



**Data Protection and Information Technology  
for Members**

**Report of Select Committee**

**11 February 2014**

## CONTENTS

	Page
Chairman's Foreword	3
Introduction	4
Consideration of the Issues	4 - 7
Conclusions	7 - 8
Recommendations	8
Outstanding Issues	9
Appendix A : Minutes of Meetings of the Select Committee	
Appendix B : Business Case (end user security guidance not included)	

## FOREWORD

On behalf of the Select Committee I am pleased to present this report for consideration by the Policy Committee. The report presents the outcome of the Committee's consideration of a business case for the supply of IT equipment to Members of Council as a means of addressing data security concerns and ensuring compliance with the requirements of data protection.

I would like to take this opportunity to thank all those, both Members and Officers, who have assisted the Committee in conducting this piece of work



Councillor John Roberts,  
Chairman, Select Committee.

## 1 Introduction

In preparing the Select Committee's work programme for 2013/14 Committee Members stated an intention to examine

- (a) data protection processes and Members' obligations in relation to data protection, and
- (b) the potential for supplying committee papers electronically.

The need to progress this work was subsequently highlighted in an internal audit report regarding data handling by Members presented to the Audit and Governance Committee on 24<sup>th</sup> September 2013. The report had not been awarded an assurance level\*, and had followed an earlier report on data handling by the Council, assigned only partial assurance status by the Internal auditor, that report had not considered the position with regard to Members.

The Committee's reasons for progressing this review were therefore primarily driven by the need to

- i. Meet the Council's obligations under the Data Protection Act; and
- ii. Enable Members to meet their individual obligations under the Data Protection Act.

In addition to the above, officers had also identified a need to review how they communicate electronically with Members to ensure the Council met information assurance controls required by the Public Services Network.

A secondary consideration presented by this review is the potential to enable a move towards paperless meetings.

The Select Committee met on four occasions to consider the above issues and copies of the minutes of those meetings are appended to this report. A draft then detailed business case for supplying Members with IT equipment was presented. The detailed business case is also appended to this report.

(\*An audit report assigned no assurance level indicates that there are weaknesses in control, or consistent non-compliance which place the Council's corporate and service objectives at risk in the area reviewed.)

## 2. Consideration of the Issues

### a. Public Services Network

Through its connection to the Public Services Network, a secure network over which government bodies can share information, the Council is able to deliver its revenues and benefits service by connecting with the Department for Work and Pensions, and communicate securely with the Police and other government organisations. The Council is not currently compliant with the controls required under the terms of its connection to the Public Services Network (PSN) by reason of the fact that Council e-mails are forwarded to Members' personal e-mail addresses.

The Committee was advised that providing Members with equipment and Craven District Council e-mail addresses would overcome this problem. Alternatives would be to stop communicating with Members by e-mail, establish a separate network within the Council for the purposes of connecting to the PSN, or identify an alternative means of providing the service. It was estimated that establishing a separate internal network for the purpose of connecting to the Public Services Network could incur capital costs of up to £100,000, revenue costs would amount to between £6,000 and £10,000 per annum.

Failure to comply with the PSN's controls, would result in the Council losing its connection and as such it would not be able to provide the revenues and benefits service. The Council will need to be able to demonstrate compliance by June 2014.

## **b. Data Protection and Members**

The Internal Auditor's audit of data handling by Members identified various concerns, particularly with regard to the current unsecure methods Members were using to send and receive Council information. The audit report concluded that a breach of data protection legislation for failing to meet data handling obligations, could risk substantially harming the Council, as well as individual members. Non compliance with the Data Protection Act could result in the Information Commissioner issuing a fine for failing to adequately protect data. Organisations, including local authorities, could be fined up to £500,000 and individuals, including councillors, could be fined up to £5,000 for failing to meet their obligations. The Select Committee has been advised that having suffered the theft in 2011 of an unencrypted laptop computer containing personal information, it was likely that, should the Council commit a further data breach, the Information Commissioner would be minded to issue the Council with a substantial fine. Having reported the loss of personal data the Council was required by the Commissioner to sign an undertaking to put security measures in place to prevent it happening again.

