

## ISC14D017

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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

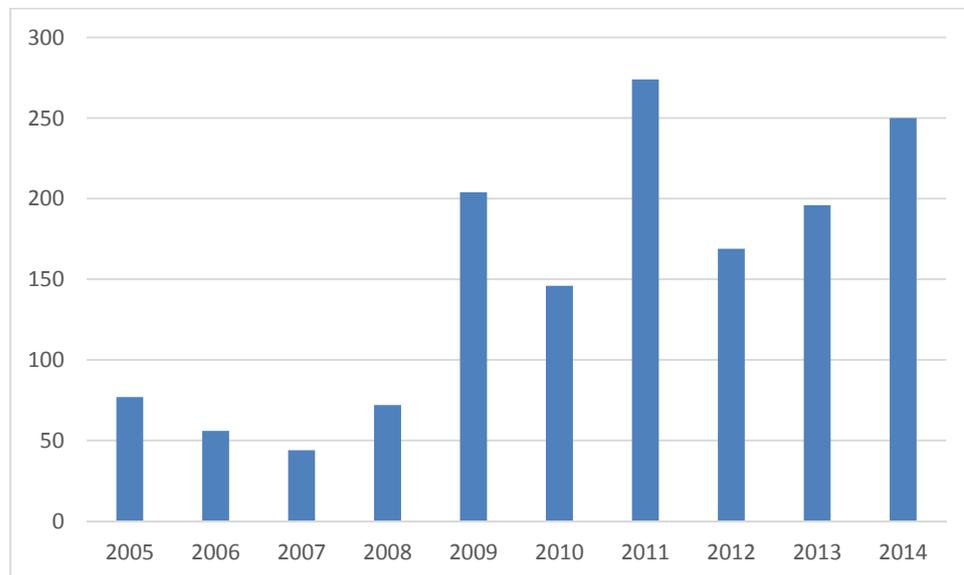
As a public authority, UEA is required to have processes in place for the receipt, handling and response to requests made under the Freedom of Information Act 2000 and Environment Information Regulations 2004. It also has obligations under the Data Protection Act 1998 and Copyright, Designs and Patents 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 2014).

### Discussion

## Freedom of Information Act/Environmental Information Regulations

In January 2015, the Freedom of Information Act marked the tenth anniversary since its implementation. We therefore have ten years of data from which the general request receipt trends can be observed.

**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 three years.

In 2014, we received in total 250 requests for information (a 28% increase on 2013, and a 48% increase on 2012). Of these, 2 (0.8%) were processed under the EIR.

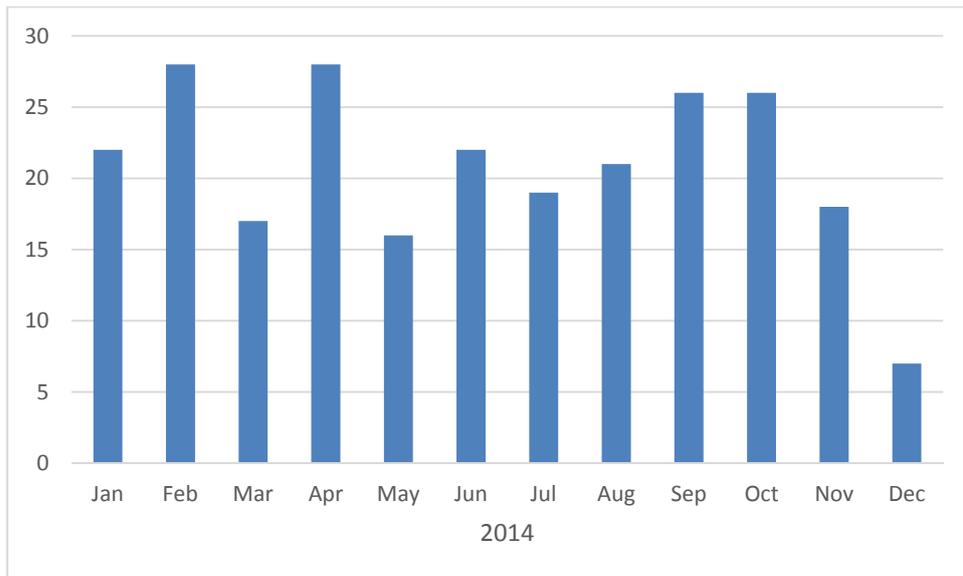
During the year, there were 5 cases where a requester was dissatisfied with a response and requested an internal review (a 29% decrease on 2013).

