REPORT TO:	Governance and Audit Committee
DATE:	13th November 2025
SUBJECT:	Information Governance Annual Update 2024/25
PURPOSE:	To advise members in respect to the Council's activity and compliance with Data Protection, Environmental Information Regulation and Freedom of Information requirements.
KEY DECISION:	No
PORTFOLIO HOLDER:	Councillor Jim Astill, Portfolio Holder for Corporate and Environmental Services
REPORT OF:	Richard Steele, Group Information Manager and Deputy Data Protection Officer
REPORT AUTHOR:	Richard Steele, Group Information Manager and Deputy Data Protection Officer
WARD(S) AFFECTED:	N/A
EXEMPT REPORT?	N/A

SUMMARY

The purpose of this report is to provide the Governance and Audit Committee with an update on the Council's activities and compliance in respect of the Data Protection Act 2018, Environmental Information Regulation and Freedom of Information requirements during the period 1 April 2024 to 31 March 2025.

RECOMMENDATIONS

That the Audit and Governance Committee considers and notes the report.

REASONS FOR RECOMMENDATIONS

To ensure the Committee is informed about Information Governance activity and for members to take assurance that the Council has demonstrated good governance and an organisational commitment to comply with its statutory obligations.

OTHER OPTIONS CONSIDERED

N/A

1. BACKGROUND

1.1 The Council's Information Governance framework supports the Council to comply with the General Data Protection Regulations GDPR (UK GDPR), Data Protection Act (DPA) 2018, Data Use and Access Act 2025, Freedom of Information Act 2000 (FOIA) and Environmental Information Regulations (EIR). The Council has a statutory obligation to comply with the Information Governance framework by responding appropriately to requests and managing personal data lawfully.

1.2 The Data Protection Officer and Information Governance Team provides guidance and support to the organisation by monitoring internal compliance, informing and advising on data protection obligations, providing advice and guidance and raising awareness on data protection matters.

2. REPORT

2.1 Freedom of Information and Environmental Information Regulation

2.1.1 During the year the ongoing consideration of ICO Guidance and Case law in respect Freedom of Information and Environmental Information has been ongoing.

2.1.2 FOIA/EIR impose a statutory obligation on the Council to respond to requests for information within 20 working days, subject to relevant exemptions.

2.1.3 The Council's performance in response to the Freedom of Information Act and Environmental Information Regulation was 97% for the year. It **exceeding** the ICO "adequate" target of 90% consistently throughout the period and for 10 months exceeding the ICO good target of 95%.

2.1.4 Performance is reported corporately as part of the Council's quarterly performance management arrangements which includes review by the Cabinet and Performance Monitoring Panel.

2.1.5 The Council has a shared team to support delivery of the Freedom of Information Act process.

2.1.6 The number of requests at SHDC is comparable to previous years, although the complexity has increased. This is consistent with both the other Councils in the South and East Lincolnshire Councils Partnership.

2.1.7 The total number of requests made between 1 April 24 and 31 March 25 was **645.** Of these, **74** were for information covered by the Environmental Information Regulation and **15** requests were either withdrawn or were requests that were not valid under the Act.

2.1.8 The **630** correctly formed Freedom of Information Request within statutory deadline are displayed in the chart below:

	late	in time	number of requests (validated)	on time
April	*1*	*59*	*60*	98%
May	*4*	*47*	*51*	92%
June	*1*	*38*	*39*	97%
July	0	45	45	100%
August	2	40	42	95%
September	1	49	50	98%
October	5	51	56	91%
November	2	63	64	98%
December	1	32	33	97%
January	2	56	58	97%
February	1	60	61	98%
March	2	66	68	97%

2.1.9 The Council applied redactions and exemptions in accordance with the legislation to **135** requests, in some cases multiple exemptions were applied to a single request:

- 28 requests had elements redacted due to containing personal data.
- 20 requests were redacted for Law enforcement reasons.
- 4 EIR and 1 FOI requests were withheld due to being manifestly excessive in nature.
- 2 was withheld/redacted due to Health and Safety concerns.

2.1.10 There were **52** requests refused under exemption because the information requested was already published or due to publication of the information in the near future. In most cases the team provided links to the relevant information under its obligation to provide assistance under section 16 of the Freedom of Information Act.

