University of East Anglia

ISC13D025

Title:	**Information compliance annual report 2014**
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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 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 2013).

Discussion

Freedom of Information Act/Environmental Information Regulations

Over the year, we received in total 196 requests for information (a 16% increase on 2012, but a 28% decrease on 2011). Of these, 8 (4%) were processed under the EIR.

During the year, there were 7 cases where a requester was dissatisfied with a response and requested an internal review (a 42% decrease on 2012). Note that for some of these requests for internal review, the original request was received in 2012.

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 2013, we handled 2 ICO investigations, neither of which currently remains open. Both were closed by the ICO due to a lack of response from the requester.

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 2013, we handled the conclusion to 5 complaints to the First Tier Tribunal. (Note that these 5 requests were originally received by us between April 2010 and Dec 2011, and first came to the attention of the FTT between Sept 2011 and Jan 2013.)

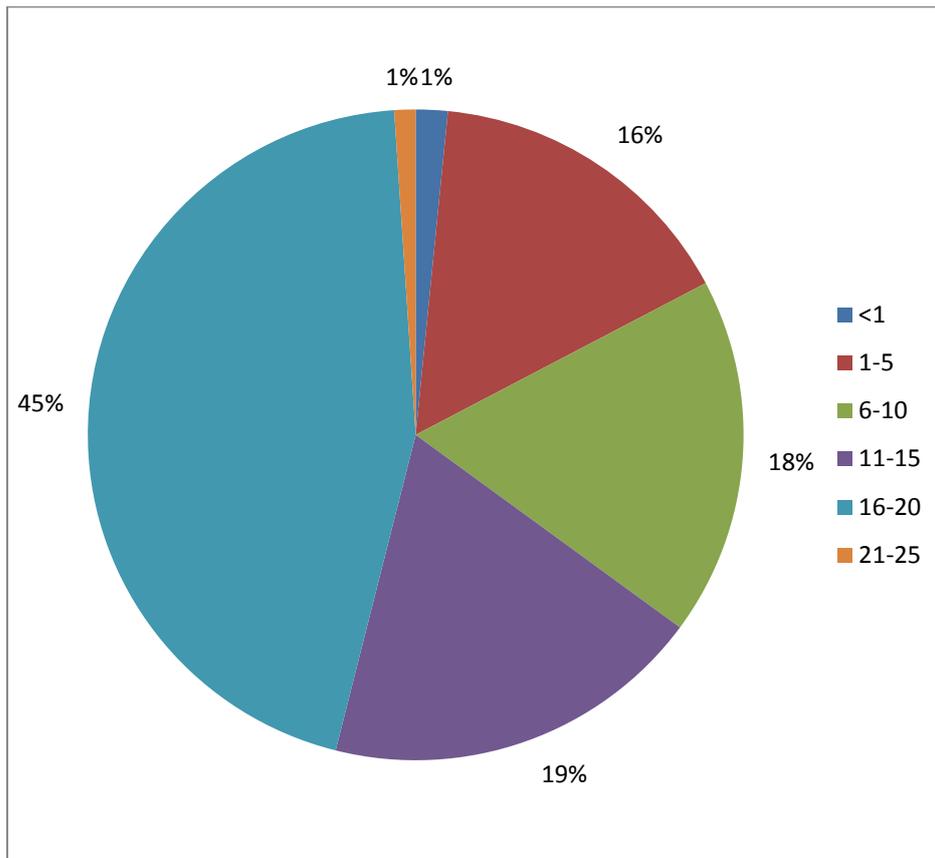Requests received during 2013 break down as follows:

