



Office of Police and Crime Commissioner
Office of Chief Constable

Information Governance

Annual Report 2020/21

9th September 2021



1. PURPOSE AND RECOMMENDATION

- 1.1 The report presents the annual outturn on the delivery of Information Services and Information Governance in Gwent Police.
- 1.2 There are no recommendations made requiring a decision.

2. INTRODUCTION & BACKGROUND

- 2.1 In 2018 Gwent Police completed a review of the Data Management function, in light of the General Data Protection Regulation (GDPR) requirements. This led to the establishment of the Information Services and Information Governance structures that report to the Assistant Chief Officer - Resources.
- 2.2 The Information Governance structure developed in 2020 following the appointment of the Joint Data Protection Lead Officer (DPO) with South Wales Police. This role is focussed on meeting the requirements of the GDPR and the Data Protection Act 2018.

The structure of the Information Governance Team preserves the independence of the DPO as required by legislation. In addition, it also brings together complimentary processes to ensure compliance when dealing with information across the force.

As this arrangement has been in place for over a year a review of the Information Governance team is being undertaken in 2021-22 to ensure that there is sufficient skills and capacity to manage the information management requirements and to develop and maintain new processes to meet legal obligations. This is collaborative work with South Wales Police and will enable the alignment and mirroring of structures, processes and policies to support the work of the Joint DPO.

- 2.3 The Information Services function provides disclosure on data management provision for the force in line with legislative requirements. Other services provided include Police National Computer maintenance and also Firearms Licencing administration.
- 2.4 This report presents the key performance areas for both Information Governance and Information Services. These are monitored through the Information Assurance Board.

3. ISSUES FOR CONSIDERATION

- 3.1 The reporting arrangements have been operational throughout the financial year.



3.2 INFORMATION SERVICES - DISCLOSURES

3.2.1 The key disclosure performance areas are summarised below with performance detailed at Annex 1.

- Subject Access Requests (SAR)
- Freedom of Information (FOI)
- Children and Family Court Advisory & Support Service (CAFCASS)
- Road Traffic Collision (RTC) Disclosure
- Criminal Injury Compensation Authority (CICA)
- Family Court Orders
- Data Protection (S29/S35)
- Common Law Police Disclosures
 - Notifications
 - Disclosures
- Safeguarding
- Disclosure and Barring Service (DBS)
- Police National Computer (PNC)
 - Creation
 - History

Subject Access Rights (SAR)

The SAR service involves the processing of requests from Data Subjects wishing to access their personal data. This can include conviction data, non-conviction data, BWV, custody interviews.

The SAR response for the year has been at 100% compliance in all but one month which registered at 95%.

Freedom of Information (FOI) Requests

The FOI service involves the processing of requests from members of the public and the media for information held by the force.

The performance for the year has fluctuated from a low of 54% to a high of 100%. The fluctuations have occurred due to staff vacancies and also demand spikes during the year, both of which cause a capacity gap. The demand and performance analysis is detailed at Annex 2 for information. The team is now fully staffed and the demand pattern will be monitored to ensure staff are available to meet planned fluctuations in the year ahead.

The ICO published a thematic report in November 2020 entitled 'Information Access Request Timeliness' in relation to SAR and FOI compliance. The content of which was subject to force review and the recommendations. The key findings from the analysis showed the following:

SAR - Gwent received 265 SAR requests in the reporting period. Compliance over the reporting period averaged 96%. Gwent appeared 1st in the league table for SAR compliance across all forces.

FOI - Gwent received 833 FOI requests in the reporting period. The average compliance rate was 85%. Gwent appeared 24th in the league table for FOI compliance across 46 forces.

The ICO identified areas requiring improvement and made a number of recommendations to improve the timeliness. There were nine recommendations in total, aimed at driving compliance with the statutory time for responding to information access requests.

Gwent was assessed as achieving 'Substantial Assurance' in eight of the quality areas, and 'Reasonable Assurance' in the remaining area. The one area deemed to require improvement related to the degree of monitoring progress at key stages of the FOI process. The volume of requests sat with other departments exceeding the specified time for response, and the delays incurred waiting for SPOC approval both of which have subsequently been addressed.

Children and Family Court Advisory and Support Service (CAFCASS)

CAFCASS is an independent arbitration service representing children in Family Court. These include Public and Private Law cases. The function includes the provision of Police National Computer (PNC) review and also locally held Police information.