The Select Committee has also been advised that

- i. Where holding and processing personal data about individuals in the course of undertaking Council business, Members have the same responsibilities in respect of data protection as an employee of the authority and are covered by Craven District Council's registration as a data controller.
- ii. Members are also data controllers in their own right when they view or store the personal information of their constituents either manually or by computer, whether on their own equipment or on equipment provided to them by their local authority.
- iii. Just as any other individual holding and processing personal information, either electronically or in paper form, about others, Members needed to comply with the Data Protection Act, and needed to be individually registered with the Information Commissioner.

If the Council issued Members with computer equipment, the Council and individual Members would have greater protection against potential data protection issues.

### **c. Paperless Meetings**

Excluding officer time, the cost of printing and postage to Members currently amounts to £5,000 per annum. Supplying papers electronically would therefore present an opportunity to realise savings / efficiencies, examine the printers currently in use within the Authority which may also lead to additional savings and to also consider paperless meetings of the Council, committees and sub-committees etc.

The need to comply with the requirements of data protection and the Public Services Network are separate considerations to the question of whether the Council wishes to move to a position where committee papers are supplied electronically and meetings are paperless. The cost of acquiring IT equipment for Members could be recovered within three years if a decision was taken to move to paperless meetings.

In visiting Ryedale District Council to observe a paperless meeting of that Council's Overview and Scrutiny Committee, the Chairman of this Committee and officers from the Legal and Democratic Services Team took the opportunity to speak to Members and officers about their introduction and experience of paperless meetings. The Committee had proposed that the introduction of paperless meetings in Ryedale be subject to a trial but that proposal had been rejected by Council. Following training Members had been offered a phased introduction over a period of one month, whereby they could opt to have hard copies available at meetings as a back up to their iPad\*. Most had chosen not to take advantage of the offer; this had been put down in part to the quality of the training provided. Those spoken to who used iPads had been positive about their introduction and paperless meetings.

From observing the meeting it had appeared that a hard copy of the agenda would have been helpful to the Chairman in managing the meeting. Any move on the part of this Council towards both the supply of IT equipment and introduction of paperless meetings would need to be supported by appropriate training.

( \*Ryedale's Members had previously used Ryedale e-mail addresses, but in order to comply with the requirements of data protection and the Public Services Network the decision had been taken to supply Members with devices, and iPads had been considered the most suitable. Ryedale had resolved to allow Members to opt out of receiving an iPad ( Scarborough Borough Council had made it mandatory ) and of the 30 Members, six had taken up the option. Those six members did not receive any e-mails from the Council, but were posted hard copies of e-mails sent to the other members and hard copies of papers once a week; this arrangement had led to some issues in terms of timely arrival of papers etc. Some of the six concerned collected their post from the offices.)

### **d. Training**

Across the membership of the Council there are differing levels of IT literacy ranging from those who already have the necessary skills to enable them to use a device supplied by the Council and operate in a paperless environment, to those who have little or no skills or knowledge. Training will need to reflect this range in ability and the Committee has been advised that the intention would be to undertake a training needs analysis for each Member to inform production of a training plan. Training would then it is understood be

delivered in-house to keep costs to a minimum. Officers within the Information Services team have indicated that they have the necessary skills to deliver the training and would continue to provide support as required post training. Feedback from Members trialling iPads will also be used in preparation of the training programme. User guides for the device supplied would be made available.

The Information Services Team has already responded to a Member's request that a glossary of terms be made available.

#### **e. Choice of IT Equipment.**

In conducting this review the Select Committee has challenged officers to demonstrate why a tablet device is the most appropriate device for the intended use by Members, should Council agree to adopt the supply of IT equipment to Members as the best solution to the need to comply with data protection and other requirements. Having established that a tablet was the best device, the Committee asked Officers to justify why the recommended operating system and device should be adopted, namely the iPad combined with the iOS operating system. The analysis of alternative devices and rationale presented to the Committee can be found at Pages 7 to 9 of the business case at Appendix B.

The cost of acquiring 35 iPads, together with warranties and cases amounts to £11,556.65, plus an annual cost of £1,483 for the use of a product known as Airwatch which would allow the Information Services Team to securely manage mobile devices supplied by the Council. The Council would retain ownership of the iPads, not Members, and they would need to be returned when a Member retired, and was not re-elected to the Council.

