



**NOTTINGHAMSHIRE**  
**Fire & Rescue Service**  
*Creating Safer Communities*

Nottinghamshire and City of Nottingham  
Fire and Rescue Authority

# ANNUAL REPORT OF INFORMATION GOVERNANCE

Report of the Chief Fire Officer

**Date:** 28 September 2018

**Purpose of Report:**

To give the Fire Authority an annual update on information governance at Nottinghamshire Fire and Rescue Service (NFRS).

## CONTACT OFFICER

**Name :** Wayne Bowcock  
Deputy Chief Fire Officer

**Tel :** 0115 967 0880

**Email :** wayne.bowcock@notts-fire.gov.uk

**Media Enquiries Contact :** Therese Easom  
(0115) 967 0880 therese.easom@notts-fire.gov.uk

## 1. BACKGROUND

- 1.1 Data protection and public sector transparency continue to be priorities for the Government. In May 2018, new data protection requirements entered UK law (the Data Protection Act 2018 and the General Data Protection Regulation). Risks from non-compliance include significant fines from the Information Commissioner and potential harm to the reputation of Nottinghamshire Fire and Rescue Service (NFRS).
- 1.2 NFRS shares information with other agencies to reduce fire risk and to protect communities. Members are aware of the growing requirement for multi-agency working and the increasing role of technology within the day to day delivery of a public service. These factors make the operating environment more complex, demanding a greater focus on risk controls that are applied and sustained.
- 1.3 In 2017, the Policy and Strategy Committee agreed that NFRS would provide an information governance report annually to the September meeting of the full Fire Authority, covering:
  - Overview of freedom of information requests;
  - Overview of environmental information requests;
  - Data protection areas of interest;
  - Report on Regulation of Investigatory Powers Act (RIPA) activity or inactivity.
- 1.4 This second annual report covers information governance for April 2017 – March 2018.

## 2. REPORT

### FREEDOM OF INFORMATION

- 2.1 The Freedom of Information Act 2000 provides public access to information held by NFRS. It does this in two ways:
  - The Service must publish certain information about activities, for example, financial information and Service performance;
  - Members of the public can request any information the Service holds. There are limited reasons to refuse such requests, for example, national security or a high cost to comply with the request.
- 2.2 Transparency, and having the 'right to know', is widely acknowledged as a key part of ensuring public confidence and trust from communities.

- 2.3 From April 2017 to March 2018 the Service had 112 Freedom of Information (FOI) requests. These requests covered a wide range of information including high rise inspections, wild fires, fleet lists, and ICT contracts.
- 2.4 93% of FOI requests were replied to within 20 working days. This is within the Information Commissioner's target of 90%.
- 2.5 NFRS publishes a selection of FOI replies on the NFRS public website, alongside information published regarding Service performance and finance. This approach further enhances the Authority's support for transparency and are grouped into four categories:
- Incidents and fire safety;
  - Finance and spending;
  - Staffing;
  - Governance and other.

## **ENVIRONMENTAL INFORMATION REQUESTS**

- 2.6 The Environmental Information Regulations 2004 sit alongside the Freedom of Information Act to ensure public access to environmental information held by public bodies.
- 2.7 The Regulations affect NFRS in two ways:
- The Service must make environmental information available proactively. For example, publish on the website policies, plans and programmes relating to the environment;
  - Members of the public can request environmental information the Service holds. There are limited reasons to refuse such requests, for example, national security or it would cost too much to comply with the request.
- 2.8 No information requests received during the period April 2017 – March 2018 were classified as environmental information requests.

## **DATA PROTECTION**

- 2.9 NFRS values the correct use of personal information as critical to successful operations and in keeping the confidence of the public, employees and stakeholders.
- 2.10 Data protection responsibilities affect all staff at NFRS, as all teams potentially deal with information about people – whether it is information about staff or the public.
- 2.11 Responsibilities for correct use of personal information about individual members of the public and members of staff are set out in the Data Protection Act 2018 and the General Data Protection Regulation (GDPR). These law changes in May 2018 move many data protection good practices

into legislative requirement. The GDPR also increases maximum fines for non-compliance.

