University of East Anglia

ISC15D022

Title:	**Information compliance annual report 2016**
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Issue

To provide an annual report on requests received by the University relating to Freedom of Information, Environment Information Regulations, Data Protection and Copyright.

Recommendation

Recipients are invited:
- To receive the report.

Resource Implications

No change to service is required and therefore there is no impact on resources.

Equality and Diversity

The report has no impact on groups with protected characteristics.

Timing of decisions

No decisions are required.

Further Information

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Background

As a public authority, UEA is required to have processes in place for the receipt, handling and response to requests made under the Freedom of Information Act 2000 and Environment Information Regulations 2004. It also has obligations under the Data Protection Act 1998 and Copyright, Designs and Patents Act 1988. Request management and advice is provided by the information compliance team in ISD, and this report summarises activity over the last calendar year (Jan – Dec 2015).

Discussion

Freedom of Information Act/Environmental Information Regulations

There have been eleven years of requests since the Freedom of Information Act was implemented in 2005.

Figure 1 No. of FOIA requests received since start of FOI in 2005
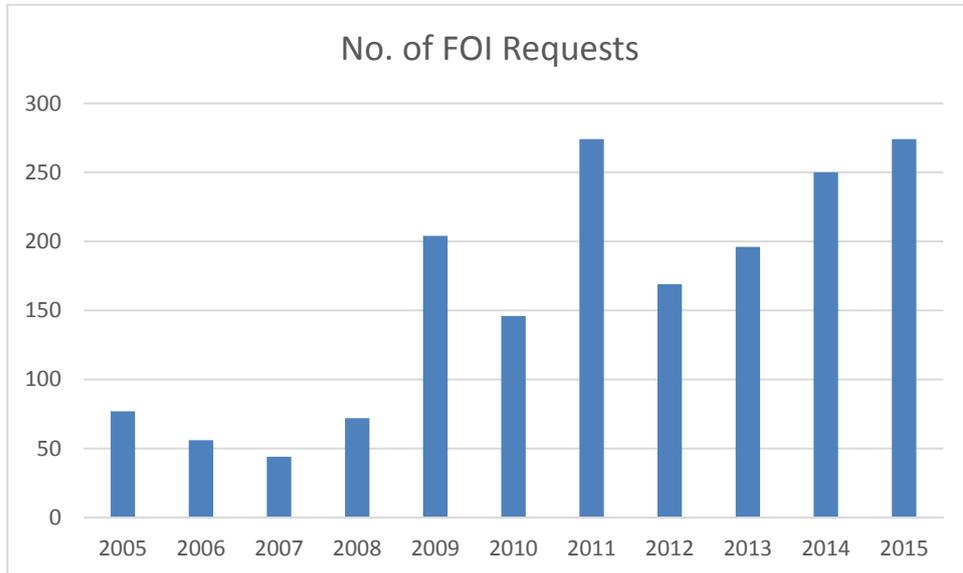
With the exception of two unusual years in 2009 and 2011, and a surge of interest at the start of this period reflecting the initial publicity around the new legislation, the general trend is upwards with an increase in requests in each of the last four years.

In 2015, we received in total 274 requests for information (a 62% increase since 2012). This equals the previous highest annual total recorded in 2011. Of these, two requests were processed under the EIR.

During the year, there was 1 case where a requester was dissatisfied with a response and requested an internal review (an 80% decrease on 2014).

Where a requester is dissatisfied with the outcome of an internal review, they can register a complaint with the ICO, which may then lead to an ICO investigation. Investigations can last a number of years before they are concluded. During 2015, only one request was referred on to the ICO. The request was originally received in 2014, and the complaint is still on-going.

Where a requester is dissatisfied with the outcome of an ICO investigation, the case can be brought to the attention of the First Tier Tribunal (Information Rights). During 2015, we did not need to handle any complaints taken to the First Tier Tribunal.