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 2014, only one request was referred on to the ICO, but was later withdrawn by the requester and so no decision on the request was required from the ICO.

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 2014, we did not need to handle any complaints taken to the First Tier Tribunal. (In 2013, we handled the conclusion of 5 complaints taken to the FTT.)

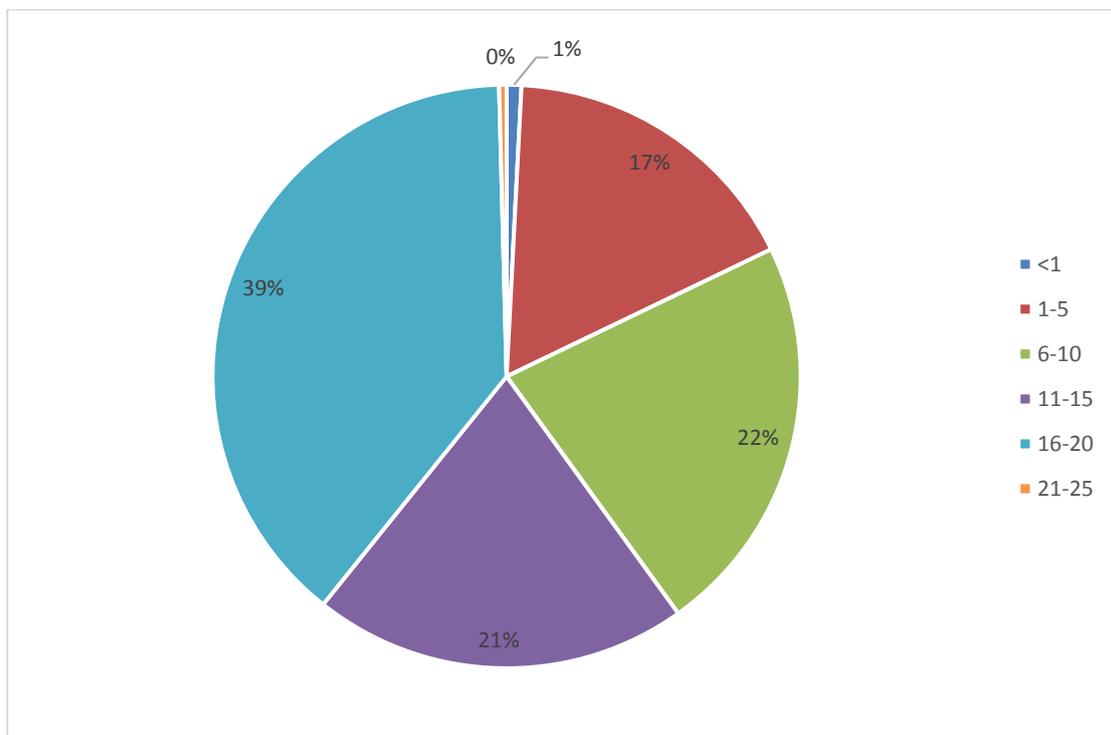
Requests received during 2014 break down as follows:

**Figure 2 No. of information requests per month**



The ICO (Information Commissioner’s Office) is particularly interested<sup>1</sup> 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<sup>2</sup> with only one request being provided late. This is a slight improvement on last year’s response rate where only two requests were provided late.

