



NOTTINGHAMSHIRE
Fire & Rescue Service
Creating Safer Communities

Nottinghamshire and City of Nottingham
Fire and Rescue Authority

ANNUAL REPORT OF INFORMATION GOVERNANCE 2022/23

Report of the Chief Fire Officer

Date: 22 September 2023

Purpose of Report:

To update the Fire Authority on information governance at Nottinghamshire Fire and Rescue Service for the year 2022/23.

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 2022 to March 2023.

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:
- 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.
- 2.2 Transparency, and having the ‘right to know’, is widely acknowledged as a key part of ensuring public confidence and trust from communities.
- 2.3 Between April 2022 and March 2023, NFRS received 132 Freedom of Information requests. The previous year, NFRS received 104 Freedom of Information Requests. This accounts for a 21.2% increase over the year and this trend is expected to increase for the 2023/24 financial year based on

current data (62 requests received compared to 42 for the same time period which marks a 25.8% increase).

- 2.4 Of the 132 requests received, 112 (84.8%) were completed and the information disclosed, 4 (3.0%) were part disclosed and part withheld, 10 (7.5%) were refused in their entirety. The remaining 6 (4.7%) were withdrawn or unable to source the information for a response. None of the requests received in 2022/23 were deemed vexatious.

Figure 2.4.1: Volume comparison of FOI requests across the NFRS in the financial years 2021/22, 2022/23 and 2023/24.

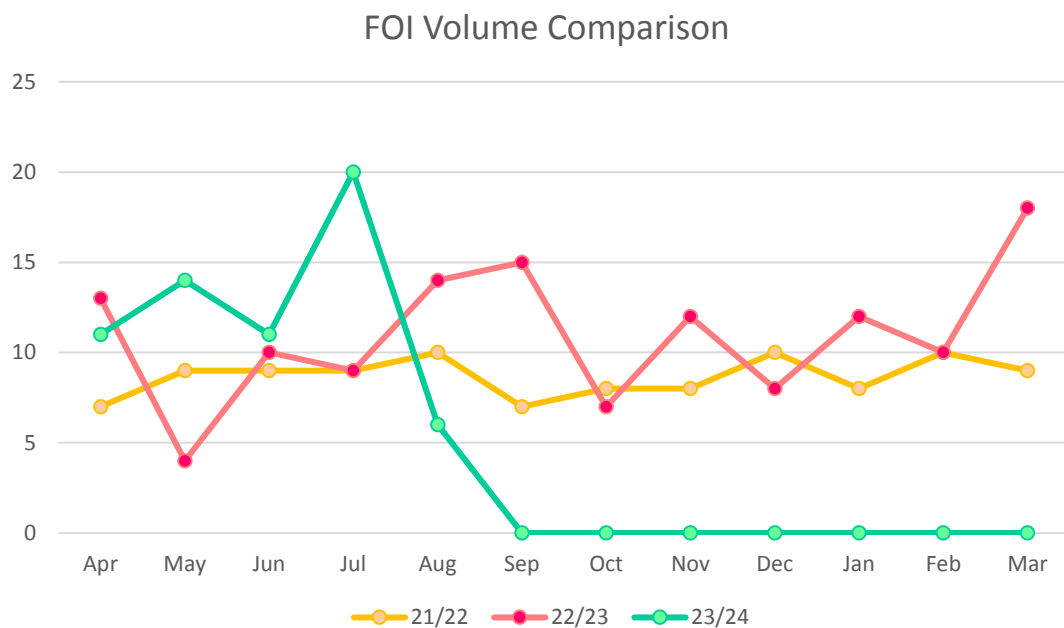


Figure 2.4.2: Volume comparison numerical breakdown of FOI requests across the NFRS in the financial years 2021/22, 2022/23 and 2023/24.

Month	Financial Year		
	21/22	22/23	23/24
Apr	7	13	11
May	9	4	14
Jun	9	10	11
Jul	9	9	20
Aug	10	14	6
Sep	7	15	-
Oct	8	7	-
Nov	8	12	-
Dec	10	8	-
Jan	8	12	-
Feb	10	10	-
Mar	9	18	-

2.5 In the financial year 2022/23 NFRS received Freedom of Information requests that covered a wide range of information.

Figure 2.5.1: Category type of FOI requests across the NFRS in the financial year 2022/23.

Category Type	Total
Finance and Spending	12
Fire Safety	8
Governance	2
Incidents and Emergency	36
Other	37
Procurement	11
Staffing and Employment	26
Grand Total	132

2.6 Of the 132 Freedom of Information requests, 92 (70%) were replied to within 20 working days. This accounts for a 15% drop from the previous financial year and is outside the Information Commissioner's target of 90%. This downturn was anticipated due to a three-month Data Protection Officer (DPO) establishment vacancy, however, the current compliance for the 2023/24 financial year which stands at 100%.

2.7 NFRS publishes information about service performance and finance of on the [NFRS public website](#) as well as a disclosure log of freedom of information replies.

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 2022 - March 2023 were classified as Environmental Information requests.

DATA PROTECTION

- 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 UK General Data Protection Regulation (GDPR).
- 2.12 Under Article 37 of the UK GDPR a DPO shall be designated where the processing is carried out by a public authority or body, except for courts acting in their judicial capacity. As a Public Authority, NFRS has appointed a DPO in line with the UK GDPR.

