



NOTTINGHAMSHIRE
Fire & Rescue Service
Creating Safer Communities

Nottinghamshire and City of Nottingham
Fire and Rescue Authority

ANNUAL REPORT OF INFORMATION GOVERNANCE 2021/22

Report of the Chief Fire Officer

Date: 16 September 2022

Purpose of Report:

To give the Fire Authority an update on information governance at Nottinghamshire Fire and Rescue Service for the year 2021/22.

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 risks and to protect communities. Members are aware of the continued need for multi-agency working and the role of technology in delivery of public services, including during the pandemic. These factors demand 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 2021 to March 2022.

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 2021 and March 2022 NFRS received 104 Freedom of Information requests. The previous year NFRS received 108 Freedom of Information Requests. At the time, this was a lower average than previously (139 the previous three years) and was assumed to be an effect of the COVID-19 pandemic. COVID-19 was still a factor during the majority of this period so it is likely that the continuing lower numbers are a legacy of that.
- 2.5 This year's Freedom of Information requests covered a wide range of information including:
- ICT Contracts;
 - Fleet information;
 - Incident data;
 - Procurement contracts;
 - Covid 19 absences;
 - Staffing and employment information.
- 2.6 88 out of 104 (85%) of Freedom of Information requests were replied to within 20 working days. This is outside the Information Commissioner's target of 90%. However, the Information Commissioner's Office recognised the COVID-19 pandemic may affect organisations' timescales of compliance with public information rights, including Freedom of Information.
- 2.7 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

- 2.8 The Environmental Information Regulations 2004 sit alongside the Freedom of Information Act to ensure public access to environmental information held by public bodies.
- 2.9 The Regulations affect NFRS in two ways:
- NFRS 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 NFRS hold. There are limited reasons to refuse such requests, for example, national security or it would cost too much to comply with the request.
- 2.10 No information requests received April 2021 - March 2022 were classified as Environmental Information requests.

DATA PROTECTION

- 2.11 NFRS values the correct use of personal information as critical to successful operations and in keeping the confidence of the public, employees, and stakeholders.

- 2.12 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.
- 2.13 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).
- 2.14 No NFRS data incidents needed reporting to the Information Commissioner's Office in the year 2021/22.
- 2.15 In the year 2021/22 work continued to support GDPR compliance. This included ongoing mandatory data protection eLearning for all staff. Every two years all staff need to complete data protection eLearning, with refresher activities in the alternate year. For the Data Protection course which has been run over this period, there were 510 users with 495 completions (97%) and 15 non completions.
- 2.16 With the increased homeworking due to the pandemic, sensible practices regarding data being used away from the workplace being held safely and securely is on-going.
- 2.17 Cyber-attack risks affect every organisation. Due to the importance of protecting information NFRS use, 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 for the Emergency Services Network (ESN) communications system - replacement for the current Airwave service used by the emergency services in Great Britain. NFRS ICT policies and procedures help ensure continual maintenance of NFRS cyber security and the protection of information and data within NFRS ICT systems, including for remote access and home working.
- 2.18 As a public authority, NFRS requires a Data Protection Officer (DPO) under GDPR. Although at the time of writing this report, NFRS has seen the departure (and subsequent recruitment) of a new DPO, this was in place for the duration of the period addressed in this report. The Service's new Data Protection Officer starts with the service on 05/09/22 and can be contacted at DataProtection@notts-fire.gov.uk

REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA)

- 2.19 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.)
- 2.20 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.

- 2.21 There were no applications for covert investigations at NFRS under RIPA from April 2021 to March 2022.

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.
- 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 UK General Data Protection Regulation (UK GDPR) and Data Protection Act 2018 (DPA 2018).

- 8.3 Procedures are in place to help identify any data loss or near miss, with clear incident response and risk assessment processes. As it is a 24-hour service NFRS ensures Data Protection Officer (DPO) advice is available within the statutory window of 72 hours to report a serious personal data breach. Bank holidays and DPO leave are covered Monday – Friday in collaboration with Derbyshire Fire & Rescue Service and South Yorkshire Fire & Rescue Service.
- 8.4 Regular RIPA training is provided for all NFRS staff 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 DPA 2018 and UK GDPR include 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, and is a member of Nottinghamshire Information Officers Group.

10. RECOMMENDATIONS

That Members note the contents of this report.

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

None.

Craig Parkin
CHIEF FIRE OFFICER