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

Classification	**Official**		
Meeting	**ECFRS Performance & Resources Board**	**Agenda no.**	**11**
Meeting Date	**January 2024**		
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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)

Members of the board are asked to note the content of this report, which includes the results of the external Data Protection audit conducted by Lighthouse IG on the 5th of December 2023.

EXECUTIVE SUMMARY

Early 2023, the board recommended conducting an external audit to obtain a second opinion regarding the current compliance of the ECFRS with data protection regulations. In comparison with our previous internal rating of "Adequate Assurance", this is an improvement. As shown in the table below, many areas were marked full compliance and only two were marked limited compliance.

Audit Area:	No/Limited Assurance	Some Assurance:	Full Assurance:
Leadership & Oversight	1	3	14
Policies & Procedures	2	7	7
Training & Awareness	0	7	14
Rights & Complaints Handling	0	3	17
Transparency & Consent	0	3	3
ROPA & Lawful Basis	0	13	8
Contracts & Data Sharing	2	3	14
Risk & DPIAs	1	14	13
Records Management & Information Security	4	19	32
Incident & Breach Handling	2	4	20
Totals:	12	76	142
Overall status:	Some to full levels of assurance across all areas with just 2 main areas of limited assurance.		

BACKGROUND

As part of the audit, compliance was assessed against the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018 (DPA18) as well as the Privacy and Electronic Communications Regulations 2003 (PECR). This includes areas of best practice and secondary legislation codes of practice under those legal frameworks.

The assessment focused on the below areas across ECFRS:

1. Leadership & Oversight
2. Policies and procedures
3. Training and awareness
4. Rights and complaints handling
5. Transparency & Consent
6. ROPA & Lawful Basis
7. Contracts & Data Sharing
8. Risk & DPIAs
9. Records Management & Information Security
10. Incident & Breach handling

Auditor's key findings include:

1. The main areas of concern surround Information and Records Management and Security of data. Specifically in knowing what data the organisation has, the management of it including managing appropriate access and retention, and the testing and verification of security controls over data.
2. There are a number of areas where ECFRS are undertaking good practices and processes, however these are not documented and therefore difficult to evidence and ensure consistency.
3. A number of technical measures to control and secure Personal Data are missing or partially implemented. For example, a number of current issues and risks relate back to insufficient access controls or profile/role based access to personal data.

OPTIONS AND ANALYSIS

The implementation of the action plan is currently underway, and SIRO, DPO and DDPO have agreed to incorporate the recommendations of this external audit into the action plan for 2024/2025, to achieve the goal of achieving good assurance while reducing organisational risk.

RISKS AND MITIGATIONS

There are significant risks associated with the management of records and the storage of electronic records. Managing data is difficult due to the large number of SharePoint sites. As a result of data breaches reported over the past year related to SharePoint, the DPO, SIRO, and DPO developed an electronic storage project. The project has established deadlines and is designed to implement the ICO's recommendations.

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 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.
2. 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 aim to recruit an additional staff member to assist IG Manager & DDPO to deliver the required improvements with records management areas and actions.

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

None associated with this report.

FUTURE PLANS

Long term strategic direction

LIST OF BACKGROUND PAPERS AND APPENDICES

Appendix 1: Audit Outcome