There has been some criticism from members of the public, including letters to the local paper, of the proposal to supply Members with iPads.

### **3. Conclusion**

The need to comply with the requirements of the Information Commissioner on data protection, and the requirements of the Public Services Network, is clear and it is accepted that the status quo is not an option available to the Council. The Council is responsible for the material it sends to Members and would be liable for any confidential documentation found in the public domain. If Members agree to utilise Council issued tablets, not only will the Council comply with the Public Services Network Code of Connection, the Council and individual Members would have greater protection against potential data protection issues. From the analysis presented the iPad tablet is the most suitable device currently available in terms of meeting the Council's requirements. Devices supplied to Members will remain the property of the Council and as such it would not be unreasonable to expect that they should only be used for Council business.

The need to comply with the requirements of the Public Services Network (PSN) is the most business critical area of the situation under consideration; excluding revenue costs the indicative capital cost of installing a standalone system as an alternative solution to

ensure compliance and thereby enable the Council to continue to deliver its revenues and benefits service has been estimated at £100,000. Reverting to paper based systems of working would potentially require additional staffing resource and therefore the value for money solution to the issues before the Committee at this time, including the potential to be fined by the Information Commissioner for a breach of data security, is as recommended within the business case, namely supplying Members with some form of appropriate tablet device.

The financial case can be viewed as being secondary to the need to comply with the requirements of the Public Services Network and data protection. Potential cashable savings in the first instance are not large, and are dependent on decisions to be taken with regard to paperless meetings, but would over a period meet the cost of purchasing the tablet devices. The Council should aspire to achieve those savings, however the timescale and successful implementation will to some degree be dependent on the training / support provided, and decisions to be taken by Council on how it wishes to progress to paperless meetings.

The Committee has not considered in any detail the approach to be taken in seeking to progress to paperless meetings. If Council accepts the principle consideration will need to be given to the options available, in terms of cashable savings the greater element is that of postage which, for example, suggests that in moving towards paperless meetings, papers could be supplied electronically but be made available at meetings. Consideration would also need to be given to accommodating the needs of any Member who may have some form of disability or impairment. At this time the Committee is not minded to indicate or recommend a timescale for transition to paperless meetings.

There has been some concern expressed by members of the public as to why the Council was considering supplying Members with iPads, and in some respects it was similar concerns held by Members which has driven the Committee to satisfy itself that an iPad was the most appropriate tablet for the intend use and represents good value for money. There is no reason to conclude on the evidence available that a decision to supply i-pads is unreasonable.

#### **4. Recommendations**

- a. The conclusion within the business case now presented should be accepted ie. that the best solution to addressing current data security risks, delivering efficiencies and enabling progression to paperless working is to supply Members with cravendc.gov.uk e-mail addresses and iPad 2 tablet devices.
- b. All Members who are currently e-mail users should be supplied with iPad tablets and all Members should be provided with, and undertake training to bring them to a position where they are able to operate within a paperless environment.
- c. A training needs analysis of each Member's training requirements is undertaken to inform the preparation and delivery of a training plan.
- d. iPads supplied to Members should be used for Council business only



e. Implementation of this project should be subject to a review after a 12 month period

## 5. Outstanding Issues

The following issues may require further consideration / have not been considered by the Select Committee:-

- Options for transition to paperless meetings ( for example implement paperless meetings from date X, send electronically but allow members to opt out of paperless meetings, have papers available at meetings for a period only, for larger documents members to be able to request copies etc etc.)
- Whether the cost of Members registering as data controllers should be met by the Council or Members.
- Whether training on data protection should be mandatory.
- An acceptable usage policy for Members.

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### Minutes of Select Committee

#### Minutes of meetings of the Select Committee held on 22<sup>nd</sup> October, 26<sup>th</sup> November, 18<sup>th</sup> December 2013 and 22<sup>nd</sup> January 2014

##### 22<sup>nd</sup> October 2013 : Minute OS.281/13-14

The Director of Services submitted a report updating Members on the work taking place to address data protection concerns and meet regulatory requirements, coupled with the request by Members to reduce photocopying and postage costs relating to Council and committee meetings.