Figure 1 No. of information requests per month
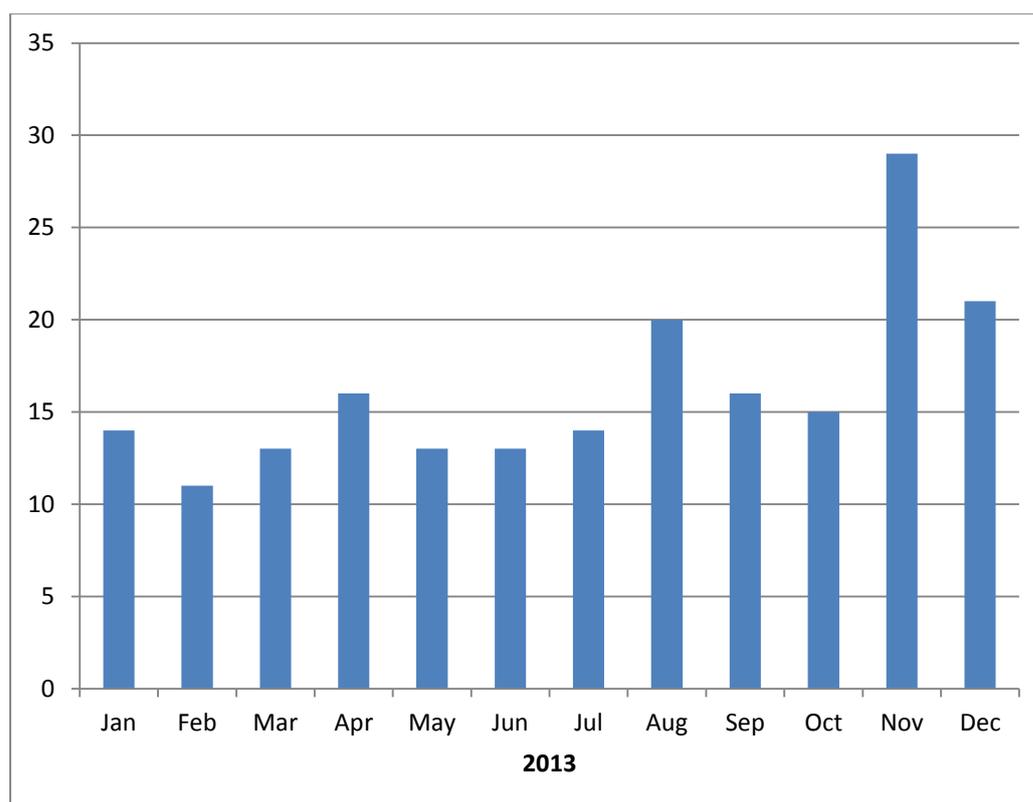
The ICO (Information Commissioner's Office) is particularly interested[1] in ensuring that public authorities provide responses within the statutory deadline of 20 working days after receipt. 99% of requests received responses within 20 working days with only two requests being provided late. This is a significant improvement on last year's response rate of 91% within the statutory deadline.
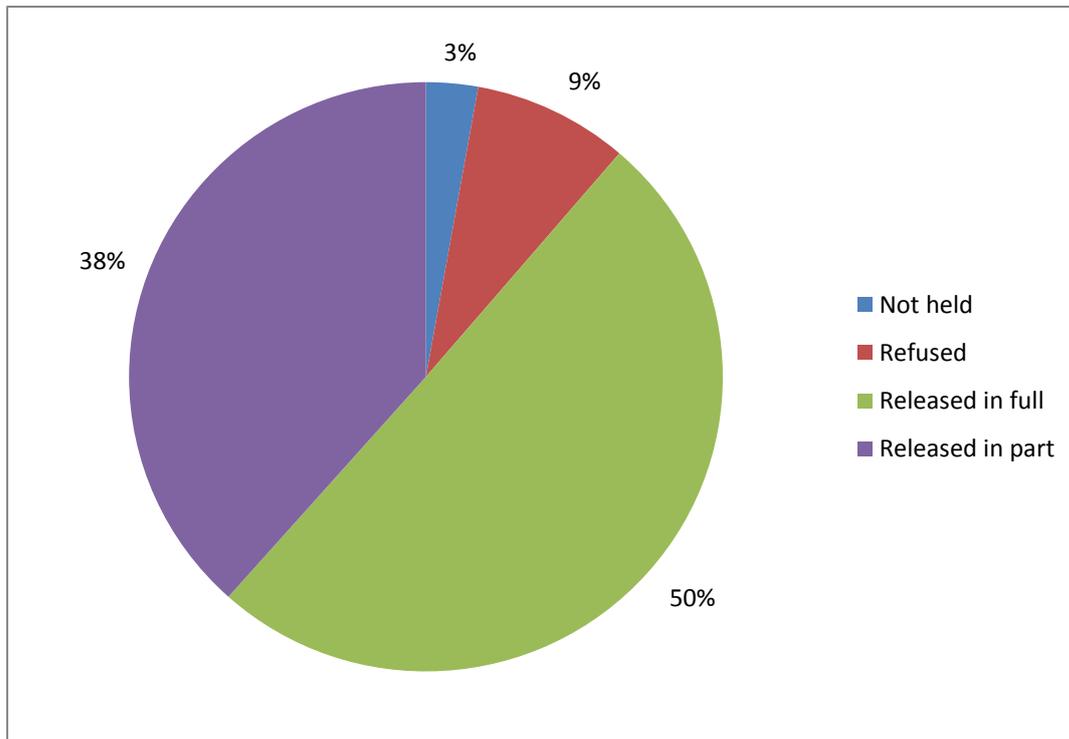
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[1]
http://ico.org.uk/news/latest_news/2014/~/media/documents/library/Freedom_of_Information/Notices/how_the_ico_selects_authorities_for_monitoring.ashx