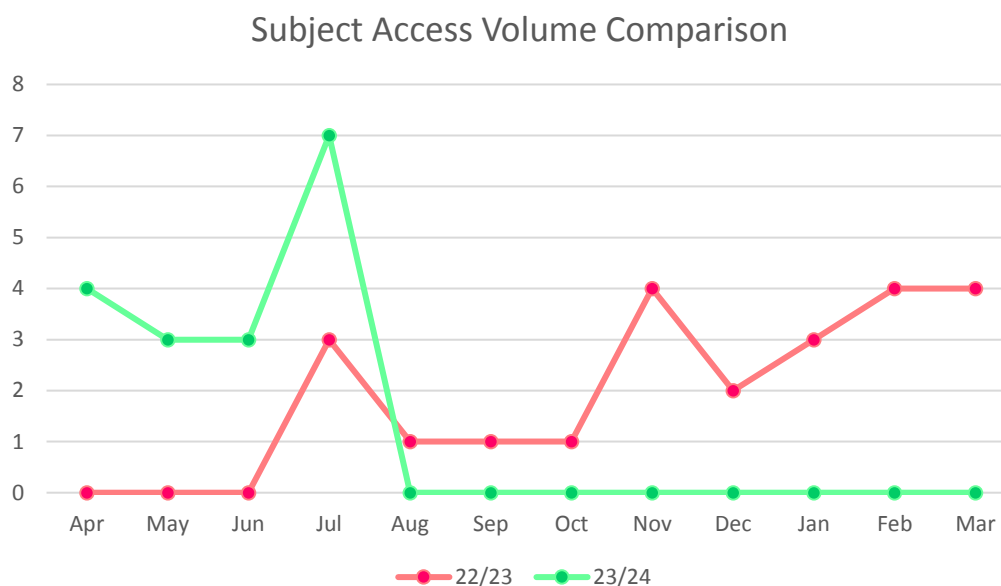
Title: Information Governance and Data Protection Officer

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- 2.13 The information shall be processed under Article 13 and 14 and provided in writing, or by other means, including, where appropriate, by electronic means and is commonly referred to as a Privacy Notice. NFRS has put in place a Privacy Notice accessible via the NFRS public website [Cookie and Privacy statement - NFRS \(notts-fire.gov.uk\)](#). Increased training is under consideration to ensure staff are able to make individuals aware of the information and provide guidance on how to access it.
- 2.14 Part of NFRS's obligations under the UK GDPR is to respond to the rights of the data subjects to which NFRS processes their personal data. The right of access by the data subject for their personal data held by NFRS comprises part of this obligation. For the financial year 2022/23, NFRS received 23 requests for information from a data subject, of those requests 13 (60.9%) were completed within the statutory timeframe of one month or where NFRS has extended the deadline due to complexity by a further 2 months.

Figure 2.14.1: Volume comparison of subject access requests across the NFRS in the financial years 2022/23, and 2023/24.



** This includes those requests closed until further information is provided or where the request is awaiting finalisation.*

- 2.15 The UK GDPR introduces a duty on all organisations to report certain personal data breaches to the Information Commissioner’s Office. NFRS must do this within 72 hours of becoming aware of the breach, where feasible. No incidents recorded by NFRS were deemed high risk that required the Information Commissioner’s Office (ICO) to be notified in the year 2022/23.
- 2.16 Work continues to support NFRS GDPR compliance. This included ongoing mandatory data protection eLearning for all staff. For the Data Protection course, there were 704 users with 697 completions (99%) and 7 non completions (1%).
- 2.17 Further work is being undertaken to revamp the Data Protection Hub within NFRS SharePoint. The overall aim is to provide NFRS employees with practical and clear information regarding their legal obligations under UK data protection laws.
- 2.18 The implementation of the Data Management Fire Standard is underway and the NFRS is focusing on 10 key areas for data protection which are:
- Leadership and Oversight;
 - Policies and Procedures;
 - Training and Awareness;
 - Individual Rights;
 - Transparency;
 - Record of Processing and Legal Basis;
 - Contracts and Data Sharing;

- Risks and Data Protection Impact Assessments;
- Records Management and Security;
- Breach Response and Monitoring.

2.19 NFRS has completed a gap analysis and incorporated changes to future and existing work-streams. The outcome of the work being undertaken will show that NFRS sets high standards for privacy and leads by example, to promote a positive attitude to data protection across the Service, minimise the risks of what the Service does with personal data by putting in place appropriate and effective policies, procedures, and measures.

2.20 Due to the importance of protecting the information NFRS uses, including personal information, work is continually undertaken to keep NFRS cyber security measures up to date. The ICT Security department is in the process of renewing the Cyber Essentials Plus certification for NFRS scheduled for September 2023.

2.21 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.

REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA)

2.22 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.

2.23 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.

2.24 There were no applications for covert investigations at NFRS under RIPA from April 2022 to March 2023.

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 Act 2000, Data Protection Act 2018 and the General Data Protection Regulation, and Regulation of Investigatory Powers Act 2000 (RIPA).

8. RISK MANAGEMENT IMPLICATIONS

- 8.1 The Information Governance and Data Protection Officer (IGDPO) role helps ensure NFRS meets its legal obligations under the Data Protection Act 2018 and Freedom of Information Act 2000.
- 8.2 Work across the Service ensures 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 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 & Rescue Service and South Yorkshire Fire & 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 and Data Protection Officer 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