Requests received during 2015 break down as follows:

Figure 2 No. of information requests per month
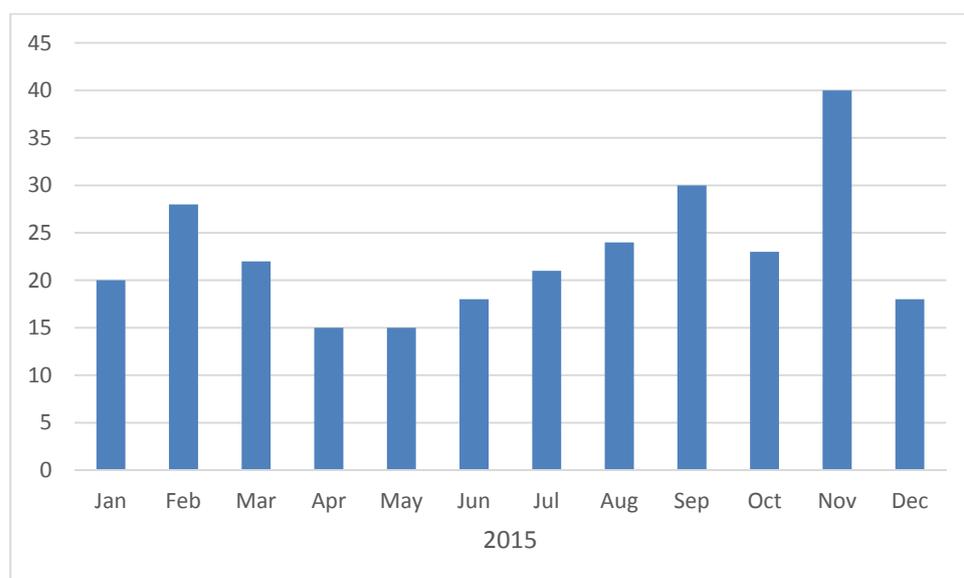
As for previous years, there is no particular pattern to receipt of requests through the year. For example, in 2014, April was the busiest month, but in 2015 it is the quietest. In 2015, November was the busiest month, but in 2014 only March, May and December were quieter.

In 2015 we had a greater than usual number of withdrawn requests: 8, in comparison with 1 in 2014.

The ICO (Information Commissioner's Office) is particularly interested[1] in ensuring that public authorities provide responses within the statutory deadline of 20 working days after receipt. 99% of requests received responses within 20 working days[2] with one request being provided late. The late request got stuck in the original receiving department, where it was not immediately recognised as being a Freedom of Information request. When it was passed to the compliance team for action, it was already overdue.

We are expected to provide responses as soon as possible, and therefore look each year to see if we are improving the timeliness of our responses. This can be seen by comparing the percentage of requests completed within 5 and 10 days of receipt. In 2014, 17% of responses were provided within 5 days, and in 2015 this was 19%. In 2014, a further 22% were provided within 10 days, and in 2015, this was 24%. Therefore, for 2015 we have slightly improved speed of response.

[1] https://ico.org.uk/action-weve-taken/monitoring-compliance/
[2] We may write to the requester to inform them that we are applying a reasonable extension to this limit to consider the public interest test (PIT). Responses provided within this adjusted PIT limit are not considered to be late. In 2015, we applied the PIT extension on 2 occasions.