**Figure 3 No. of days to provide a response 2014**



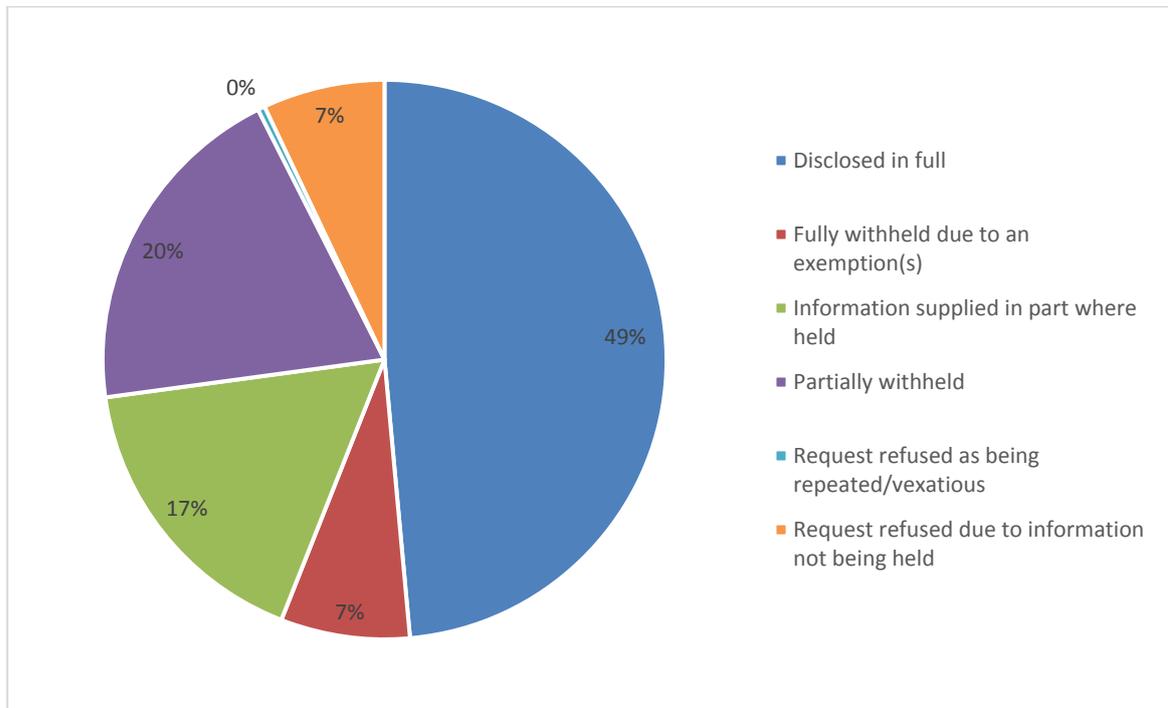
<sup>1</sup>

[http://ico.org.uk/news/latest\\_news/2014/~media/documents/library/Freedom\\_of\\_Information/Notices/how\\_the\\_ico\\_selects\\_authorities\\_for\\_monitoring.ashx](http://ico.org.uk/news/latest_news/2014/~media/documents/library/Freedom_of_Information/Notices/how_the_ico_selects_authorities_for_monitoring.ashx)

<sup>2</sup> 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 2014, we applied the PIT extension on 5 occasions.