Performance has been at 100% compliance throughout the year.

Road Traffic Collision Disclosures (RTC)

Requests fall into five main categories:

- Motor Insurance Bureau (MIB) - disclosures for untraced drivers;
- Appendix D - validating insurance claims;
- Search requests - Insurance claims;
- 3rd Party requests
- Other - primarily requests for OIC reports.

There is key performance indicator for the MIB requests of 20 days and mechanisms are being developed to ensure performance is monitored in 2021-22. All other requests are dealt with subject to demand and capacity.

Criminal Injuries Compensation Authority (CICA)

This involves the processing of requests and provision of information to CICA, who handle requests on behalf of injured parties.

Performance has been at 100% compliance throughout the year.



Family Court Disclosure

This involves the provision of Police held information as detailed in the Court Order, relating to Private and Public Law matters.

Performance has been at 100% compliance throughout the year.

Data Protection / Disclosure

This involves the general disclosure matters and information sharing with regulatory bodies and partners. There is no specified timescale to respond to these requests.

Common Law Police Disclosures (CLPD)

This involves disclosures to regulatory bodies or employers in respect of nominals that have been arrested/charged for a recordable offence where they are considered a risk to children or vulnerable adults.

There has been a marked improvement since the Disclosure Officer role was filled in November 2020 with compliance to the three days target being between 94% and 100% each month, a role that was identified as necessary through the departmental Post Implementation Review.

Safeguarding Checks

This is the provision of information to Local Authority Safeguarding Teams in respect of risk assessing children and vulnerable adult placements.

Performance has been at 100% compliance throughout the year.

Disclosure Barring Service (DBS)

The DBS team is externally funded and process all DBS applications for the Gwent area. These include:

- initial research of force systems;
- recording of information onto the Quality Assurance Framework;
- disclosures;
- handling disputes;
- ID fingerprints; and
- referrals to Barring.

The performance is monitored by the national co-ordination team and is considered satisfactory.

Police National Computer Bureau (PNCB)

The PNCB team maintain PNC Name and Vehicle updates including entering new records, managing alerts, updating current records and deleting records upon request, court resulting, impending prosecutions, and warrants administration. The team is also responsible for inputting



Road Traffic Collision injury reports onto the mapping service (AccsMap) and provide RTC statistics to Welsh Government.

The PNC performance in respect of Arrest summons creation has been below required levels during the financial year and an improvement plan has been initiated to ensure delays to creations are minimised.

3.2.2 Firearms Licensing

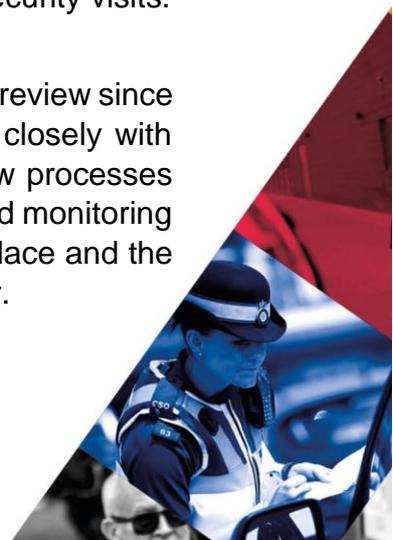
The Firearms Licensing Unit consists of the Administration Team and the Firearms Enquiry Officers (FEO). Tasks include services involving the granting of certificates which are:

- renewals, variations, transfers, clubs and registered firearms dealers;
- explosive certificates;
- vetting and medical process;
- suitability and security visits / telephone assessments.

The average performance for the year is as follows:

- **Shotgun Certificate Renewal**
This is the measure from receipt of application to issuance of certificate and is 50 days (7 weeks) compared to unlegislated Home Office Guidance of 42 days (6 weeks).
- **Firearm Certificate Renewal**
This is the measure from receipt of application to issuance of certificate and is 52 days (7.5 weeks) compared to unlegislated Home Office Guidance of 42 days (6 weeks).
- **Shotgun Certificate Grant**
This is the measure from receipt of application to issuance of certificate and is 167 days (24 weeks). There is no specific timescale for processing Grants. Grant applications were suspended during the Covid pandemic due to the inability to conduct physical security visits.
- **Firearm Certificate Grant**
This is the measure from receipt of application to issuance of certificate and is 122 days (17 weeks) There is no specific timescale for processing Grants. Grant applications were suspended during the Covid pandemic due to the inability to conduct physical security visits.

