

Information Governance

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Agenda

- FOI and DPA
- Information Security
- Records

Information access legislation

Freedom of Information Act 2000 (FOI)

- creates a statutory obligation on public authorities to consider releasing information in response to a written request
- came fully into effect on 1 Jan 05
- requests for information must be in writing
- there is no legal right to know why the information is being requested
- 20-60 Working Days to respond *

Information access legislation

Freedom of Information Act 2000 (FOI)

Who is using FOI?

- the public – i.e. pupils and parents
- the media
- pressure groups
- politicians

Information access legislation

Examples of Recent FOI Requests:

- Information on development proposal for Drumnacree Nursery School (inc objections/letters of concern etc) (member of public)
- Details re lists of contractors, how lists operate and which projects likely to be put out to tender over next 12 months. (member of public)
- No of times restraint used in maintained primary and secondary in SELB area. (Media)

Information access legislation

Examples of Recent FOI Requests:

- Various items of information re classroom assistants (union)
- Information regarding asbestos at schools in the SELB (Media)
- Copy of Board of Gov Minutes – (Parent)

Information access legislation

Data Protection Act 1998 (DPA)

- a legal framework for the proper collection, usage, storage, sharing and disposal of personal data
- underpinned by eight core Principles
- permits Data Subjects access to their records

Information access legislation

Eight Principles

Personal data must be:

- 1) Processed fairly and lawfully.
- 2) Processed only for one or more specified and lawful purpose.
- 3) Adequate, relevant and not excessive for those purposes.
- 4) Accurate and kept up to date

Information access legislation

Eight Principles...

Personal data must be:

- 5) Kept for no longer than is necessary for the purposes it is being processed.
- 6) Processed in line with the rights of individuals
- 7) Kept Secure
- 8) Not transferred to countries outside the European Economic Area

Information access legislation

Subject access requests

A pupil has the right to see their own information.
May be made by a parent on behalf of their child.

- entitled to:
 - be informed whether personal data is processed
 - a description of the data held, the purposes for which it is processed and to whom the data may be disclosed;
 - a copy of the data -usually within 40 days
 - information as to the source of the data
- there are limited exemptions

Information access legislation

Subject access requests - Examples

- Request for Interview notes
- Occupational Health Notes
- 'Everything' about me
- Requests from Solicitors acting on behalf of Subject

Information access legislation



Data Protection Act
(Access to one's
own personal data)

FOI Act
(Access to everything
else)

Information Security

Information Security

Where does Information Security fit in?

- Data Protection is the 'what we have to do'
- Information Security is 'how we do it'
- Information Security is involved with the protection of all Board information, not just personal data

Information Security

Manual data

- keep personal data in a locked filing cabinet or drawer
- operate a clear desk policy. Lock all personal data away when you are finished with it and at the end of the day
- only remove files **containing** personal information from storage areas when necessary. Their location should be tracked at all times
- Destroy personal data by shredding or use confidential waste bags

Information Security

Electronic data

- do not store personal data on desktops, laptops or portable media unless protected by encryption software.
- usernames and passwords provide legitimate users access to Board systems and should not be disclosed to anyone. Always renew passwords when prompted.

Information Security

Electronic data

- position monitors so others cannot see personal data. When leaving your desk, lock your PC (by pressing 'Ctrl, Alt and Del' keys simultaneously).
- emails sent to addresses outside the organisation will be transmitted across the internet. Never send personal data to such addresses.
- never leave personal data at printers. Collect print jobs promptly.

Information Security

Electronic data

- avoid sending personal information by fax. Where this is necessary do it over a secure protocol.

- never leave laptops/portables/media unattended.

When transporting any computer media always ensure it is out of sight, either in a glove compartment or boot of a car.

- if working from home treat that environment like your work environment. Do not allow friends/family access to any information.

Records

Working with openness

Writing for disclosure

- does not mean record less
- keep records factual and professional
- write objectively
- document reasons for decisions generally
- record the context of file note / record
- refer to policies in decision making

Working with openness

Diary entries and notebooks

- diary extracts are accessible under FOI and DPA
 - even if you have bought the diary yourself but use it for work
- non-work related entries are exempt
- make diary entries with the same care as if adding information directly into a pupil file
- Includes electronic diaries and PDAs
- Consider how the record would read in court!

Working with Openness

Record Management

Know what information you hold and be able to access it...

- Subject Access Requests
- FOI requests
- Inspections / audits



Working with Openness

File Disposal

What can disposal mean?

- Offer records to the Public Record Office for Northern Ireland (PRONI)
- Destruction
- Refer to the DENI's record retention schedule before disposing of records

<http://www.deni.gov.uk/index/85-schools/5-school-management/85-disposal-of-school-records.htm>



Help / Support

<http://www.selb.org/foi/webpages/schools.htm>

Resources

- [THE GUIDE TO DATA PROTECTION](#) **NEW**
- [REMINDER TO SCHOOLS ON FOI AND DPA](#)
- [DATA PROTECTION PRINCIPLES](#)
- [TAKING PHOTOGRAPHS IN SCHOOLS](#)
- [DATA PROTECTION REGISTRATION](#)
- [PUBLICATION SCHEMES NORTHERN IRELAND](#)
- [SELB's PUBLICATION SCHEME](#)
- [FOI SCHOOL GUIDANCE](#)
- [FREEDOM OF INFORMATION GUIDE](#)
- [GUIDANCE ON DATA SECURITY BREACH MANAGEMENT](#)
- [SAMPLE SCHOOLS DATA PROTECTION POLICY](#)
- [SAMPLE FAIR COLLECTION STATEMENT](#)
- [ICO GUIDANCE ON PRIVACY NOTES](#)

Help / Support

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Thanks for listening

Quick Quiz Answers

Any Questions