

# Staffordshire Police

## Data Protection Audit Report

Executive Summary

May 2018

## 1. Background

The Information Commissioner is responsible for enforcing and promoting compliance with the Data Protection Act 1998 (the DPA). Section 51 (7) of the DPA contains a provision giving the Information Commissioner power to assess any organisation's processing of personal data for the following of 'good practice', with the agreement of the data controller. This is done through a consensual audit.

The Information Commissioner's Office (ICO) sees auditing as a constructive process with real benefits for data controllers and so aims to establish a participative approach.

Staffordshire Police agreed to a consensual audit by the ICO of its processing of personal data and processing of Freedom of Information requests.

1.5 A teleconference was held on Tuesday 15 August with representatives of Staffordshire Police to identify and discuss the scope of the audit.

1.6 The audit field work was undertaken at Staffordshire Police Headquarters on the 27<sup>th</sup> and 28<sup>th</sup> of February 2018.

## 2. Scope of the audit

Following pre-audit discussions with Staffordshire Police, it was agreed that the audit would focus on the following areas:

- a. Data sharing - The design and operation of controls to ensure the sharing of personal data complies with the principles of the Data Protection Act 1998 and the good practice recommendations set out in the Information Commissioner's Data Sharing Code of Practice.
- b. Subject access requests - The procedures in operation for recognising and responding to individuals' requests for access to their personal data.
- c. Freedom of Information - The processes in place to respond to any requests for information and the extent to which FOI/EIR responsibility, policies and procedures, training, performance controls, and compliance reporting mechanisms are in place and in operation throughout the organisation.

### 3. Audit Approach

The audit was conducted following the Information Commissioner’s data protection audit methodology. The key elements of this are a desk-based review of selected policies and procedures, on-site visits including interviews with selected staff, and an inspection of selected records.

The purpose of the audit was to provide the Information Commissioner and Staffordshire Police with an independent assurance of the extent to which Staffordshire Police within the scope of this agreed audit, is complying with the DPA.

Where weaknesses were identified recommendations have been made, primarily around enhancing existing processes to facilitate compliance with the DPA.

In order to assist data controllers in implementing the recommendations each has been assigned a priority rating based upon the risks that they are intended to address. These ratings are assigned based on the following risk matrix:

Impact	Severe	High	High	Urgent	Urgent
	High	Medium	Medium	High	Urgent
	Medium	Low	Medium	Medium	High
	Low	Low	Low	Medium	High
		Remote	Unlikely	Likely	Very Likely
Likelihood					

It is important to note that the above ratings are assigned based upon the ICO’s assessment of the risks involved. Staffordshire Police’s priorities and risk appetite may vary and, therefore, they should undertake their own assessments of the risks identified.

## 4. Audit opinion

The purpose of the audit is to provide the Information Commissioner and Staffordshire Police with an independent assurance of the extent to which Staffordshire Police within the scope of this agreed audit, is complying with the DPA.

<b>Overall Conclusion</b>	
<b>Limited Assurance</b>	<p>There is a limited level of assurance that processes and procedures are in place and delivering data protection compliance. The audit has identified considerable scope for improvement in existing arrangements to reduce the risk of non-compliance with the DPA.</p> <p>We have made one very limited and two limited assurance assessments where controls could be enhanced to address the issues.</p>

## 5. Summary of Recommendations

<p><b>Urgent Priority Recommendations</b>          - These recommendations are intended to address risks which represent clear and immediate risks to the data controller's ability to comply with the requirements of the DPA.</p>	<p>We have made <b>5</b> urgent priority recommendations across all 3 scope areas: <b>2</b> in Data Sharing; <b>1</b> in Subject Access Requests and <b>2</b> in Freedom of Information where controls could be enhanced to address the issues identified.</p>
<p><b>High Priority Recommendations</b>          - These recommendations address risks which should be tackled at the earliest opportunity to mitigate the chances of a breach of the DPA.</p>	<p>We have made <b>52</b> high priority recommendations across all 3 scope areas: <b>30</b> in Data Sharing; <b>9</b> in Subject Access Requests; and <b>13</b> in Freedom of Information where controls could be enhanced to address the issues identified.</p>
<p><b>Medium Priority Recommendations</b>          - These recommendations address risks which can be tackled over a longer timeframe or where mitigating controls are already in place, but which could be enhanced.</p>	<p>We have made <b>37</b> medium priority recommendations across all 3 scope areas: <b>13</b> in Data Sharing; <b>22</b> in Subject Access Request; and <b>2</b> in Freedom of Information where controls could be enhanced to address the issues identified.</p>
<p><b>Low Priority Recommendations</b> -          These recommendations represent enhancements to existing good practice or where we are recommending that the data controller sees existing plans through to completion.</p>	<p>We have made <b>7</b> low priority recommendations across all 3 scope areas: <b>1</b> in Data Sharing; <b>4</b> in Subject Access Request; and <b>2</b> in Freedom of Information where controls could be enhanced to address the issues identified.</p>

## 6. Summary of audit findings

### **Areas of Good Practice**

The FOI team have a tracking system for FOI requests received and each FOI Decision Maker has their own tracker. The CDU Supervisor has access to the tracking system and monitors deadlines for requests and volumes of outstanding requests.

The FOI team hold weekly meetings to discuss issues and ideas to improve practice and performance.

### **Areas for improvement**

Staffordshire Police do not have a Data Sharing Policy, a stand-alone Subject Access Policy nor do they have a FOI/EIR Policy in place to detail their approach to information sharing under the DPA or FOI/EIR.

There is a lack of awareness with regards to what Information Sharing Agreements (ISAs) that Staffordshire Police are signed up to. There are no records of information sharing decisions. A number of ISAs have not been reviewed and there is no formal follow up process.

The fair processing information on Staffordshire Police's website has not been reviewed since 2010 and Staffordshire Police do not actively communicate fair processing information to individuals.

Staffordshire Police were not able to provide any assurances that information held and shared by them is fully accurate and up to date.

Section 19 of the FOIA imposes a requirement for all public authorities to operate an approved publication scheme and police forces should use the agreed model scheme. Staffordshire Police were unable to provide evidence of a publication scheme.

Training completion rates for Staffordshire Police are low. There is no formal requirement for staff across the organisation to complete Data Protection training on a regular basis. It was reported that some staff who do not regularly deal with subject access requests and freedom of information requests would not know the difference between the two requests.

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**The matters arising in this report are only those that came to our attention during the course of the audit and are not necessarily a comprehensive statement of all the areas requiring improvement.**

**The responsibility for ensuring that there are adequate risk management, governance and internal control arrangements in place rest with the management of Staffordshire Police.**

**We take all reasonable care to ensure that our audit report is fair and accurate but cannot accept any liability to any person or organisation, including any third party, for any loss or damage suffered or costs incurred by it arising out of, or in connection with, the use of this report, however such loss or damage is caused. We cannot accept liability for loss occasioned to any person or organisation, including any third party, acting or refraining from acting as a result of any information contained in this report.**