**Figure 3 No. of days to provide a response 2015**
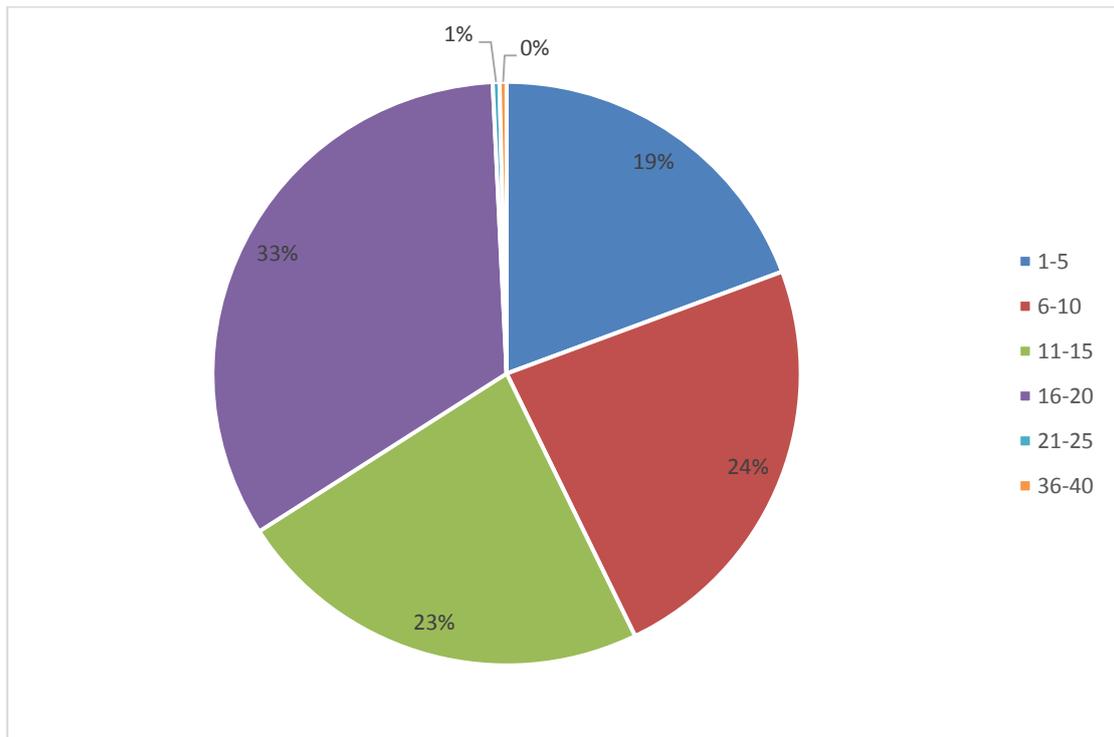
Responses to requests can be: not held at all, not held in part, refused, released in full, or released in part. In 80% of requests, the requester received some or all of the requested information.

