

For Information	
Public/Non Public	Public
Report to:	Audit and Scrutiny Panel
Date of Meeting:	18 February 2014
Report of:	ACO, Resources
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Agenda Item:	11

Nottinghamshire Police Information Management Freedom of Information and Data Protection update

1. Purpose of the Report

- 1.1 To provide the Audit and Scrutiny Panel with data on the legislative compliance of the Freedom of Information Act and Data Protection Act 1998.

2. Recommendations

- 2.1 Members note the monitoring statistics for 2012 and 2013 in relation to Freedom of Information and Data Protection Subject Access Requests.

3. Reasons for Recommendations

- 3.1 To enable the Audit and Scrutiny Panel to fulfil its scrutiny obligations to oversee and consider Freedom of Information and Data Protection Compliance.

4. Summary of Key Points

- 4.1 Nottinghamshire Police as a public authority have a legal responsibility to respond to Freedom of Information Act (FOIA) and Data Protection Subject Access requests (DP SAR) within the legislative deadlines, which are monitored and governed by the Information Commissioner's Office.
- 4.2 These requests are processed and completed by the Information Management Team within Business and Finance
- 4.3 In the calendar year 2013 the Force has received 858 valid Freedom of Information Act requests and 114 valid Data Protection Subject Access requests for local information from Force systems.

The legislative deadlines for the Acts are:-

- Freedom of Information 20 working days
- Data Protection Subject Access 40 calendar days

- 4.4 The Information Management Team is a transactional section that deals with members of the public, businesses, organisations, professional bodies, Courts and journalists.
- 4.5 The Information Management Team is currently undergoing a restructure to address any gaps in trained resources in the specialised areas of Freedom of Information and Data Protection to ensure there is legislative compliance.

Freedom of Information

- 4.6 The Force monitors compliance and provides quarterly statistics for Freedom of Information to the ACPO Central Referral Unit based in Hampshire. These statistics are collated from all Forces including Police Scotland and the Metropolitan Police Service. Regional and national statistics are produced and circulated to all Forces on a quarterly basis. Results for Nottinghamshire can be seen in the attached charts within the appendices. References to the national position relates to the number of requests received during that period.
- 4.7 Freedom of Information Act requests have increased over the years since its inception. All Forces have seen a significant increase in FOIA requests and also the levels of complexity and the detailed numbers questions asked.
- 4.8 There is a well established process for obtaining information in relation to FOIA requests. An escalation process is in place for chasing departments that do not provide information by the set timescale.
- 4.9 The reasons for Freedom of Information requests exceeding the 20 working day deadline include information being supplied late or after the deadline, awaiting approval from senior officers and technical difficulties accessing data. Applicants are kept up to date when there is a delay with their response being provided, wherever possible partial disclosures will be made to the requestor inside the deadline.

Data Protection

- 4.10 Information Management also processes Data Protection Subject Access requests for information held by Nottinghamshire Police. The information requested from the 'data subject' can vary between accessing incidents, crime reports and statements to interview tapes, CCTV images, information held by Professional Standards Department, Human Resources, and Child Abuse Investigation Unit etc. The main research is conducted by the Information Disclosure Officers, but the department also relies on specific departments obtaining information and supplying this to them. All information is then collated by the Information Disclosure Officers, read and redacted of third party information in accordance with the rights of access to information under the Data Protection Act 1998 and prepared for disclosure. The disclosures can vary between a few pages to 100's dependent on the applicant's involvement with the Nottinghamshire Police.

- 4.11 Data Protection Subject Access request national statistics are not consistently collated as they are for Freedom of Information. However in quarter 3 there were 43 Subject Access requests received and 51 were closed, of the 51 that were closed in this period 10 exceeded the 40 day deadline. Obtaining CCTV footage, tape recorded interviews and dealing with large volume disclosures that require all information to be manually read and redacted, impacts on meeting deadlines. Whenever possible partial disclosures are made to the applicant before the deadline is reached.
- 4.12 The Force has a legislative responsibility to meet deadlines for the handling of Freedom of Information and Data Protection Subject Access requests. Information Management also facilitates other disclosures under the Data Protection Act where there is no legislative deadline; however recommended deadlines are given to each piece of work. During quarter 3 of 2013, Information Management received 328 data protection requests and made 211 disclosures for information under DPA. These areas of work predominantly involve researching the Force Crime and Recording systems for relevant information, all documentation has to be manually reviewed and redacted before it can be released. Court orders are also received in relation to civil proceeding which include Child Care and Family Proceedings, the Judge will determine a deadline for the Force to respond by, and this can vary from less than 24 hours to several weeks. Failure to comply with these requests without proper notification to the Court can result in an officer being called to court.