The performance of the firearms licencing unit has been under review since December and the Head of Information Services is working closely with South Wales Police Firearms licencing team to introduce new processes that utilise NICHE as the primary system for tasking activity and monitoring compliance. The performance and improvement plan are in place and the compliance risk is reflected through the corporate risk register.



3.3 INFORMATION GOVERNANCE

3.3.1 The Information Governance team oversee the compliance with information management requirements and also advise on areas of risk to co-ordinate the identification, assessment and response. These are explained below.

3.3.2 GDPR/Data Protection Act 2018

The introduction of GDPR and the UK Data Protection Act 2018 (DPA) has required the organisation to enhance reporting arrangements in relation to the following:

a Data Breaches

The breach report is detailed at Annex 3 that details all data breaches from May 2018 when GDPR was enacted. The information is monitored on a calendar year basis but the data relating to 2020-21 is below.

In reporting year 2020-21 there have been 61 data incidents reported to Information Governance but none have been considered high risk requiring reporting to the Information Commissioners Office (ICO).

The incidents have been assessed for impact as follows:

GREEN	= 32	(Impact on data subject is minimal)
AMBER	= 23	(Subject suffers some damage or distress)
RED	= 0	(Impact on data subject is significant)
No Breach	= 6	(conclusion of no breach following assessment)

All 61 breaches were assessed and closed with suitable advice given. There are no incidents that remain open. Appropriate advice is given to individuals or departments where applicable and escalated to the professional standards department if necessary.

b Right to be Forgotten

There have been no requests under GDPR for Right to be Forgotten. The Right to be Forgotten does not apply to Law Enforcement data.

c Records of Processing

As part of GDPR/DPA there is a mandatory requirement for the data controller to maintain a record of processing activities. Whilst this is linked to the established Information Asset Register regime, the way in which Police systems are used means that a separate record has been established in the Information Governance team who work with departments to document all processes involving personal data, the lawful basis, recipients and sources, security measures and categories of data. This is undertaken through data mapping and will assist the controller in maintaining awareness of where data is collected, processed, stored and protected and which information is being managed by third parties and suppliers (data processors). Controller and processor obligations are also



embedded in the contract and procurement process, with data sharing agreements established.

Since the introduction of GDPR/DPA, Gwent Police compliance has been subject to internal audit and found to be operating effectively.

3.3.3 Record Management

The Records and Compliance team provide advice and support to ensure that the organisation is compliant with Data Protection legislation. The programmes undertaken in 2020/21 are summarised below:

a Review of Physical Data / Retention

- **Interview Tapes:** The records team are continuing to review interview tapes, video tapes and DVD's stores across the Gwent Police estate. Following a review / destruction process the retained items will be secured in long term storage.
- **Digitisation Work/HQ Decant:** Digitisation has been completed in the Dedicated Source Unit, Fleet records and Major Incident Team. The review of legal files will commence in 2021-22.
- **Email Retention:** The policy has been implemented at 12 months retention AND the email archive has been finalised alongside a review of the functionality of eDiscovery in Microsoft 365 (M365).
- **Gwent Police Retention Schedule:** The records team continue to monitor compliance with the Retention Schedule during the Data Mapping process. This will also form part of the work we are doing on M365 migration.

b Review of Information Sharing Agreements (ISA)

All departments are engaged to review the existing ISA's and update or develop new agreements where the Data Mapping process is identifying new requirements.

Through this process Information Sharing Agreements identified for renew is summarised in the below table:

Information Sharing Agreements

Agreement Type	Completed	In Progress
Information Sharing Protocols	7	13
Data Processing Agreements	4	0
Memo of Understanding	3	0
Data Disclosure Agreement	0	1

c Review of Processing Activities

The Compliance Officer has been working with Procurement to develop a plan to audit our Third-Party Processing activities. This is an area that we have



historically not undertaken but is a requirement of GDPR legislation and would form part of any future ICO audit.

d Microsoft 365

Information Governance continue to be part of the Digital and Agile Project Team delivering the migration of Microsoft 365 across the organisation.

