



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

Nottinghamshire and City of Nottingham  
Fire and Rescue Authority

# **ANNUAL REPORT OF INFORMATION GOVERNANCE 2019-20**

Report of the Chief Fire Officer

**Date:** 27 November 2020

**Purpose of Report:**

To give the Fire Authority an update on information governance at Nottinghamshire Fire and Rescue Service for the year 2019/20.

**Recommendations:**

That Members note the contents of this report.

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## 1. BACKGROUND

- 1.1 Data protection and public sector transparency are continued priorities for the United Kingdom (UK) government – and Nottinghamshire Fire and Rescue Service (NFRS). 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 NFRS.
- 1.2 NFRS shares information with other agencies to reduce fire risk and to protect communities. Members are well aware of the continued need for multi-agency working and the role of technology in delivery of public services. These factors make the operating environment more complex, demanding an ongoing focus on staff awareness and risk controls.
- 1.3 In 2017 the Policy and Strategy Committee agreed that NFRS would provide an Information Governance report annually to 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 annual report covers Information Governance for April 2019 – March 2020.

## 2. REPORT

- 2.1 In March 2020 the Information Commissioner's Office announced it recognised the COVID-19 pandemic may affect organisations' timescales of compliance with public information rights.

### FREEDOM OF INFORMATION

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

- 2.4 Between April 2019 and March 2020 NFRS received 136 Freedom of Information requests. These requests covered a wide range of information including incident data, fleet information, and ICT contracts. This is a comparable level of Freedom of Information requests to the previous two years, with 133 requests in 2018/19, and 139 requests in 2017/18.
- 2.5 93% of Freedom of Information requests were replied to within 20 working days. This is within the Information Commissioner's target of 90%.
- 2.6 NFRS publishes information about Service performance and finance of on the [NFRS public website](#) as well as a sample of freedom of information replies of wider public interest.

## **ENVIRONMENTAL INFORMATION REQUESTS**

- 2.7 The Environmental Information Regulations 2004 sit alongside the Freedom of Information Act to ensure public access to environmental information held by public bodies.
- 2.8 The Regulations affect NFRS in two ways:
- NFRS must make environmental information available proactively. For example, publish on our website policies, plans and programmes relating to the environment;
  - Members of the public can request environmental information NFRS holds. There are limited reasons to refuse such requests, for example, national security or it would cost too much to comply with the request.
- 2.9 No information requests received April 2019 – March 2020 were classified as Environmental Information requests.

## **DATA PROTECTION**

- 2.10 NFRS values the correct use of personal information as critical to successful operations and in keeping the confidence of the public, employees and stakeholders.
- 2.11 Data protection responsibilities affect all staff at NFRS, as all teams potentially deal with information about people – whether it is information about fellow staff or the public.
- 2.12 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).
- 2.13 No NFRS data incidents needed reporting to the Information Commissioner's Office in the year 2019/20.
- 2.14 In the year 2019/20 work continued to support GDPR compliance. This included a data protection audit by Nottinghamshire County Council audit

team. Learning points and good practice for GDPR compliance have been actively shared across the Fire & Rescue sector wherever possible.

- 2.15 As in the news regularly, there is an ongoing risk of cyber-attack for any organisation. Due to the importance of protecting information NFRS uses, including personal information, work is continually undertaken to keep NFRS cyber security measures up to date. The ICT Security department has renewed Cyber Essentials Plus certification for NFRS. Work continues towards alignment with 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. These policies and procedures help ensure continual maintenance of NFRS cyber security and the protection of information and data within NFRS ICT systems.
- 2.16 As a public authority, NFRS requires 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).

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

- 2.17 NFRS is authorised by the Regulation of Investigatory Powers Act 2000 (RIPA) to undertake some types of covert investigation for the prevention or detection of crime, the prevention of disorder, or in the interests of public safety. (The UK Government removed Fire and Rescue Services from access to Communications Data under RIPA in July 2020.)
- 2.18 Investigatory actions under RIPA for NFRS could include, for example, false persona used to get information in closed social media groups about events with a high fire risk, unannounced photographs from an unmarked vehicle or non-identified staff to check use of a premises with a fire safety prohibition notice.
- 2.19 There were no applications for covert investigations at NFRS under RIPA from April 2019 – March 2020.

## **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 Data Protection training every two years, with an awareness activity in the alternate year to help manage information risks. Quarterly completion checks 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 NFRS 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 NFRS 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 privacy impact assessments for new uses of data, privacy notices, information sharing agreements, training for all staff, and audits of data protection measures. These measures help NFRS protect personal information and help make sure personal information is available when needed. This reduces the risk of non-compliance with data protection requirements, reducing the risk of reputational damage to NFRS and reducing the risk 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. As NFRS is a 24 hour service, arrangements are in place to ensure Data Protection Officer (DPO) advice is available within the statutory window of 72 hours to report a serious personal data breach which includes DPO cover for bank holidays.
- 8.4 Regular RIPA training is provided for all NFRS staff potentially involved in applying or authorising covert surveillance under RIPA. This reduces our 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 the duty for notification of serious personal data breaches to the Information Commissioner. 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**