**Figure 2 No. of days to provide a response**

Responses to requests can be: not held, refused, released in full, or released in part.

Figure 3 Type of response

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 4 No. of requests per department
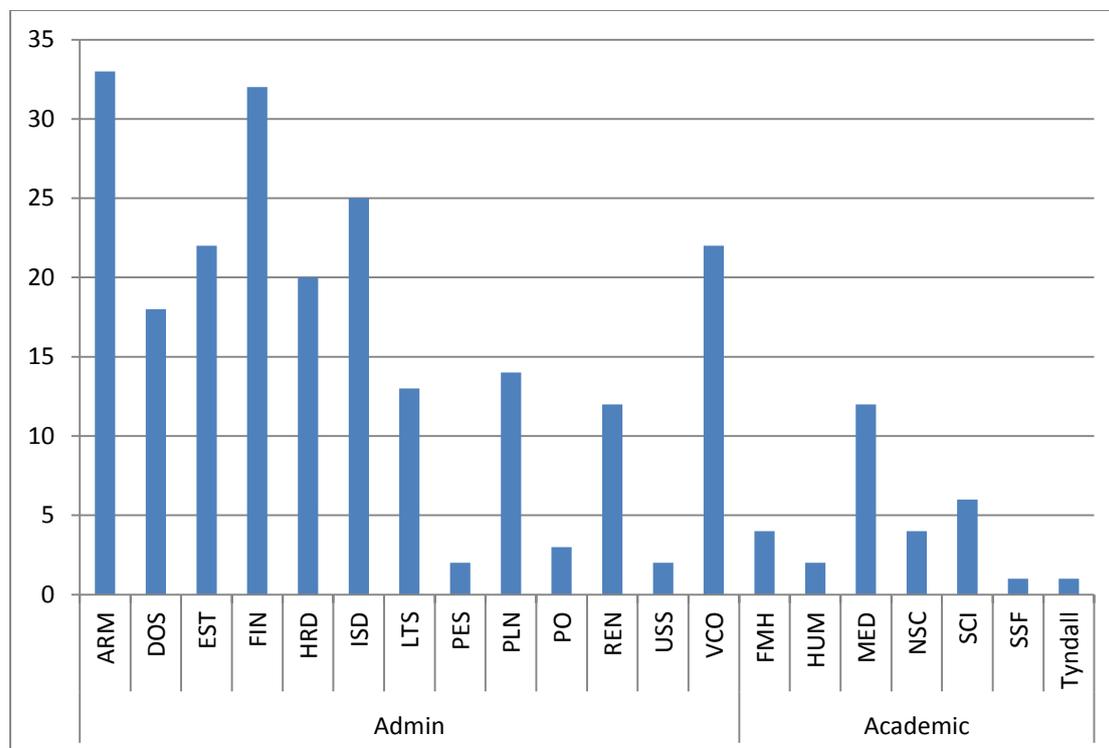
The busiest department is ARM, though FIN, EST, HRD, ISD, and VCO have all been involved in the handling of 20 or more requests during the year. Among academic departments, the busiest is MED, which handled 12 requests for information. Much of the MED activity relates to queries about the admissions process.

In 2013, the ICO published a revised definition document for HE[2]. This specifies the types of information which we are expected to routinely publish in our publication scheme. The review of the publication scheme started towards the end of 2013, and will continue through 2014.

On 1 September 2013, the provisions in the Protection of Freedoms Act 2012 amending the Freedom of Information Act relating to datasets came into force. We updated our guidance, templates and processes to account for this change. Requests for information where the information is to be provided in the form of a dataset should be licensed for reuse, and provided in a reusable format (such as CSV).