Figure 4 Type of response 2015
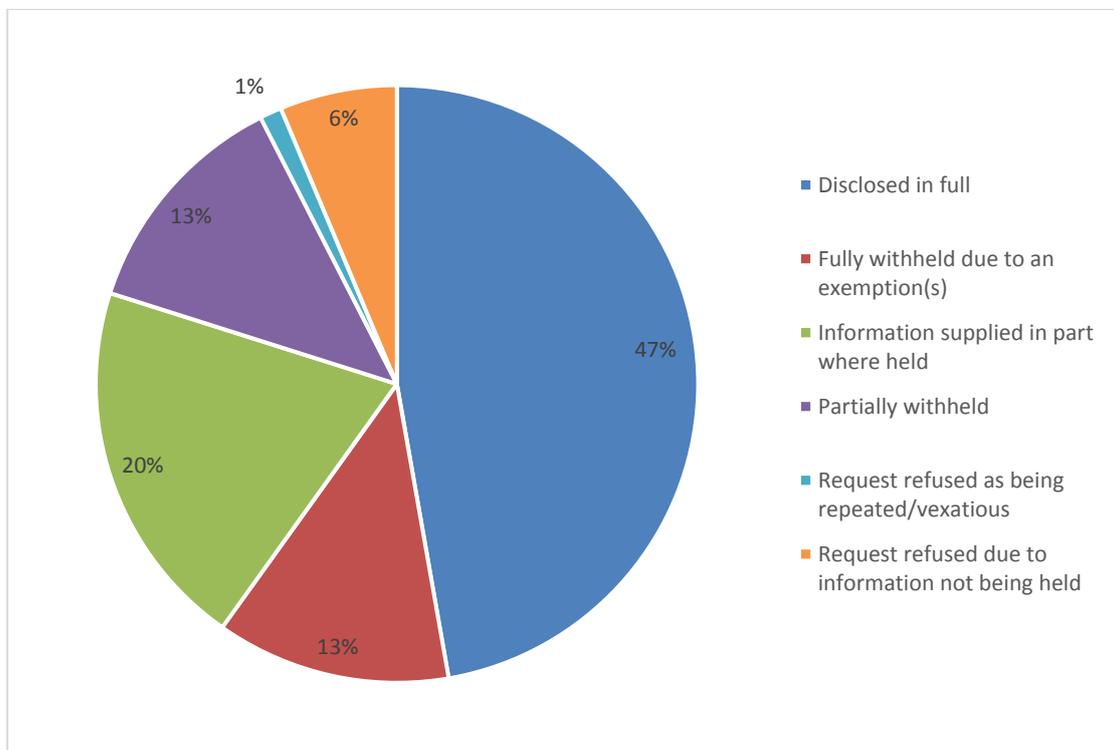
Since 2012, we have been recording a note of those departments involved in the handling of requests so we could present a departmental breakdown of request activity. (Note that some requests might involve two or three different departments.)
