

report

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| meeting | NOTTINGHAMSHIRE AND CITY OF NOTTINGHAM FIRE & RESCUE AUTHORITY | | |
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REPORT OF THE CHIEF FIRE OFFICER

DATA PROTECTION ACT COMPLIANCE

1. PURPOSE OF REPORT

The purpose of this report is to inform Members of the actions being taken following the outcomes of an audit of Nottinghamshire Fire & Rescue Service's compliance with the Data Protection Act 1998.

2. BACKGROUND

- 2.1 The Data Protection Act came into force in 1998 and requires organisations to register the personal data they hold and to comply with a series of principles over how that data is processed.
- 2.2 The Act is closely aligned with other legislation such as the Freedom of Information Act and the Regulation of Investigatory Powers Act, all of which Nottinghamshire Fire and Rescue Service has a duty to comply with.

3. REPORT

- 3.1 Nottinghamshire County Council has provided an Internal Audit Service to the Fire & Rescue Authority since its formation in 1998. As part of the 2004/2005 audit process the Auditors were specifically requested to examine the area of Data Protection Act compliance. This is to ensure that all the necessary requirements that the Act places on the organisation are being met.
- 3.2 The Audit was undertaken in June 2004 and the Auditor's findings were that current arrangements are unsatisfactory. This was communicated to the Strategic Management Team in September 2004. The full detail of the June 2004 audit was also presented, in draft, at the same time. The action planning commenced immediately with targets being set for full compliance between 6-18 months. This range was due to the specific actions that were necessary and their relevant complexities.
- 3.3 As a consequence of the outcomes of the audit, an Action Plan of response was put together by a small working group, which included the Head of Technology, the Website Manager, the Information Services Manager and the Administration Manager. The Action Plan received strategic support through the Assistant Chief Fire Officer (Information Services).
- 3.4 The Action Plan details how the organisation is going to respond to the findings of the audit, allocates responsibility for the actions and a time-scale for which the response is

to be completed. By following this process the organisation is confident that it can meet the duty under the principles of the Act.

3.5 Two main areas of the audit were identified as key areas of focus. The first being the creation of a register of personal data sets to enable data to be identified and managed accordingly, and the second was to consider a Data Protection Board to oversee training, guidance and future compliance. Both of these areas are being addressed as part of the Action Plan.

3.6 In addition to the Action Plan, the Service has also submitted a baseline IT Assessment to the Audit Commission, which will also help address some of the issues raised as part of the Data Protection Act Audit. A response to this assessment is due Autumn 2005.

4. FINANCIAL IMPLICATIONS

There are some financial implications arising from the Audit as Nottinghamshire Fire & Rescue Service implements measures to respond to any shortcomings in compliance with the Data Protection Act. All of these will be met from the existing IT budget.

5. PERSONNEL IMPLICATIONS

The Data Protection Act is primarily about protecting an individual's rights in terms of what information is held relating to them. Nottinghamshire Fire & Rescue Service has already received numerous "Subject Access Requests" from individuals requesting what information is held. These have all been responded to accordingly.

6. EQUALITY IMPACT ASSESSMENT

An Initial Impact Assessment has revealed that there are no specific equality issues arising from this report.

7. RISK MANAGEMENT IMPLICATIONS

Failure to comply with the Data Protection Act can result in legal action being taken against the Fire & Rescue Authority. Compliance is therefore necessary to alleviate any risk in this area.

8. RECOMMENDATIONS

That Members note the contents of this report and the measures being taken to address the shortfalls identified by the Audit.

9. BACKGROUND PAPERS FOR INSPECTION

- Data Protection Act 1998 ;
- Freedom of Information Act ;
- Regulation of Investigatory Powers Act.

Paul Woods
CHIEF FIRE OFFICER