The SPC team reviewed the arrangements for charges for requests made under the FOIA and EIR. A report summarising the current approach and approaches permitted by the legislation was prepared. The recommendation that we made no changes to current approach was accepted (ISSC 11/6/13).

Data Protection

In 2013, 19 initial requests for personal data, otherwise known as subject access requests (SARs) were received (slightly less than 2012). Twelve of those cases were actioned as the remaining 7 requesters did not provide the necessary fee or identity verification documentation.

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http://www.ico.gov.uk/for_organisations/freedom_of_information/~/media/documents/library/Freedom_of_Information/Detailed_specialist_guides/definition_document_for_universities_and_higher_education_institutions.ashx

We have 40 calendar days to respond to a SAR. In the 12 cases handled, we met the time limit in 9 of them; in 3 we exceeded the time limit (25% late). This response rate is an improvement over last year (44% completed late), but further work is required to bring all responses within the time limit.

A large part of the work in this area consists of providing ad hoc advice and guidance to University staff, and in some cases, students. No complete records are kept of the extent of this activity but an examination of email records indicates that, as last year, on average, the IPCMs responds to approximately 5 such queries per month. Because of recording deficiencies and the fact we also receive calls via phone it is anticipated that this number may be on the low side but it is, in general, reflective of the level of work in this area.

One of the IPCMs also serves as a member of the University Research Ethics Committee providing input on data protection issues to the Committee. He attended one such meeting during the year.

Other notable activities during the year include:

- We produced and published guidance on the ISD website on developing DPA privacy notices.
- We also published guidance and templates on developing data processing agreements (where another party will be acting as a data processor with UEA data under our instructions) and data controller (i.e. sharing) agreements (where both parties will be acting as data controllers).
- Data processing/sharing agreements. We have seen a rise in the number of queries we've been receiving regarding the wording of agreements with third parties for the processing of personal data. For 2014, we are intending on applying a bit more process to our approach for handling these sorts of queries, as some are quite extensive and may involve work and negotiation over an extended period.

Copyright

Following the Copyright Licensing Agency (CLA) audit of the University in October 2012, during 2013 the IPCMs were involved in work following up on the recommendations in the auditor's report. This work will continue through 2014, and will involve a complete refresh of the guidance on copyright on the ISD web pages expected to be complete within Q1 of 2014. We will also be exploring ways to increase compliance with the terms of the licence across all Faculties.

We have been looking at copyright compliance processes in more detail with a view to including support from the ISD secretariat in the management of our licences, and handling reports on scans made under the CLA licence (this covers the self-declared unmediated service. The mediated service for scanning is provided by the Library Collections team.) In 2013, the CLA updated the terms of the licence, combining features of the withdrawn comprehensive licence with the basic licence to create just a single tier. Work was needed to update practices in line with the revised licence.

Towards the end of 2013, the CLA brought to our (and every other HEI's) attention an issue with their interpretation of the licence as it applies to US publishers. As a consequence, material previously allowed under the licence is no longer allowed, and where used, must be removed. At the same time as drawing this to our attention, the CLA is working with US publishers to reduce the impact of this issue, and the volume of material affected is reducing each month. During Q1 2014, we will make a final assessment of the impact, and liaise with departments on the removal of the affected material.

Information security

In 2012, the ISD SPC team took on responsibility for some aspects of information security. This continued through 2013 and is expected to expand further in 2014 with the appointment of a dedicated Information Security Manager who will sit within the team.

Information security fortnight focusing on the promotion of information security (particularly the risk of password disclosure due to phishing) was completed in January 2013.

In 2013, we continued and concluded the roll out of the online information security training course. Work planned for 2014 includes a refresh of the course (based on feedback received), and establishing the means for promoting the course to new staff.

Training and support

During 2013, the IPCMs led 27 one-off and regular training events[3]:

- *Data Protection*: 5 sessions in total, of which 3 were aimed at PGR students and 2 arranged by CSED. 37 staff and 11 students attended in total.
- *Freedom of Information*: 8 sessions in total, of which 5 were aimed at PGR students, 2 arranged by CSED and 1 one-off session for ADAPT staff. 24 staff and 49 students attended in total.
- *Environmental Information Regulations*: 1 session, arranged by CSED. 4 staff attended.
- *Copyright*: 10 sessions in total, of which 6 were aimed at PGR students, 2 arranged by CSED and 2 one-off sessions (for NSC & LIB staff). 12 staff and 33 students attended.
- *Information Compliance*: new general training offered by CSED in 2013. 7 staff attended 1 session. This is general course covering all aspects of information compliance (FOIA, EIR, DPA, PECR, Copyright and also information security and records management). Those requiring more detail are encouraged to attend the half day courses on particular topics.