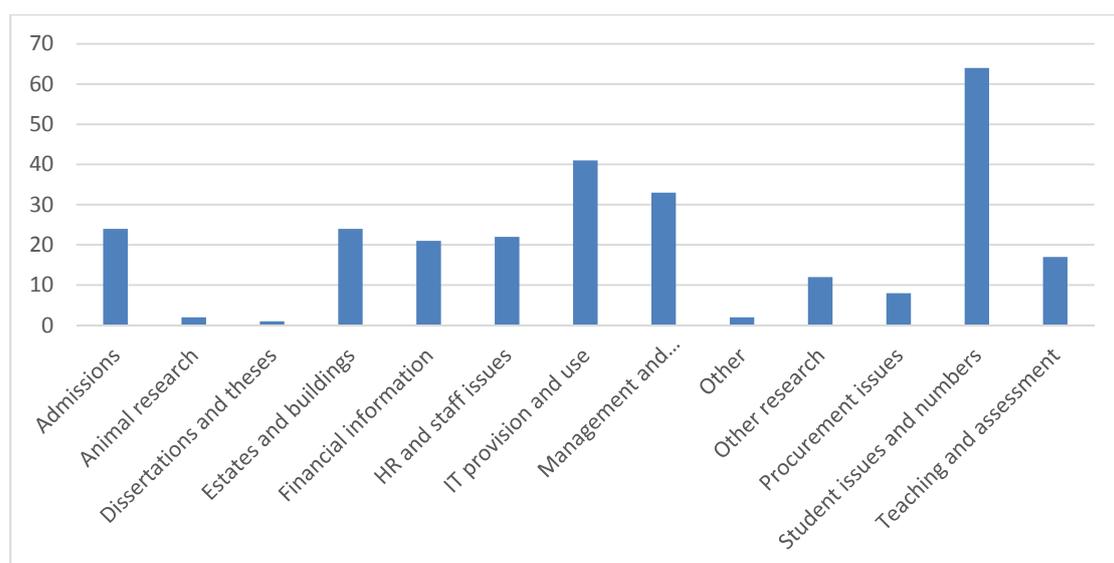
Figure 5 No. of requests per department 2015
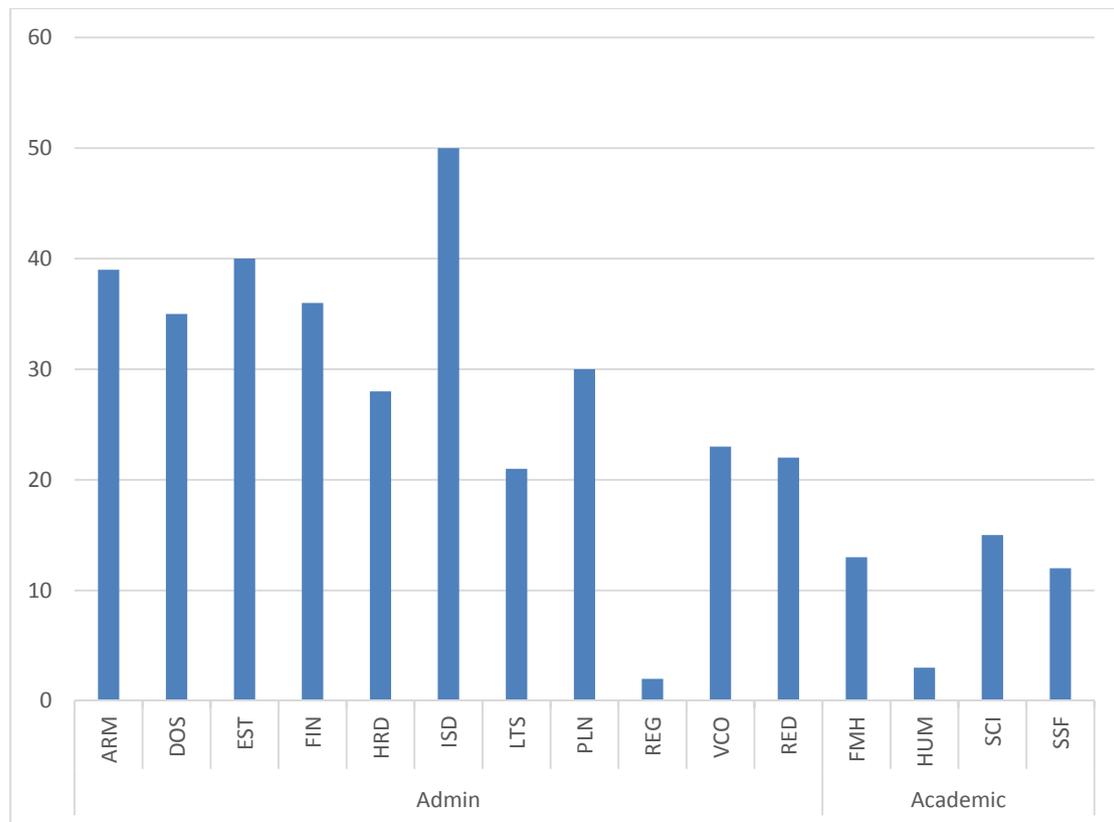
The busiest department in 2015 was ISD, though ARM, DOS, EST, FIN and PLN have all been involved in the handling of 30 or more requests during the year.