A summary of the progress is shown below:

- The project continues to be on track with the plan.
- Creation of Corporate SharePoint sites is in progress.
- Developing metadata and retention policies for legacy data is ongoing.
- Testing of file conversion of legacy documents was successful.
- Migration of Data from shared drives will begin in December 2021.

e Information Mapping

The mapping of information across the organisation enables transparency on the data being held and the justification for its purpose. There remains six areas awaiting sign off in 2020-21.

4. COLLABORATION

4.1 A baseline assessment of each force's compliance with data protection obligations was undertaken during the summer. This enabled the joint DPO to assess compliance and areas for improvement, using the collaboration project to implement and align examples of best practice for each force. Processes have subsequently been consolidated into one process for both forces. The DPO is also aligning data protection policies so they are the same across Gwent and South Wales and enable best practice as well as alignment for collaborative units.

The DPO advises the Senior Information Risk Owners (SIROs) of both forces over many common areas as a result of the system and service alignment that has been developed in collaboration.

The introduction of the National Enabling Programme provides M365 SharePoint and a corporate document structure which is being implemented in line with the National Police Chief Council (NPCC) guidance.

This will enable the two forces to share documentation in a more accessible manner and improve the efficiency of our collaborative teams.

4.2 There has been steady progress on collaborative Information Management with South Wales Police. The manner in which the information management functions process data when responding to disclosure requests should be aligned to ensure interoperability across the functions, providing resilience to each. To date this has seen an alignment of processes (considered best practice) for Gwent and South Wales for the following:

- Subject Access Requests (SAR)
- Management of Police Information (MOPI)



- Freedom of Information (FOI)
 - Common Law Police Disclosure.
- 4.3 A joint and mirrored structure for Information Governance is being developed with support from Business Change that will enable the Joint DPO to deliver the Information Governance responsibilities for the two forces.

5. NEXT STEPS

- 5.1 The force will continue to report its improvement plans and overall performance through the Information Assurance Board.
- 5.2 The Joint DPO will complete the alignment of data protection policies and review of the resource and structure of the Information Governance team.
- 5.3 To complete the Information Sharing Agreements to ensure compliance and monitor and maintain the Records of Processing, Information Asset Register and Information Risk Register.
- 5.4 Provide appropriate Data Governance to support the full rollout of M365.

6. FINANCIAL CONSIDERATIONS

- 6.1 There are no financial considerations in this report.

7. PERSONNEL CONSIDERATIONS

- 7.1 Training and support is provided to staff to ensure they are able to meet the obligations of their role.

8. LEGAL IMPLICATIONS

- 8.1 There are no legal implications at this stage.

9. EQUALITIES AND HUMAN RIGHTS CONSIDERATIONS

- 9.1 This project/proposal has been considered against the general duty to promote equality, as stipulated under the Single Equality Scheme and has been assessed not to discriminate against any particular group.
- 9.2 In preparing this report, consideration has been given to requirements of the Articles contained in the European Convention on Human Rights and the Human Rights Act 1998.

10. RISK

- 10.1 There are financial implications to the force not meeting its deadlines, however there are no current concerns based on performance.
- 10.2 The introduction of a single consistent Disclosure Team has improved the quality and consistency of disclosure by the force.



11. PUBLIC INTEREST

- 11.1 In producing this report, has consideration been given to 'public confidence'? **Yes**
- 11.2 Are the contents of this report, observations and appendices necessary and suitable for the public domain? **Yes**
- 11.3 If you consider this report to be exempt from the public domain, please state the reasons: **N/A**
- 11.4 Media, Stakeholder and Community Impacts: **None**

12. REPORT AUTHOR

- 12.1 Natasha Gilbert, Head of Information Services & Louise Voisey, Joint Data Protection Officers

13. LEAD CHIEF OFFICER

- 13.1 Nigel Stephens; Assistant Chief Officer – Resources

14. ANNEXES

- 14.1 Annex 1 - Information Services Performance
- 14.2 Annex 2 - FOI Performance – All Forces
- 14.3 Annex 3 - Data Breach Performance

15. CHIEF OFFICER APPROVAL

- 15.1 I confirm this report has been discussed and approved at a formal Chief Officers' meeting.

I confirm this report is suitable for the public domain.

Signature: *Nigel Stephens*

Date : 07/05/2021

