnership	N
Sexual orientation	N		

The Core Code of Ethics Fire Standard has been fully considered and incorporated into the proposals outlined in this paper.

HEALTH AND SAFETY IMPLICATIONS

None associated with this report.

CONSULTATION AND ENGAGEMENT

Not applicable

FUTURE PLANS

Continue to provide updates.

LIST OF BACKGROUND PAPERS AND APPENDICES

Appendix 1: Audit Outcome

ECFRA SIRO Report (002).pdf

Appendix 2: Action Plan

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Appendix 3: Electronic Storage Project

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Appendix 4: ICO Recommendations

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