As a result, there was an urgent requirement to protect the Council against potential data protection issues and Internal Audit had identified various concerns, particularly with regard to the current unsecure methods Members were using to send and receive Council information.

Following a review of solutions in place at neighbouring Councils and assessing other tablets, the Ipad was selected for a trial because of its ease of use, portability, ease of navigation and use in meetings and value for money.

Should Members agree to utilise Council issued tablets, not only would the Council comply with Public Services Network Code of Connection, the Council and individual Members would also be protected against potential data protection issues. In addition savings on paper, staff time and postage costs would be dramatically reduced, thereby contributing to the savings required to meet Government cuts in grant funding.

During the course of the ensuing discussion Members commented and also asked questions of officers as indicated below:

- Councillor Kerwin-Davey commented that his communications with the electorate were private and he would not be using a CDC email address.
- Reply : If Members continued to use private email addresses for CDC business, then they would need to register individually with the Information Commissioner as a Data Controller and meet all the necessary regulations.
- Why choose Apple I pads for the trial when other manufacturers offered cheaper solutions. It appeared that the choice of hardware had already been made.
- Reply : Various options had been assessed taking into account screen size, reliability, internet connectivity, battery life, reliability and ease of use. ICT had the skills to support/maintain I pads but not some of the other devices and, in addition, windows based products were more expensive than Apple.
- What will the Ipad do that a Smartphone cannot.
- Reply : Access to Craven email addresses to prevent Members from data protection issues would require devices to be managed and supported by ICT. Airwatch required for Public

Service Network compliance was not available on Members' own devices. The Ipad was also powerful enough to allow Members to move to a paperless approach to meetings.

The Council was responsible for the material it sent out to Members and would be liable for any confidential documentation that got into the public domain. The Council, therefore, needed to secure and protect its information and this could only be done by ensuring the material was encrypted and stored securely. In order for the Council to stay data protection compliant, Members must have CDC email addresses and fully managed hardware devices.

- Several Councillors were also County Councillors and, as such, already had NYCC laptops. Did they need a tablet device as well.
- Reply : ICT would need to assess the equipment Members' already had, but notwithstanding this, Craven District Council, as an entity had to be data protection compliant.
- A Member commented that the Council had to address data protection compliance issues as a matter of urgency and that Craven was on its last warning from the Information Commissioner. It was also a good time to consider paperless meetings as financial savings could be made as well as it being environmentally friendly.
- Ryedale District Council's preferred option was Ipads and most other authorities who had moved to paperless meetings were also using Ipads. There was no point re-inventing the wheel.
- Reliability was paramount and Ipads were renowned for this as well as being user friendly. If the aim was for paperless meetings where every document was accessible by the touch of a key, the iPad offered this. Members would find reading reports from a smartphone or a small screen tablet difficult.
- A Member stated that he did not accept that CDC had a security issue and that Members must be able to opt out.
- Reply : Security was the main issue to come out of an internal audit and their report had concluded that they had 'no assurance' that the Council was meeting its obligations and regulatory requirements.
- How would the devices be procured and what was the total cost expected to be?
- Reply : Preparing a fully costed business case was the next step and this would be presented to a future meeting of the Select Committee. The procurement process would be in accordance with the Council's procurement protocol.
- Can Members be issued with CDC email addresses straight away and then look at the issue of IT equipment.
- Reply : Access to CDC email addresses would need to be through CDC devices in order to be data protection compliant.

In drawing the discussion to a close, the Chairman thanked officers for their attendance and input to the meeting.

**Resolved** – (1) That, the action as proposed in the report now submitted, is noted.

(2) That a further report, setting out the business to ensure security compliance and the options for the procurement of IT equipment for Members is brought back to this Committee.

(3) That the Member Champion for Procurement is involved in the process.

#### **26<sup>th</sup> November 2013 : Minute OS.288/13-14**

Further to Minute OS.281/13-14, the Director of Services submitted a detailed business case for the supply of IT equipment (tablet devices) to all Members of Council. Before opening the debate the Chairman read from a letter published in a recent edition of the Craven Herald and expressed the view that to some degree the questions in the letter, raised issues which the Committee itself needed to address.

