


# REPORT TO GOVERNANCE AND CONSTITUTIONAL REVIEW COMMITTEE

12 April 2018

<b>Subject:</b>	<b>Appointment of Statutory Officers: Senior Information Risk Owner, Data Protection Officer and Statutory Scrutiny Officer</b>
<b>Director:</b>	<b>Executive Director – Resources - Darren Carter)</b>
<b>Contribution towards Vision 2030:</b>	
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## **DECISION RECOMMENDATIONS**

**That Council be recommended to:**

1. Appoint Surjit Tour (Director – Monitoring Officer) as the Council’s Senior Information Risk Owner (SIRO) with immediate effect.
2. Appoint Stuart Taylor (Corporate Information Governance Manager) as the Council’s Statutory Data Protection Officer (DPO) with immediate effect.
3. Appoint Suky Suthi-Nagra (Democratic Services Manager) as the Council’s Statutory Scrutiny Officer (SSO) with immediate effect.

## **1 PURPOSE OF THE REPORT**

- 1.1 To seek Council approval to the appointment of three key/statutory posts within the Council that need to have a named officer associated.

## **2 IMPLICATIONS FOR SANDWELL'S VISION**

- 2.1 Appointing to the three named posts relates directly to Ambition 10 - Sandwell now has a national reputation for getting things done, where all local partners are focused on what really matters

## **3 BACKGROUND AND MAIN CONSIDERATIONS**

### **3.1 Senior Information Risk Owner (SIRO)**

In 2013, the Information Commissioner (ICO) and the then Permanent Secretary for the Department for Communities and Local Government wrote to councils to raise awareness of the significant new powers available to the ICO to penalise local authorities for data security breaches. They made recommendations on how local authorities may avoid such penalties. One key recommendation, which still remains valid today, is the appointment of a Senior Information Risk Owner (SIRO) who is member of the council's Leadership Team.

The Senior Information Risk Owner (SIRO) is the officer responsible across the whole Council for Information Governance. The SIRO is responsible for the council's information management and governance strategy, acts as an advocate for good practice in Information Governance, and is required to provide a statement of assurance as part of the Council's Annual Governance Statement.

Information governance means the effective management of information in all its forms and locations. It encompasses efficient ways of handling information, robust management of the risks involved in the handling of information, and compliance with regulatory and statutory guidance including General Data Protection Regulation (GDPR) and Freedom of Information. Information governance includes electronic and paper based information, how it is held, used and shared.

Information governance is also concerned with keeping information safe and secure and ensuring it is appropriately shared when necessary to do so. This is a significant challenge for all organisations but particularly so for large complex public-sector organisations such as Sandwell Council dealing with a wide range of functions.

The SIRO will take overall ownership of the Council's Information Risk Policy, act as champion for information risk on the Leadership Team and provide advice on the content of the Council's Statement of Internal Control regarding information risk.

The SIRO will lead on and implement the Information Governance risk assessment and management processes within the Council and advise the Executive, Elected Members and the Officer Leadership Team on the effectiveness of information risk management across the Council.

### **3.2 Statutory Data Protection Officer (DPO)**

The forthcoming General Data Protection Regulations (GDPR) (to be implemented on 25<sup>th</sup> May 2018) require each Public Authority to appoint a named officer to the post of Statutory Data Protection Officer (DPO), there has been no requirement prior to this to have this post.

The Council currently has a Corporate Information Governance Officer that currently fulfils most of the expected role.

This role encompasses the implementation of GDPR as well as the enforcement of GDPR from 25<sup>th</sup> May 2018. The DPO will be the council's main point of contact for any data protection issues and provides both the interpretation of legislation as well as the practical implementation on operational issues. The DPO will also be the single point of contact with the Information Commissioner's Office.

The role requires the named post to be independent of processing personal information to ensure that no conflict of issue can occur between the processing and the advice around processing. This does not preclude the named officer undertaking management functions over other employees (e.g. appraisals, 1-2-1, absence monitoring etc).

### **3.3 Statutory Scrutiny Officer (SSO)**

All Local Authorities are required under Section 31 of the Local Democracy, Economic Development and Construction Act 2009 to have a named officer appointed to the Statutory Scrutiny Officer post. The current named officer retired from service on 31<sup>st</sup> March 2018.

The scrutiny function is managed and supported through the Democratic Services Team, which is overseen by the Democratic Services Manager. Given the nature of the role (see below) it is appropriate to appoint the Democratic Services Manager as the council's Statutory Scrutiny Officer.

The SSO will:

- Promote the role of the authority's scrutiny committee(s);
- Provide support to the authority's scrutiny function and to local councillors; and
- Provide guidance to members and officers of the council in relation to scrutiny functions.

The SSO cannot be the council's Head of Paid Service, Section 151 Officer or Monitoring Officer.

## **4 THE CURRENT POSITION**

- 4.1 The Council is required to have the three posts allocated to a named officer, and if the recommendations within this report are approved, then service continuation will progress unimpeded.

## **5 CONSULTATION (CUSTOMERS AND OTHER STAKEHOLDERS)**

- 5.1 The three relevant officers have been consulted and have agreed to undertake the roles.

## **6 ALTERNATIVE OPTIONS**

- 6.1 Given the nature of the roles and current structures within the council, it is possible to allocate the roles to other officers within the council; however, the most suitable officers have been proposed and recommended in this report.

## **7 STRATEGIC RESOURCE IMPLICATIONS**

- 7.1 The proposed job roles affected would be amended to reflect the statutory roles. Any additional budgetary expenditure will be met from existing approved budget

## **8 LEGAL AND GOVERNANCE CONSIDERATIONS**

- 8.1 The council is required to appoint an officer as the Senior Information Risk Owner, Data Protection Officer and Statutory Scrutiny Officer. The relevant legal implications have been set out in this report.

## **9 EQUALITY IMPACT ASSESSMENT**

- 9.1 Relevant and applicable equality issues have been considered and no such issues arise.

## **10 DATA PROTECTION IMPACT ASSESSMENT**

10.1 The proposals will enable compliance with General Data Protection Regulations.

## **11 CRIME AND DISORDER AND RISK ASSESSMENT**

11.1 The proposed appointments will assist the council in addressing the council's risks associated with information governance including GDPR. The council will also avoid a challenge for failing to appoint appropriate officers to the roles.

## **12 SUSTAINABILITY OF PROPOSALS**

12.1 The proposals will ensure that the Council is compliant with regulations.

## **13 HEALTH AND WELLBEING IMPLICATIONS (INCLUDING SOCIAL VALUE) (**

13.1 The proposals have no implications on health and wellbeing.

## **14 IMPACT ON ANY COUNCIL MANAGED PROPERTY OR LAND**

14.1 There are no implications for Council managed land or property.

## **15 CONCLUSIONS AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS**

16.1 The Council is required to appoint a named officer to the following posts:

- Senior Information Risk Owner;
- Statutory Data Protection Officer; and
- Statutory Scrutiny Officer.

## **17 BACKGROUND PAPERS**

None

## **18 APPENDICES:**

None

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