Among academic departments, the busiest is SCI, whose schools were involved in handling 10 requests for information.

Figure 6 No. of requests by subject area 2015

Each request is categorised according to a subject area classification provided originally by JISC Infonet and used in their annual survey[3] of HE information compliance. At UEA, by far the the most popular subject is 'student issues and numbers', followed by 'IT provision and use'

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[3] https://www.jisc.ac.uk/reports/information-legislation-and-management-survey-2014

and 'Management and administration of the institution'. The same subject categorisations are used to organise the Disclosure Log[4] of completed requests for information.

Figure 7 No. of requests by type of requester 2015
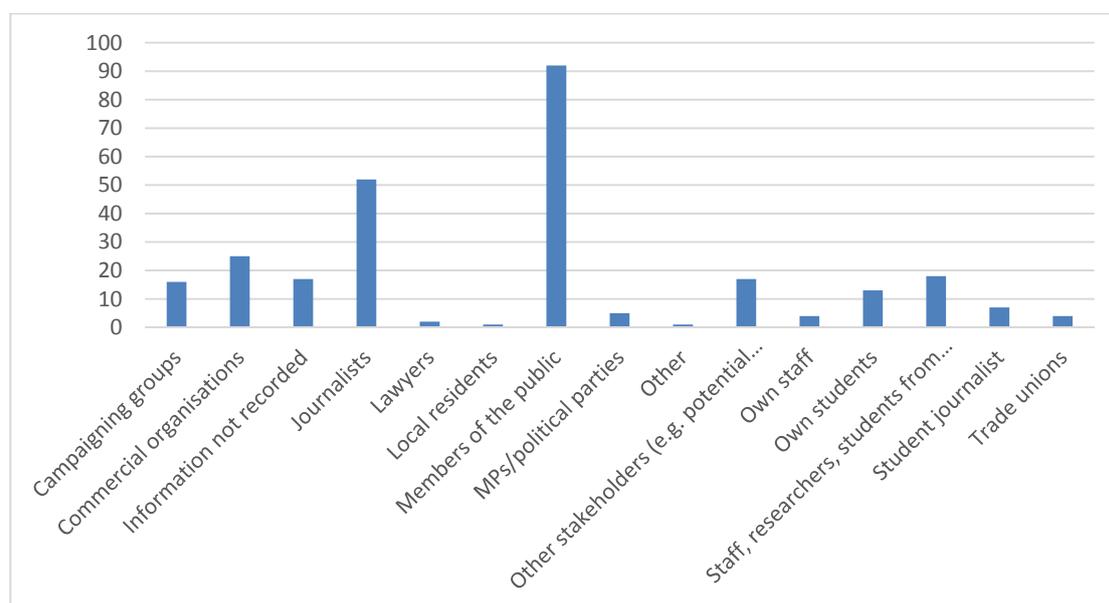
Members of the public was the largest group of requester, with the second highest category being journalists.

Through the year we monitored requests to prioritise frequently requested material for proactive inclusion in the publication scheme (e.g. IT contracts, MED admissions). This process will be repeated in 2016.

Since the start of 2015 we have provided a link to an online questionnaire in our responses, to gather feedback on how requesters feel we have handled their FOI / EIR request. Few requesters have chosen to complete this form, but the four that did so agreed or strongly agreed they were happy with our handling of their request.

Data Protection

In 2015, 23 initial requests for personal data, otherwise known as subject access requests (SARs) were received (an increase on 2014). Seventeen of those cases were actioned as the remaining 6 requesters did not provide the necessary fee or identity verification documentation.

We have 40 calendar days to respond to a SAR. In two cases, responses to requests were provided late. This was due in part to the volume of material to be processed and when it was made available to information compliance staff.

An increasingly significant part of the role of the IPCM in maintaining our compliance with the DPA, and this concerns advising on data processing and sharing agreements, consent forms, and the investigation of personal data breaches. An organisation is expected to keep personal data secure, and where that has not been achieved, we are expected to follow a set procedure covering four stages of breach management: recovery and containment of the lost data; assessment of risk on those affected; notification of the breach to those affected and other bodies (such as the ICO); and evaluation and response to determine the cause and identify remedial action. During 2015 we reviewed and standardised our procedures in handling breaches, and investigated 15 data breaches, two of which involved correspondence with the ICO.

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4   https://portal.uea.ac.uk/information-services/strategy-planning-and-compliance/regulations-and-policies/information-regulations-and-policies/freedom-of-information/disclosure-log

We also provide ad hoc advice and guidance to University staff on DPA, and in some cases, students. (See section below on enquiry handling for further details.)

The IPCMs also serve as members of the University Research Ethics Committee providing input on data protection issues to the Committee. We attended one such meeting during the year.

Other notable activities during the year include:

- Working with departments across the University in setting up data processing and sharing agreements with third parties. We now log these activities in order to track progress and build a knowledge base of active agreements.
- Creation of guidance and report templates for Privacy Impact Assessments. These documents support project teams in assessing the privacy implications of any new service or business process. They are likely to be increasingly important tools in ensuring compliance with the new General Data Protection Regulations.

Copyright

In 2014, there were several changes to copyright law. These changes have been incorporated in the new copyright web pages updated in 2015. These changes are also reflected in training material offered. The new web pages are designed to enable staff and students to quickly find key copyright information required for their teaching and research activities.

SPC continue to work with the Library on ensuring compliance with the scanning activities permitted by our CLA licence.

