

Wiltshire Council

Data protection audit report

Executive summary
May 2015



Information Commissioner's Office

1. Background

The Information Commissioner is responsible for enforcing and promoting compliance with the Data Protection Act 1998 (the DPA). Section 51 (7) of the DPA contains a provision giving the Information Commissioner power to assess any organisation's processing of personal data for the following of 'good practice', with the agreement of the data controller. This is done through a consensual audit.

The Information Commissioner's Office (ICO) sees auditing as a constructive process with real benefits for data controllers and so aims to establish a participative approach.

Wiltshire Council agreed to a consensual audit by the ICO of its processing of personal data.

An introductory meeting was held on 22 January 2015 with representatives of Wiltshire Council to identify and discuss the scope of the audit.

2. Scope of the audit

Following pre-audit discussions with Wiltshire Council, it was agreed that the audit would focus on the following areas:

Records management – The processes in place for managing both manual and electronic records containing personal data. This will include controls in place to monitor the creation, maintenance, storage, movement, retention and destruction of personal data records.

Subject access requests - The procedures in operation for recognising and responding to individuals' requests for access to their personal data.

Data sharing - The design and operation of controls to ensure the sharing of personal data complies with the principles of the Data Protection Act 1998 and the good practice recommendations set out in the Information Commissioner's Data Sharing Code of Practice.

3. Audit opinion

The purpose of the audit is to provide the Information Commissioner and Wiltshire Council with an independent assurance of the extent to which Wiltshire Council, within the scope of this agreed audit, is complying with the DPA.

The recommendations made are primarily around enhancing existing processes to facilitate compliance with the DPA.

Overall Conclusion	
Limited assurance	<p>There is a limited level of assurance that processes and procedures are in place and delivering data protection compliance. The audit has identified considerable scope for improvement in existing arrangements to reduce the risk of non compliance with the DPA.</p> <p>We have made one very limited and two limited assurance assessments where controls could be enhanced to address the issues which are summarised below.</p>

4. Summary of audit findings

Areas of good practice

There is an appropriate breach management procedure in place with staff able to report incidents via a form on the intranet. Incidents are investigated, appropriate action taken and lessons learned identified. Monitoring takes place at a senior level.

Manual (paper) confidential waste is managed in a secure way. Staff deposit it within lockable consoles and a third party contractor destroys it by shredding on site.

The Information Rights Team review SAR responses where redactions have been applied to ensure this has been done appropriately.

Information sharing between agencies working within the MASH team is carried out on a case by case basis and in accordance with a comprehensive information sharing agreement.

Areas for improvement

Mechanisms for tracking and retrieval of records vary in quality across the warehouse sites storing the Council's manual records. The Salisbury warehouse appears to manage records appropriately with a comprehensive system for cataloguing, locating and retrieving records. The Devizes warehouses were reported to be in a state of semi-organisation as staff are attempting to identify and catalogue records. The Trowbridge warehouse currently acts solely as a records storage facility for uncatalogued records.

The Council currently shares some of its premises with Wiltshire Police without any formal segregation between offices.

Privacy Impact Assessments (PIAs) are not mandatory for any new system, process or data sharing arrangement which involves the processing of personal data.

There are no documented, detailed procedures for staff to follow when responding to subject access requests.

Compliance with the Council's obligation to respond to subject access requests within 40 calendar days is not monitored at a senior level to drive improvement and to help resolve problems e.g. resourcing issues.

There is no Information Sharing Policy to help ensure a standard approach to information sharing with partner agencies.

The matters arising in this report are only those that came to our attention during the course of the audit and are not necessarily a comprehensive statement of all the areas requiring improvement.

The responsibility for ensuring that there are adequate risk management, governance and internal control arrangements in place rests with the management of Wiltshire Council.

We take all reasonable care to ensure that our audit report is fair and accurate but cannot accept any liability to any person or organisation, including any third party, for any loss or damage suffered or costs incurred by it arising out of, or in connection with, the use of this report, however such loss or damage is caused. We cannot accept liability for loss occasioned to any person or organisation, including any third party, acting or refraining from acting as a result of any information contained in this report.