5. Financial Implications and Budget Provision

- 5.1 There are not direct financial implications

6. Human Resources Implications

- 6.1 There are no direct human resource implications

7. Equality Implications

- 7.1 There are no equality implications.

8. Risk Management

- 8.1 Not meeting the Forces legislative obligations under the Acts.

9. Policy Implications and links to the Police and Crime Plan Priorities

- 9.1 N/A

10. Changes in Legislation or other Legal Considerations

- 10.1 There are no legislation changes

11. Details of outcome of consultation

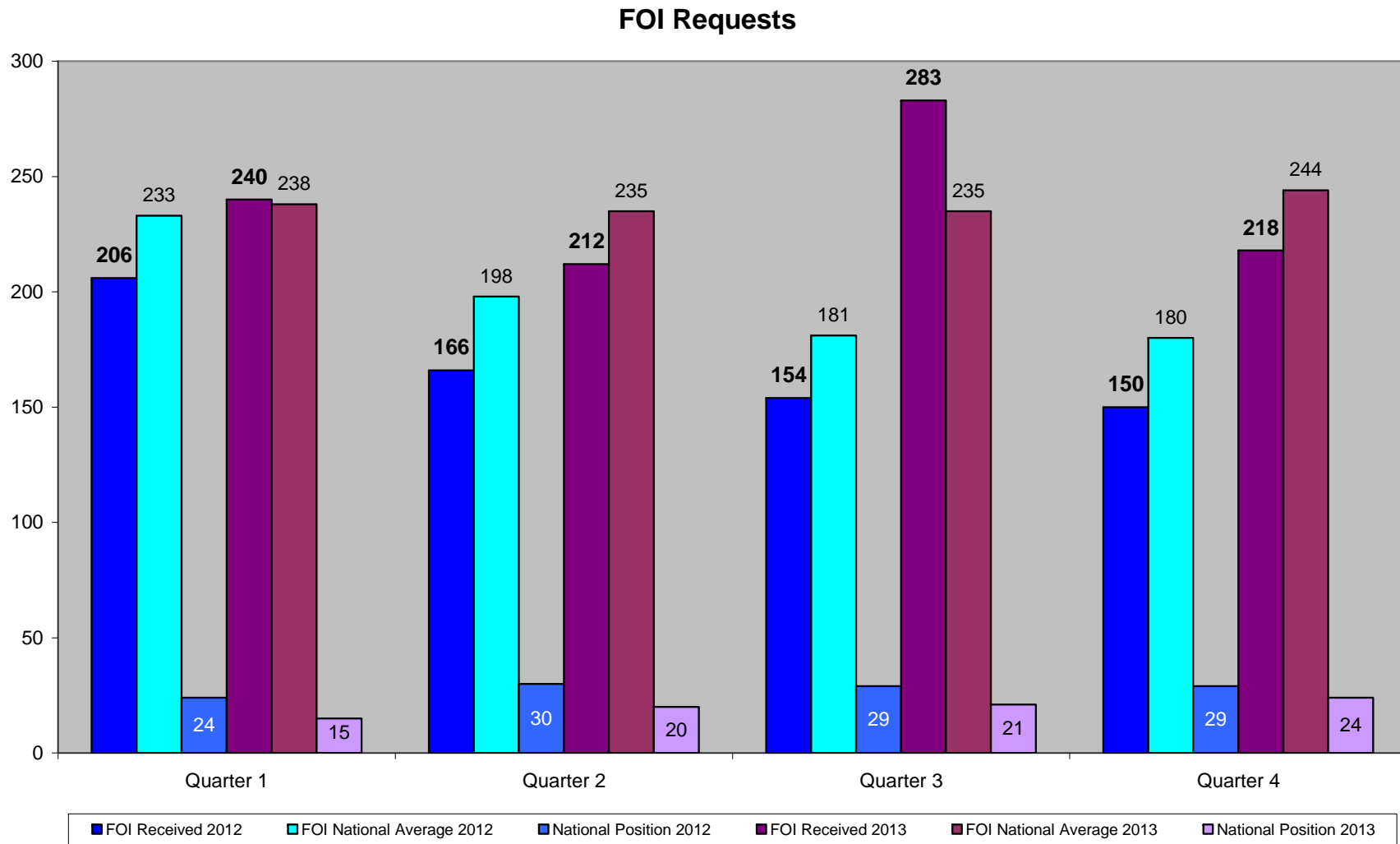
- 11.1 Information Management in relation to Freedom of Information and Data Protection compliance is monitored through the Force Information Assurance Board (FIAB)

12. Appendices

12.1 Appendix 1 - FOI Requests

12.2 Appendix 2 - Data Protection Subject Access Requests

Appendix 1 – FOI Requests



Appendix 2 – Data Protection - Subject Access Requests

