



NOTTINGHAMSHIRE
Fire & Rescue Service
Creating Safer Communities

Nottinghamshire and City of Nottingham
Fire and Rescue Authority

ANNUAL REPORT OF INFORMATION GOVERNANCE 2023/24

Report of the Chief Fire Officer

Date: 20 September 2024

Purpose of Report:

To present Members with an update on information governance at Nottinghamshire Fire and Rescue Service for the year 2023/24.

Recommendations:

That Members note the contents of this report.

CONTACT OFFICER

Name: Michael Sharman
Assistant Chief Fire Officer

Tel: 0115 8388100

Email: michael.sharman@notts-fire.gov.uk

Media Enquiries Contact: Corporate Communications Team
0115 8388100 corporatecomms@notts-fire.gov.uk

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 The UK Government's proposed introduction of the Digital Information and Smart Data Bill (DISD) will likely emphasise greater scrutiny and accountability for the sector.
- 1.3 The increasingly digital society and economy rely on vast amounts of personal and public information. NFRS's information governance balances taking opportunities for the innovative use of information whilst upholding information rights.
- 1.4 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 the delivery of public services. These factors demand an ongoing focus on staff awareness and risk controls.
- 1.5 Work undertaken this year has included empowering transparency and accountability within the Service. The Service has continued to develop how it incorporates 'good' information governance, in line within the National Fire Chiefs Council (NFCC) Data Management Fire Standard.
- 1.6 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;
 - Overview of data protection areas of interest; and
 - Report on Regulation of Investigatory Powers Act (RIPA) activity or inactivity.
- 1.7 This annual report covers Information Governance for April 2023 to March 2024.

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; and
- 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 2023 and March 2024, NFRS received 142 Freedom of Information requests. Of these, 135 (95.1%) were completed within the statutory time limit, up from 70% in 2022/23 and well above the Information Commissioner’s target of 90%. Continued monitoring of the compliance rate is ongoing with any significant concerns to be reported to the Protective Security Group.

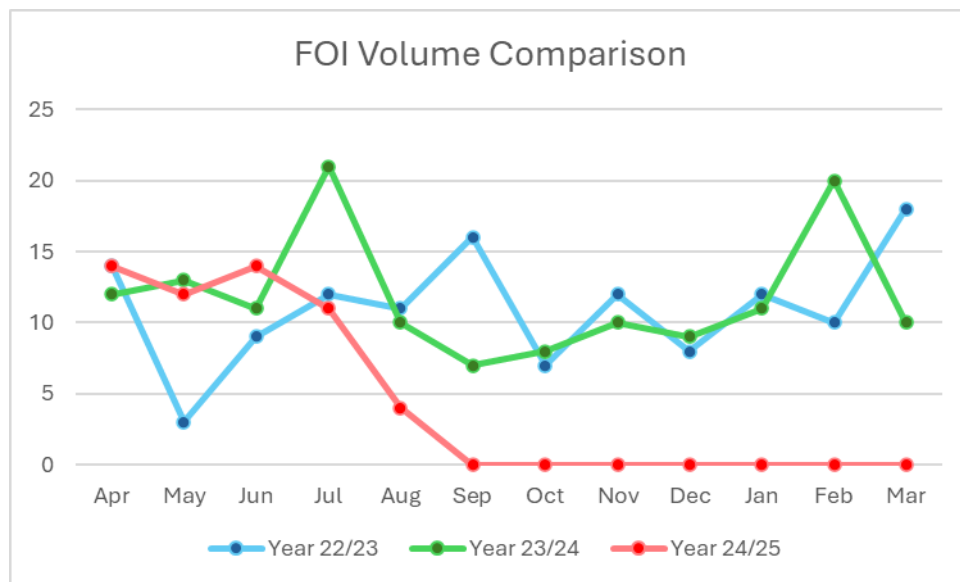


Figure 2.3: Volume comparison of FOI requests across the Service in the financial years 2022/23, 2023/24 and 2024/25

2.4 NFRS publishes information about Service performance and finance on the NFRS public website as well as a disclosure log of freedom of information replies.

ENVIRONMENTAL INFORMATION REQUESTS

2.5 The Environmental Information Regulations 2004 sit alongside the Freedom of Information Act to ensure public access to environmental information held by public bodies.

- 2.6 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; and
 - Members of the public can request environmental information NFRS holds. There are limited reasons to refuse such requests, for example, national security or a high cost to comply with the request.
- 2.7 One information request received between April 2023 - March 2024 was classified as an environmental information request and was responded to within the statutory time period.