One EIR and one DPA course had to be cancelled due to lack of registrants. A total of 91 persons attended some form of CSED-sponsored information compliance course during 2013, an increase of 38% over 2012.

Since the start of the 2013/14 academic year, the IPCMs have been recording a breakdown of the type of staff attending all compliance training. Of the 27 members of staff who have attended some form of training this academic year (1 session each of DPA, FOI, copyright and information compliance training), 21 were from administrative and support services. The 6 academic staff all attended the general Information Compliance sessions.

In the academic year to date 23 different units/Schools were represented in the training. However, with only 51 total attendees, the number of attendees per unit/School was usually small with the largest staff contingent being from ARM with 7 registrants.

In 2013, SPC also contributed information to the ISD presentation at the new staff conference, which is run three times a year.

In 2013, all staff and research students were also enrolled via Blackboard in online information security training. Approximately 1020 individuals completed or partially completed the training; with a further 193 completing the separate additional training module for researchers (which was only offered to specific groups who it was felt would have a need for this training). Despite promoting training to heads of School/Unit and via weekly staff bulletin and CSED website, take up has been lower than desired - particularly for the standalone researcher module. Training will be updated in 2014 and re-offered to all staff and research students, so that those who have not completed it get another opportunity.

Overall, all staff and research students have had access to some form of face to face or online compliance training in 2013.

We have reviewed 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. From our analysis of the gaps, we identified four priority areas which we will be looking to address in 2014:

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[3] Figures quoted only include partial data for SCI and FMH PPD courses.

- Online DPA course to raise DPA awareness more quickly across a wider area
- Ad hoc DPA face to face training courses for target groups such as those operating information systems or processing personal data
- Online copyright course which will clarify what is and what is not permissible under our licences
- Online records management course

We have produced a set of information leaflets (folded A4) providing basic details and pointers to further information for a number of information compliance topics: copyright, data protection, freedom of information, environment information regulations, records management and information security. All are available for download from https://intranet.uea.ac.uk/is/strategies/infregs/training.

We published on the ISD website new FAQs addressing queries from various audiences on DPA and FOIA. We will include a further FAQ for copyright in our refresh of the copyright web pages planned for 2014.

Policy

We completed our suite of policies by adding a new EIR policy. A number of our existing policies were also due for review and update:

- Produced a new EIR policy (approved at ISSC 1/2/13)
- Reviewed the existing FOIA policy (approved at ISSC 1/2/13)
- Reviewed the existing DPA policy (approved at ISSC 11/6/13)
- Reviewed and updated the Web Content Removal policy (approved at ISSC 11/6/13)
- Reviewed and updated the File and Email Restoration policy (approved at ISSC 8/11/13)

SPC team activities

In September 2013, we added Ellen Paterson to the team as an Information Policy and Compliance Manager. Previously, she had been appointed fixed term on secondment. The new role has allowed us to build greater resilience into the team. During 2013, this was particularly focused on DPA. Into 2014, we will be looking to extend resilience further into Copyright.

We have fully adopted the JISCinfonet request register[4] for logging and tracking all DPA, FOI/EIR requests through 2013. It will be used to produce our submission to the annual JISCinfonet information compliance survey in February 2014 (for requests received in 2013). The register is used for one year, and a new register is produced each year (with updates to statutory holidays, and bug fixes and other enhancements).

Departmental contacts

We have a network of departmental contacts (https://intranet.uea.ac.uk/is/foi/foia-contacts) with whom we work on information compliance matters (mostly FOIA). During 2013, we set up a mailing list for this network, and used the mailing list to disseminate key pieces of information when necessary.

In April 2013, we hosted our second FOIA contacts meeting with our network of departmental contacts. The presentation from this event is available on our web pages at https://intranet.uea.ac.uk/is/strategies/infregs/FOIA+contacts+meeting+2013.

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[4] http://www.jiscinfonet.ac.uk/tools/information-request-register/