Training and support

During 2015, the IPCMs offered 22 one-off and regular training events, a 31% decrease from 2014. This decrease was caused by the merging of the FOI and EIR sessions (combined due to low take-up of the EIR sessions), and deduplication of the sessions offered to PGR students. Previously we had delivered the same sessions twice for each Faculty - often to small groups of students. Combining the sessions has led to larger groups of students and better time efficiency. Feedback from the sessions has remained positive.

Type of session	Data Protection	Freedom of Information	Copyright	General Information Compliance*
Number of sessions for staff	8	2	3**	3
Number of sessions for students	2	2	2	0
Total numbers of students attending	56	45	52	0
Total number of staff attending	86	13	6	43

* In 2015 we worked with colleagues in CSED to contribute DPA and FOI guidance to their Minutes and Agendas workshops. We also delivered a compliance talk to the FACP board.

**2 staff copyright sessions were cancelled due to low take-up

During 2015:

- A total of 71 persons attended some form of CSED-sponsored information compliance course, compared with 67 in 2014.
- Of the 148 members of staff who attended some form of training, most were support or administrative staff. Attracting academic staff to face to face training continues to be a challenge.

- 26 different units/Schools were represented in the training.
- SPC also contributed information to the ISD presentation at the new staff conference, which is run three times a year.
- We worked with the Library in delivering a joint session to PGR students in spring 2015.
- We initiated the creation of a regular newsletter on all aspects of information compliance published on the ISD web pages at https://portal.uea.ac.uk/information-services/strategy-planning-and-compliance/news

Online training

In 2015, we publicised the new online training modules as an alternative, or addition, to face to face training. The data protection policy was amended to mandate completion of the DPA training at minimum for all staff handling personal data.

Several departments have engaged well with the training; LTS and ARM in particular continue to lead the way in encouraging and monitoring their staff completion of compliance training. SPC have supported these departments, as well as other areas, in monitoring training completion. PGR students are also now required to complete online compliance training as part of their PPD programme.

Online training offered	Number of times training has been completed to date
Data Protection	570 (410 separate users)
Freedom of Information	141 (82 separate users)
Records Management	30 (25 separate users)
Information Security	421 (a further 807 have accessed the training but may not have completed it fully)
Information Security for researchers	48 (a further 129 have accessed the training but may not have completed it fully)

We continue to review all information compliance training available (face to face, ad hoc, online) to identify any particular gaps (subjects for particular audiences) and determine means of closing the gaps on priority areas. In 2016, we will be looking at enhancing support for data sharing covering updated templates, guidance on web pages, and the development of a short face to face training course.

In December 2015, UCISA announced that they had come to an arrangement with Leo Learning (the creators of the online information security training we use) to provide the course to all UCISA members at no charge. UCISA expect to be able to make the course available by the end of January 2016. This will represent a cost saving to the University.

Enquiry handling

In 2015, we continued to log enquiries relating to information compliance areas, to gain a better understanding of the requirements of the University community and also monitor the time spent responding to these enquiries.