In introducing the business case the Project Manager highlighted the key issue, namely that providing Members with IT equipment and a Craven District Council address would

- a. Help to ensure that the Council met its obligations under the Data Protection Act and thereby reduce the risk of a fine being imposed by the Information Commissioner; and
- b. Ensure the Council met information assurance controls required by the Public Services Network Code of Connection.

An additional benefit of the proposal to supply Members with tablet devices or other computer equipment was the potential to move towards paperless meetings and generate a saving which would help to realise a return on the investment.

Members were advised that having suffered the theft in 2011 of an unencrypted laptop computer containing personal information, it was likely that, should the Council commit a further data breach, the Information Commissioner would issue the Council with a significant fine. Through its connection to the Public Services Network, a secure network over which government bodies could share information, the Council was able to deliver its revenues and benefits service by connecting with the Department for Work and Pensions, and communicate securely with the Police and other government organisations. Unfortunately the Council was not currently compliant with the controls required under the terms of its connection to the Public Services Network (PSN) by reason of the fact that some Council e-mails were forwarded to Members' personal e-mail addresses. Providing Members with equipment and Craven District Council e-mail addresses would overcome this problem, otherwise the Council would lose its connection and would be unable to provide the revenues and benefits service. The alternative would be to stop communicating with Members by e-mail, or to establish a separate network within the Council for the purposes of connecting to the PSN. This latter option would involve significant costs.

Having assessed the equipment options the Council's ICT Team had concluded that Members should be provided with and trained in the use of i-pad 2 tablet devices, the estimated cost of which, including warranties and cases would be £11,097.30. Two Members, Councillors Lis and Jaquin were trialling i-pads and arrangement were being made to trial an alternative device to enable a comparison to be made.

During the course of the ensuing discussion, Members

- commented on the need to comply with the requirements of data protection and the Public Services Network.
- sought clarification of why tablets were seen as preferable to laptops.
- expressed concern at a suggestion that they should only communicate with constituents using a Craven District Council e-mail address, not their personal address, and requested that the Strategic Manager for Legal and Democratic Services be asked to provide clarification on this point.
- highlighted the need to progress training on data protection and freedom of information.

- requested greater accuracy as to the potential savings which a move to paperless meetings may generate.

In drawing the discussion to a close the Chairman proposed, and it was

- Resolved** – (1) That the need to comply with the requirements of the Information Commissioner on data protection, and the requirements of the Public Services Network, is accepted.
- (2) That further consideration of the business case now presented and other related matters is deferred to the meeting of this Committee to be held on 18<sup>th</sup> December 2013 at 6.30pm.
- (3) That steps are taken to progress the delivery of training for all Members of Council in data protection and freedom of information.

### **18<sup>th</sup> December 2013 : Minute OS.290/13-14**

Further to Minute OS.288/13-14, the Chairman stated that the meeting had been convened to enable Members to receive feedback on both the testing of a windows based tablet as a possible alternative to an i-pad, and his visit to Ryedale District Council with officers to observe a paperless meeting.

The Head of Information Services stated that it had been his intention to demonstrate a windows based tablet on the large screen but had been unable to connect the device to the screen, however, from trialing the device in the office the experience to date suggested that although representing a secure solution it would be a more difficult device for non-IT literate Members to use and would potentially require more support by the IT Department than an i-pad. Based on ease of use, security, support needed and cost, his view was that an i-pad tablet was currently the best option available when compared to other devices. Training would also be important.