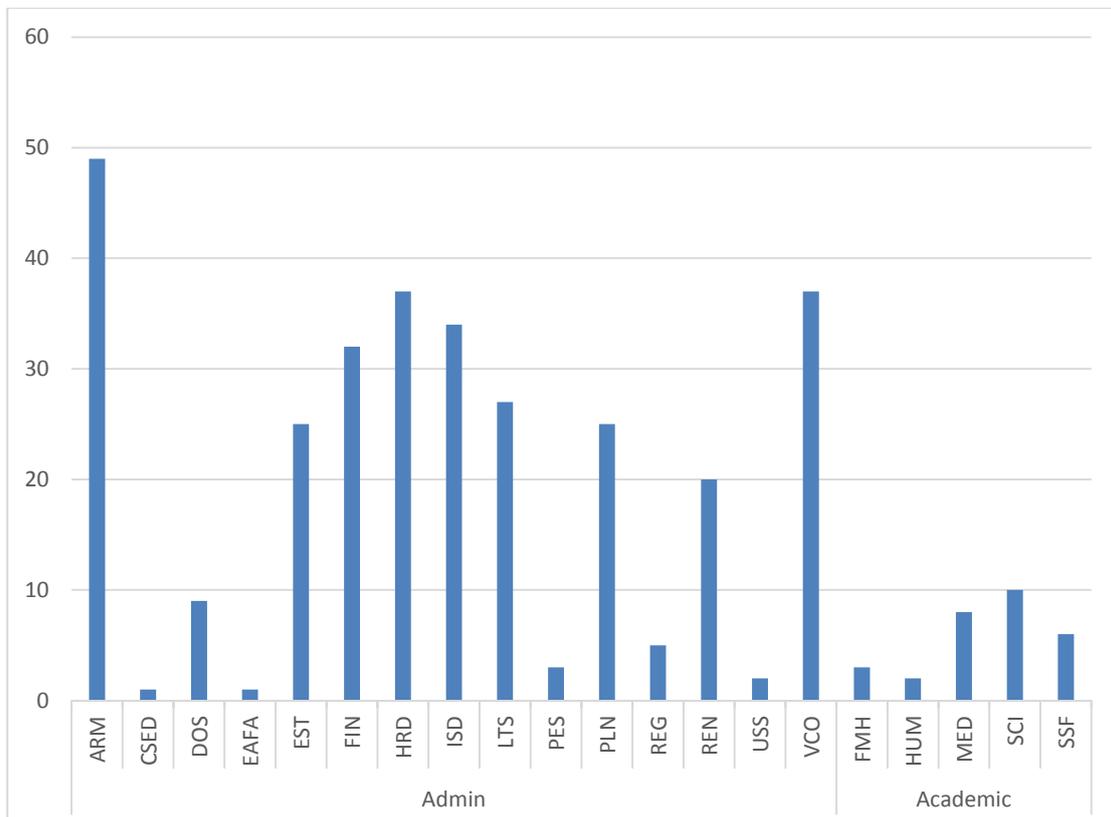
Responses to requests can be: not held at all, not held in part, refused, released in full, or released in part.

**Figure 4 Type of response 2014**



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 2014**



As last year, the busiest department is ARM, though FIN, HRD, ISD, and VCO have all been involved in the handling of 30 or more requests during the year. Among academic departments, the busiest is MED, which handled 8 requests for information. Much of the MED activity relates to queries about the admissions process and these queries also represent a significant proportion of the number of queries handled by ARM.

In 2013, the ICO published a revised definition document for HE<sup>3</sup>. This specifies the types of information which we are expected to routinely publish in our publication scheme. In 2014 we worked with departments across the University to encourage them to add material to our publication scheme. We also 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 2015.

The Disclosure Log was reviewed in 2014, following migrations to Liferay and the team's decision to remove request responses older than five years from the log. Datasets continue to be published on the Log in a reusable format, in accordance with the 2013 Datasets provisions.

In 2014, we developed an online questionnaire to gather feedback on how requesters feel we have handled their FOI / EIR request. We will be using this form from the start of 2015 and intend to use the data to improve our request handling processes.

### **Data Protection**

In 2014, 17 initial requests for personal data, otherwise known as subject access requests (SARs) were received (slightly less than 2013). Thirteen of those cases were actioned as the remaining 4 requesters did not provide the necessary fee or identity verification documentation.

We have 40 calendar days to respond to a SAR. In all cases, a response was provided to the requester within the time limit. This response rate is a significant improvement over last year (where 25% were completed late), and a great achievement given the considerable amount of work involved in handling SARs.

An increasingly significant part of the role of the IPCM in maintaining our compliance with the DPA concerns 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 2014 we investigated 13 data breaches, two of which involved correspondence with the ICO. To assist in this work checklists, report templates and a breach log were developed and are now in place.

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.
- An IPCM achieved a British Computing Society data protection practitioner qualification.

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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](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)

- Work was started on the development of a suite of DPA helpsheets for staff, designed to address issues which generate regular enquiries.