255 enquiries were logged in 2015, an increase of 29% from 2014 (although in 2014 the log didn't start until February).
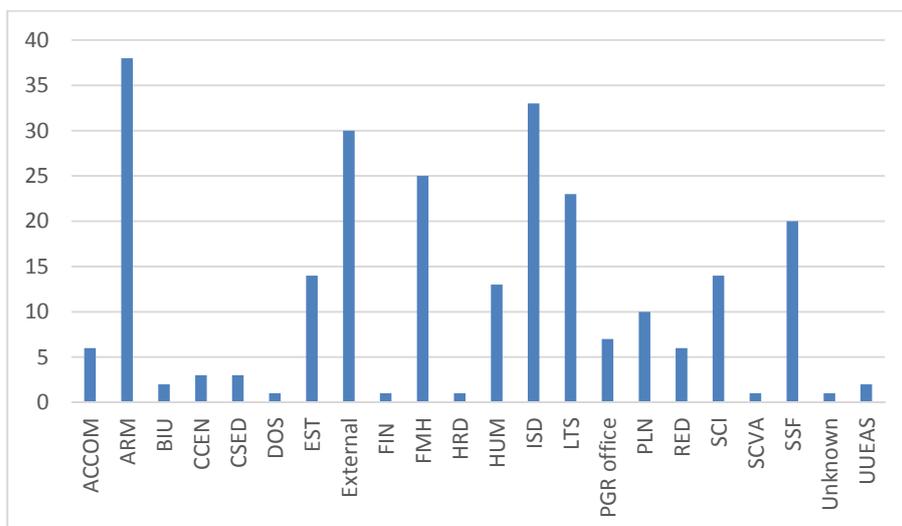
Figure 8 Enquiries received by month 2015
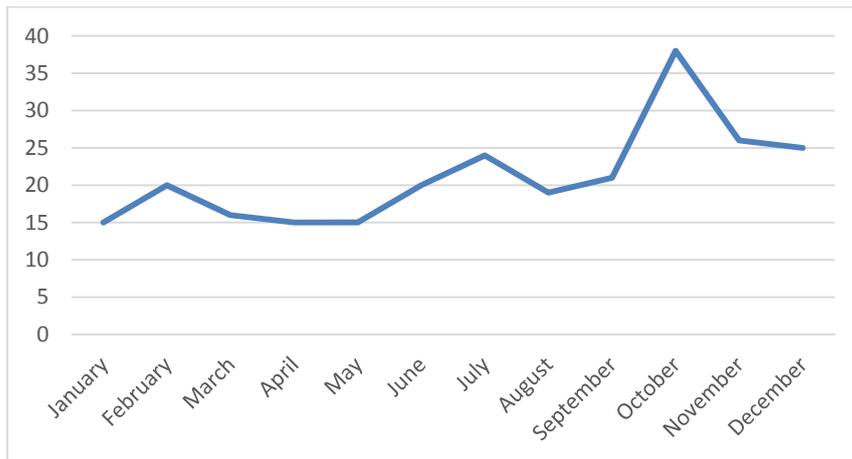
Figure 9 Type of enquiries 2015
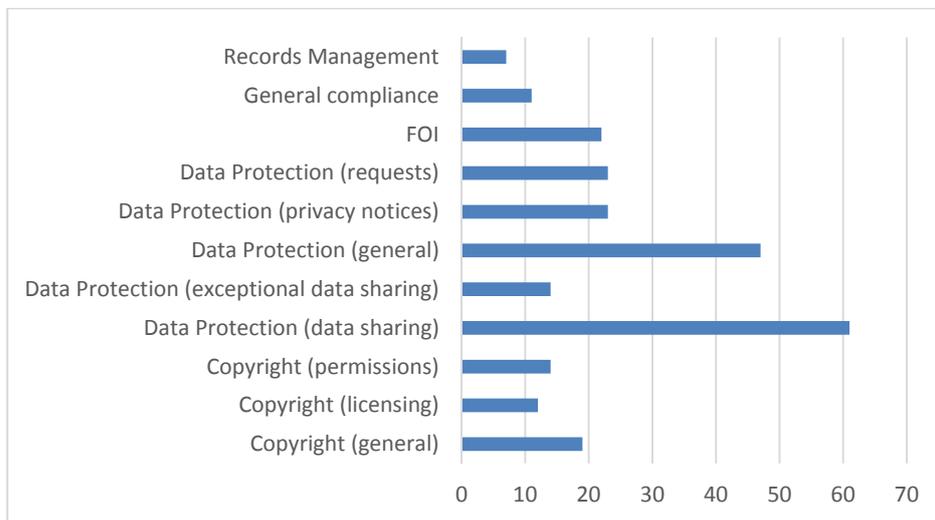
Figure 10 No. of enquiries by department 2015

Policy

In 2015, the following policies were reviewed, updated and offered for approval to ISSC:

- Data Protection policy (approved 16/2/2015)
- FOI policy (approved 16/2/2015)
- EIR policy (approved 16/2/2015)
- Information classification and data management policy (approved 16/2/2015)
- Records Management policy (approved 20/10/2015)