



NOTTINGHAMSHIRE
Fire & Rescue Service
Creating Safer Communities

Nottinghamshire and City of Nottingham
Fire and Rescue Authority

ANNUAL REPORT ON TRANSPARENCY AND DATA PROTECTION

Report of the Chief Fire Officer

Date: 22 September 2017

Purpose of Report:

To give Members an annual update on information governance at Nottinghamshire Fire and Rescue Service.

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1. BACKGROUND

- 1.1 Data protection and public sector transparency continue to be priorities for the United Kingdom (UK) government. In May 2018, new data protection requirements enter UK law via European regulations. The UK government is already planning domestic law to adapt these requirements post-Brexit. Risks from non-compliance include significant fines from the Information Commissioner and potential harm to the reputation of Nottinghamshire Fire and Rescue Service (NFRS).
- 1.2 The Fire Authority approved the new posts of Information and Governance Manager (IG Manager) and Information Technology Security Officer in 2016. These posts support NFRS to meet requirements under Data Protection law and transparency requirements, and reduce the risk of non-compliance. Both posts are key members of the NFRS Protective Security Group.
- 1.3 NFRS shares information with other agencies to reduce fire risk and to protect communities. Members are aware of the growing requirement for multi-agency working and the increasing role of technology within the day to day delivery of a public service. These factors make the operating environment more complex, demanding a greater focus on risk controls that are applied and sustained.
- 1.4 At the 28 April 2017 Policy and Strategy Committee it was agreed that NFRS would provide an Information Governance report annually to the September meeting of the full Fire Authority, covering:
 - Overview of freedom of information (FOI) requests.
 - Overview of environmental information requests.
 - Data protection areas of interest.
 - Report on Regulation of Investigatory Powers Act (RIPA) activity or inactivity.
- 1.5 This report covers Information Governance for April 2016-March 2017.

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 April 2016-March 2017 NFRS had 107 FOI requests. Information asked for included fire statistics, fleet lists and contract information.
- 2.4 In the five weeks after the Grenfell tragedy in June 2017 NFRS received nine detailed FOI requests asking about fire protection and high rises, mainly from the media.
- 2.5 Since the introduction of the IG Manager post, NFRS has substantially increased compliance with time limits for FOI request replies. The 12 months before the post holder started in July 2016 had 70% replies in time, compared to 87% in the 12 months since they were in post. In March 2017, the Information Commissioner raised the threshold for public authorities to be considered for monitoring if fewer than 90% of their FOI responses fall within the statutory time limits. In Quarter 1 of 2017/18 NFRS had 100% FOI replies in time.
- 2.6 NFRS now publishes a selection of FOI replies on the [NFRS public website](#) alongside information published about Service performance and finance. This approach further enhances the Authority's support for transparency and are grouped into four categories:
- Incidents and fire safety;
 - Finance and spending;
 - Staffing;
 - Governance and other.

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 hold. There are limited reasons to refuse such requests, for example, national security or it would cost too much to comply with the request.
- 2.9 No information requests received April 2016-March 2017 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 Currently 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 1998. From 25 May 2018, the General Data Protection Regulation (GDPR) is effectively replacing the Data Protection Act 1998. The GDPR puts more legal requirements on organisations than the current Data Protection Act 1998. The GDPR also increases maximum fines for non-compliance.
- 2.13 Preparation for GDPR is underway at NFRS, including creation of an information asset register, undertaking an audit of compliance, and information security training as all departments at NFRS are affected by this work.
- 2.14 As highlighted frequently in the news, there is a risk of cyber-attack on any 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 IT Security Officer supports NFRS work towards the adoption of recognised industry standards such as ISO27001, developing compliant policies and procedures as part of the ongoing work in relation to the Emergency Services Mobile Communication Programme (ESMCP). The adoption of these new policies will significantly improve NFRS cyber security and the protection of information and data within NFRS ICT systems.

REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA)

- 2.15 NFRS is authorised by the Regulation of Investigatory Powers Act 2000 (RIPA) to undertake directed surveillance for the prevention or detection of crime, the prevention of disorder, or in the interests of public safety.
- 2.16 There were no applications for directed surveillance investigations at NFRS under RIPA from April 2016 to March 2017.
- 2.17 The report by the Office of Surveillance Commissioners following their audit of NFRS in November 2016 noted NFRS had not used any RIPA investigations since their last audit in 2013. The report also reinforced that because NFRS have powers under RIPA, NFRS still needs to be ready to comply with the regulatory framework.

- 2.18 The Office of Surveillance Commissioners report was complimentary of NFRS, noting “the determination and enthusiasm which exists within the Service to perform to a high standard.”
- 2.19 Actions required of NFRS in the report, including more frequent training for authorising officers are now complete and will now inform actions to ensure the Service are well placed for sustained compliance and future audits.

3. FINANCIAL IMPLICATIONS

There are no financial implications of this report.

4. HUMAN RESOURCES AND LEARNING AND DEVELOPMENT IMPLICATIONS

All NFRS staff are required to complete information security training to help manage data protection information risk and this will be expanding in preparation for the introduction of GDPR during 2018, with support from subject matters experts. Demand in these areas continues to grow and officers will be reviewing the capacity available to ensure these demands can be most appropriately managed.

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 of 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 Authority has improved governance arrangements, for example, the IG 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, led by the IG Manager, helps NFRS meet duties under Data Protection law. Measures includes reviewing data protection policies, checking information request processes, annual training for staff on information security and active contribution to the NFRS Protective Security Group.

- 8.3 Measures taken help NFRS protect personal information and reduce the risk of non-compliance with data protection requirements, reducing the risk of reputational damage to NFRS and reduce the risk of fines under the Data Protection Act, and, from May 2018, the General Data Protection Regulation.
- 8.4 Annual RIPA training is provided for all NFRS officers 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 NFRS is working with Leicestershire Fire and Rescue Service where possible to share preparation for GDPR, for example, auditing compliance of the recording system for community safety activities.
- 9.2 The GDPR includes a new duty for notification of some information breaches to the Information Commissioner, with the IG Manager advising if notification is needed within a set timescale. There is the potential to investigate options for absence cover for this new duty with neighbouring FRs and Nottinghamshire Police. These options will be explored by officers and reported to the Fire Authority in a future report.

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