Before opening the debate the Chairman reminded Members of the content of letters to the Craven Herald regarding the proposal to provide Members with a tablet device, and gave a summary of his visit to observe a paperless meeting of Ryedale District Council's Overview and Scrutiny Committee, in attending the meeting the opportunity had also been taken to speak to Members and officers about their experience of paperless meetings and use of i-pads. Ryedale had resolved to allow Members to opt out of receiving an i-pad ( Scarborough Borough Council had made it mandatory ) and of the 30 Members, six had taken up the option. Those six members did not receive any e-mails from the Council, but were posted hard copies of e-mails sent to the other members and hard copies of papers once a week; this arrangement had led to some issues in terms of timely arrival of papers etc. Some of the six concerned collected their post from the offices. Ryedale's Members had previously used Ryedale e-mail addresses, but in order to comply with the requirements of data protection and the Public Services Network the decision had been taken to supply Members with devices, and i-pads had been considered the most suitable. The view of those Members who had i-pads, and also officers spoken to, was that with hindsight giving an opt out had been a mistake. The Committee had proposed that the introduction of paperless meetings be subject to a trial but that proposal had been rejected by Council. All Members had been offered hard copies of agenda sheets, but most had declined. From observing the meeting it had appeared that a hard copy of the agenda would have been helpful to the Chairman.

During the course of the ensuing discussion, Members questioned officers on the preference for i-pads as opposed to other devices. They also commented that there was a need for the Council to clearly explain its reasons for supplying Members with IT equipment at a time when savings were having to be made elsewhere within the Council, and that any training to be provided should reflect Members' differing levels of IT literacy, for example a glossary of terms and a short training session on the

terminology prior to delivery of other training would be of help to those with a low level of understanding.

In drawing the discussion to a close it was proposed, and

**Resolved** – (1) That, pending receipt of a satisfactory business case and a report on the outcome of the ongoing trial by Councillors Jaquin and Lis, this Committee expresses a preference for Members to be supplied with tablet devices rather than other forms of devices currently available.

(2) That at the next meeting of this Committee, consideration is given to the question of whether the Council should allow an opt out in the event of it being decided that Members will be supplied with tablet or other devices and that meetings should be paperless.

## **22<sup>nd</sup> January 2013 : Minute OS.292/13-14**

Further to Minute OS.290/13-14, the Committee was presented with a revised business case for the supply of IT equipment to all Members of Council. Before asking the Director of Services to present an overview of the revised business case, the Chairman summarised the position reached to date and the issues the Committee needed to consider before submitting recommendations to the Policy Committee.

Having heard the Director of Services, the Chairman asked the Corporate Head of Financial Services for her thoughts on the business case and issues before the Committee. In responding to the Chairman's request the Corporate Head stated that the status quo was not an option and that she considered the need to comply with the requirements of the Public Services Network to be the most business critical area of the case now before Members; excluding revenue costs the indicative capital cost of installing a standalone system as an alternative solution to ensure compliance and thereby enable the Council to continue to deliver its revenues and benefits service had been estimated at £100,000. Reverting to paper based systems of working would potentially require additional staffing resource and therefore the value for money solution to the issues before the Committee, including the potential to be fined by the Information Commissioner for a breach of data security, was as recommended within the business case, namely supplying members with some form of appropriate tablet device. Monies were available to invest in the equipment for Members, and although potential savings would not be large, and were dependent on decisions to be taken with regard to paperless meetings, Members could aspire to save an estimated £5,000 per annum in cashable savings. The financial case could be viewed as being secondary to the need to comply with the requirements of the Public Services Network and data protection.

During the course of the ensuing discussion, Members commented on the need to aspire to achieve paperless meetings and that training would need to reflect the differing levels of Members' ability. Members were informed that the intention was to deliver training in-house, they were also advised that the Council would need to retain ownership and control of the equipment supplied, and as such a suggestion that Members could acquire iPads using their annual allowance would not be appropriate. Although there was some disagreement that the best way forward was as presented within the business case, it was proposed and

**Resolved** – (1) That the conclusion within the business case now presented, that the best solution to addressing current data security risks, delivering efficiencies and enabling progression to paperless working is to move to supplying Members with cravendc.gov.uk e-mail addresses and iPad 2 tablet devices, is accepted.

- (2) That all Members who are currently e-mail users are supplied with iPad tablets and that all Members should be provided with, and undertake training to bring them to a position where they are able to operate within a paperless environment.
- (3) That a training needs analysis of each Member's training requirements is undertaken to inform the preparation and delivery of a training plan.
- (4) That the iPads supplied to Members should be used for Council business only.
- (5) That implementation of this project is subject to a review after a 12 month period.

## **Appendix B**

See separate document : Appendix B – Detailed Business Case