## Copyright

2014 saw the introduction of several changes to copyright law. These changes have been incorporated in the new copyright web pages, due to be completed in early 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.

The ISD secretariat now handle the management of our licences, and have started to log scans made under our CLA licence. SPC continue to work with the Library on ensuring compliance with the scanning activities permitted by our CLA licence.

## Information security

In 2014, we appointed a dedicated Information Security Manager to sit within the SPC team. A report on his findings and recommendations from his first 7 months at UEA is offered separately to ISSC.

We reviewed the online information security training course, and found it still fit for purpose with relevant and useful advice to all staff (and additionally for researchers). The course continues to be made available via Blackboard, and the guidance on accessing it was updated following the redesign of the Portal.

## Training and support

During 2014, the IPCMs offered 32 one-off and regular training events, a 19% increase from 2013. However, 5 were postponed or cancelled due to low take up.

- *Data Protection*: 14 sessions in total, of which 3 were aimed at PGR students and 11 aimed at staff. 116 staff and 40 students attended in total.
- *Freedom of Information*: 4 sessions in total, of which 2 were aimed at PGR students, 2 arranged by CSED. 20 staff and 30 students attended in total.
- *Environmental Information Regulations*: 1 session, arranged by CSED, was cancelled as only 2 staff had signed up. From the start of the 2014/15 academic year, the IPCMs have incorporated EIR into the FOI training course.
- *Copyright*: 7 sessions in total, of which 4 were aimed at PGR students and 3 arranged by CSED. 18 staff and 35 students attended. In 2015, SPC will work with REN and the Library on developing a more comprehensive course covering various aspects of intellectual property.
- *Information Compliance*: 4 staff attended 1 session. Despite positive feedback from attendees, this course does not appear to be meeting the aim of attracting academic staff who need an overview of compliance issues. The IPCM leading this course will work with the organiser to investigate other options in 2015.

Four courses had to be cancelled due to lack of registrants. In addition to the combining of FOI and EIR training mentioned above, a review of attendance and duplication of PPD sessions led to the merging of Faculty PPD sessions for the 14/15 academic year. By reducing duplication of identical training sessions the IPCMs' time is used more efficiently, and it is hoped that larger numbers of attendees at each session will improve participation and engagement in the topics covered.

During 2014:

- A total of 67 persons attended some form of CSED-sponsored information compliance course, a decrease of 31% from 2013. However, a further 91 staff attended data protection training sessions organised with CIS, ARM and the PGR office

- Of the 158 members of staff who attended some form of training (11 sessions of DPA, 2 FOI, 3 copyright and 1 information compliance training), only 17% were academic members of staff. The remainder of attendees were support staff
- 21 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

### Online training

Towards the end of 2014 we saw the introduction of four new online training modules, to add to the existing Blackboard-based information security training. The FOI, DPA and Records Management modules were purchased from the Institute of Cancer Research and modified with ICR's help to enhance their suitability for a UEA audience. JISC-created training in copyright for academic staff has also been added to Blackboard. All modules are available to all UEA staff and will be widely promoted in 2015.

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.

### Enquiry handling

In 2014 we started 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.

The log was started in early February and by the end of the year 198 enquiries had been received (approximately 18 a month, significantly more than our previous estimate of 5 enquiries a month).

Of the 198 enquiries, 116 (59%) related to data protection and PECR (Privacy and Electronic Communication Regulations 2003), 39 (20%) related to copyright, 25 (13%) to FOI / EIR, 13 (7%) general compliance issues and the remainder concerned records management.

85% of enquiries were received from staff. As in FOI requests, ARM, FMH, LTS and ISD were widely represented, making up 48% of the overall enquiries from staff.

### Policy

In general our policies are set for review and update every 2 years and so none was offered for approval during 2014. Early in 2015, we plan to offer the following for approval following review and revision:

- Data Protection policy (last approved at ISSC 11/6/2013)
- FOI policy (last approved at ISSC 1/2/2013)
- EIR policy (last approved at ISSC 1/2/2013)
- Information classification and data management policy (last approved at ISSC 12/6/2012)