- 2.12 In the year April 2017 to March 2018 work was undertaken at NFRS to prepare for GDPR, including privacy notices for the public, staff and pensioners. All NFRS premises were visited to check physical and information security with priority actions approved. All NFRS staff completed Civil Service eLearning on information security, with completion continuing for new and returning staff. Work has also been undertaken to revise data sharing agreements with other organisations which will be concluded by December.
- 2.13 This work continues past March 2018, to keep NFRS responding to data protection requirements. For example, business planning processes include privacy impact assessments where required, and the NFRS information register used to check compliance. Materials and processes for GDPR preparation have been actively shared across the fire and rescue sector wherever possible.
- 2.14 Due to the importance of protecting information the Service uses, including personal information, work is continually undertaken to keep NFRS cyber security measures up to date. The ICT department has attained Cyber Essentials Plus certification (only three fire and rescue services in the country have attained this certification) and continue to work towards the adoption of recognised industry standards such as ISO27001, developing compliant policies and procedures as part of the on-going work in relation to the Emergency Services Mobile Communication Programme (ESMCP). The adoption of these new policies will significantly improve the Service's cyber security and the protection of information and data within NFRS ICT systems.
- 2.15 As a public authority, the Service has a Data Protection Officer under GDPR. The Data Protection Officer for NFRS can be contacted at [DataProtection@notts-fire.gov.uk](mailto:DataProtection@notts-fire.gov.uk). From August 2018, the Deputy Chief Fire Officer now has the role of Senior Information Risk Owner at the Service.

### **REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA)**

- 2.16 NFRS is authorised by the Regulation of Investigatory Powers Act 2000 (RIPA) to undertake directed surveillance for the prevention or detection of crime, the prevention of disorder, or in the interests of public safety.
- 2.17 There were no applications for directed surveillance investigations at NFRS under RIPA from April 2017 to March 2018.

## **3. FINANCIAL IMPLICATIONS**

There are no financial implications arising from this report.

#### **4. HUMAN RESOURCES AND LEARNING AND DEVELOPMENT IMPLICATIONS**

All NFRS staff are required to complete information security training every two years, with an awareness activity in the alternate year to help manage data protection information risk. NFRS reached 100% completion of information security eLearning, with quarterly completion checks now run for new and returning staff.

#### **5. EQUALITIES IMPLICATIONS**

An equality impact assessment has not been undertaken because this is an information report with no recommended changes.

#### **6. CRIME AND DISORDER IMPLICATIONS**

There are no crime and disorder implications arising from this report.

#### **7. LEGAL IMPLICATIONS**

This report is designed to give the Fire Authority assurance that the Service is meeting its legal duties under Freedom of Information, Data Protection and RIPA.

#### **8. RISK MANAGEMENT IMPLICATIONS**

- 8.1 The Information Governance Manager role helps ensure the Service meets Freedom of Information requirements, including the recommended 90% of replies within the legal time frame.
- 8.2 Work across the Service, supported by the Information Governance Manager in the role of Data Protection Officer, helps NFRS meet duties under data protection law. Measures include an information register, privacy notices, information sharing agreements and training for all staff. These measures help the Service protect personal information and reduce the risk of non-compliance with data protection requirements, reducing the risk of reputational damage and/or of fines under the General Data Protection Regulation.
- 8.3 Procedures are in place to help identify any data loss or near miss, with clear incident response and risk assessment processes. Arrangements are in place to ensure Data Protection Officer advice within the statutory window of 72 hours to report a serious personal data breach, including outside usual office hours for bank holidays as NFRS is a 24-hour service.

- 8.4 Regular RIPA training is provided for all NFRS officers potentially involved in applying or authorising covert surveillance under RIPA. This reduces the risk of non-compliance and reduces the risk of prejudicing the value of any evidence gathered under RIPA.

## **9. COLLABORATION IMPLICATIONS**

- 9.1 The GDPR includes a new duty for notification of serious personal data breaches to the Information Commissioner. The Information Governance Manager advises if notification is needed within a set timescale. NFRS has a nil-cost Service Level Agreement with Derbyshire Fire and Rescue Service and South Yorkshire Fire and Rescue Service ensuring bank holiday and absence cover for information breach reporting to the Information Commissioner (where needed within 72 hours).
- 9.2 The Information Governance Manager continues to share good practice and sample documents, and explore future collaboration, with other fire and rescue services, regionally and across England and Wales.

## **10. RECOMMENDATIONS**

That Members note the contents of this report.

## **11. BACKGROUND PAPERS FOR INSPECTION (OTHER THAN PUBLISHED DOCUMENTS)**

None.

John Buckley  
**CHIEF FIRE OFFICER**