DATA PROTECTION

- 2.8 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).
- 2.9 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 NFRS has put in place an accessible Privacy Notice outlining its use of personal data via its public website.
- 2.11 Under Article 37 of the UK GDPR a data protection officer (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 Data Protection Officer in line with the UK GDPR.
- Name:** Christopher Smith
Title: Information Governance and Data Protection Officer
Contact Tel: 0115 8388871
Contact Email: DataProtection@notts-fire.gov.uk
- 2.12 Over the last year, NFRS has focused on continuing to develop a robust methodology for incorporating information governance in line with the NFCC Data Management Fire Standard and the Information Commissioner's Office (ICO) expectations.
- 2.13 At the time of writing, NFRS has reviewed and implemented 72% of the recommended requirements either fully or partially implemented with the remaining 28% awaiting review and implementation. Work is set to continue in the 2024/25 financial year.
- 2.14 Part of NFRS's obligations under the UK GDPR is to respond to the rights of data subjects where the Service processes their personal data. The right of access by the data subject to their personal data held by NFRS comprises part of this obligation. For the financial year 2023/24, NFRS received 43

requests for information from a data subject; of those, 42 (97.67%) were completed within the statutory timeframe of one month, or where NFRS has extended the deadline, due to complexity, by a further two months.

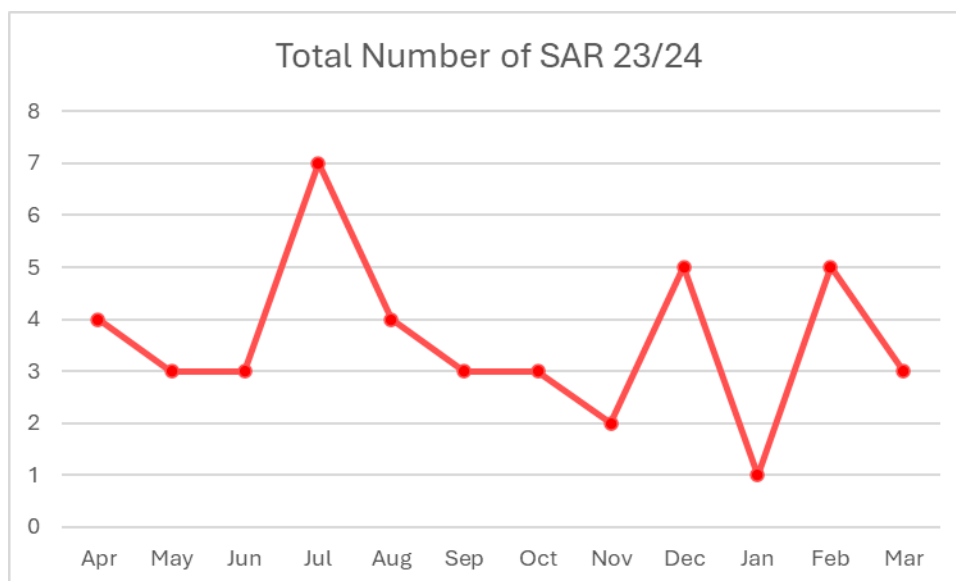


Figure 2.14 Monthly breakdown of Subject Access Requests (SAR) across the Service in the financial year 2023/24.

- 2.15 The UK GDPR introduces a duty on all organisations to report certain personal data breaches to the relevant supervisory authority. NFRS must do this within 72 hours of becoming aware of the breach, where feasible.
- 2.16 No incidents recorded by NFRS required the Information Commissioner's Office (ICO) to be notified in the year 2023/24.
- 2.17 The ICT Security department has reviewed and renewed the Cyber Essentials Plus certification in September 2023.

REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA)

- 2.18 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.)
- 2.19 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.
- 2.20 There were no applications for covert investigations at NFRS under RIPA from April 2023 to March 2024.

3. FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

4. HUMAN RESOURCES AND LEARNING AND DEVELOPMENT IMPLICATIONS

- 4.1 All NFRS staff are required to complete Data Protection training every two years.
- 4.2 At the end of the 2023/24 financial year, there were 719 users with 713 completions (99.2%) and six non completions (0.8%). Practical guidance has been developed via the Service's Data Protection Hub with the overall aim to provide employees with practical and clear information regarding their legal obligations under UK data protection laws.

5. EQUALITIES AND ETHICAL IMPLICATIONS

- 5.1 An equality impact assessment (EIA) has not been undertaken because this is an information report with no recommended changes that would necessitate the requirement for an EIA to be undertaken.
- 5.2 This document has been developed in accordance with the Core Code of Ethics for Fire and Rescue Services in England to support a consistent approach to ethics, including behaviours, by fire and rescue services in England.

6. ENVIRONMENTAL AND SUSTAINABILITY IMPLICATIONS

There are no environmental or sustainability 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, Environmental Information Regulations, Data Protection and RIPA.

8. RISK MANAGEMENT IMPLICATIONS

- 8.1 Failure to adhere to legislative requirements may result in serious and unwarranted damage and distress to individuals, breach of UK data protection laws, court action or financial penalties, damage to reputation and integrity.

- 8.2 The Information Governance and Data Protection Officer (IGDPO) role is a legal requirement and provides advice and assistance to demonstrate NFRS's compliance alongside a robust information governance framework which reduces the risks outlined in Paragraph 8.1.

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 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