2.1.11 The Code of Practice, issued by the Secretary of State for Constitutional Affairs under Section 45 of the FOIA, requires public authorities to have a procedure in place to deal with complaints in regard to how their requests have been handled. This process is handled by the Information Governance Team as an FOI/EIR internal review.

- The Council received 6 requests for internal reviews, in all cases the original decision was upheld.

2.1.12 After an internal review has been completed an applicant has a right to complain to the Information Commissioner's Office (ICO) for an independent ruling on the outcome. Based on the findings of their investigations, the ICO may issue a Decision Notice. The ICO may also monitor public authorities that do not respond to at least 90% of FOI/EIR requests they receive within 20 working days.

2.1.13 No complaints were referred to the ICO for SHDC.

2.1.14 The Council can demonstrate a good level of transparency and engagement with its citizens through the Access to Information regulations and our publications under the Transparency agenda by publishing on the website.

2.2 **Data Protection**

2.2.1 The Data Protection and Digital Information (No. 2) Bill has now been replaced by a new Act called the Data (Use and Access) Act 2025. The ICO is considering the preparation of guidance in respect to the application of this Act.

2.2.2 Under the General Data Protection Regulations there is a requirement for the statutory Data Protection Officer to report to the highest level within the organisation. The Council's Leadership Team receives regular Information Governance reports from its Data Protection Officer or deputy Data Protection Officer.

2.2.3 The Council's management of data protection security incidents is undertaken by the Data Protection Officer, who records, investigates and where necessary, recommends actions to be taken based on the impact risk level in partnership with the PSPS DPO where necessary.

2.2.4 There were a total of 51 data incidents reported to the Data Protection Team between 1 April 24 and 31 March 25. Given the number of transactions that South Holland District Council undertake throughout all its services, this is a small incidence of issue. None have resulted in any claim, or harm to an individual. All breaches have been assessed for the impact on the data subject, the risk to the Council and for any learning opportunities.

2.2.5 The GDPR introduced requirements for personal data breaches that meet certain thresholds to be reported to the ICO. We have had cause to have one breach referred to the ICO.

2.2.6 The DPA 2018 provides individuals with the right to ask for information that the Council holds about them. These are also known as Subject Access Requests (SARs). The Council should be satisfied about the individual's identity and have enough information about the request. The timescale for responding to these requests is one month, starting on the day of receipt. Authorities can extend the time taken to respond by a further two months if the request is complex or a number of requests have been received from the individual, e.g. other types of requests relating to individuals' rights.

2.2.7 There have been 14 completed SARs during the reporting period, and one of the requests was not valid.

2.2.8 There is now a requirement for the Council to have a two stage process for any complaints under Data Protection this includes the internal review process for SARs – this is in place and sits alongside the Corporate Complaints process. Individuals may complain directly to the ICO if they feel their rights have not been upheld. There was one referral to the ICO in respect of a delayed DSAR which has now been addressed.

2.2.9 The Council also receives one-off requests for personal information from third parties including the police and other government agencies. The Information Governance Team maintains a central log that includes exemptions relied on when personal data is shared with third parties. They provide advice and assess whether the Council can lawfully disclose the information or not. Between 1 April 24 and 31 March 25 there were 155 recorded requests.

2.2.10 The Data Protection Officer supports the Council in understanding the impact of plans, projects and activities on data protection through a process of impact assessments to support decision-making. The Council also has arrangements in place to support the sharing of data where appropriate and the team provide support in the preparation and sign off of data sharing agreements.

2.2.11 The Council's Data Protection Policy has been reviewed awaiting agreement at each Authority.

3. CONCLUSION

3.1 It is essential that the Council continues to monitor and report on its performance in relation to its information governance statutory obligations in order to promote best practice and drive continuous improvement in the Council's ability to comply with the laws relating to information.

4 EXPECTED BENEFITS TO THE PARTNERSHIP

N/A

5. IMPLICATIONS

5.1 SOUTH AND EAST LINCOLNSHIRE COUNCILS PARTNERSHIP

5.1.1 Information governance requirements are based upon both statute and best practice. The similarities between each Council does allow consolidation of process, skill sharing and in some cases consistency of approach. Information forms a key part of the service delivery, and in some cases understanding of that information is paramount in driving efficiencies and improvement.

5.2 CORPORATE PRIORITIES

None

5.3 STAFFING

None

5.4 CONSTITUTIONAL AND LEGAL IMPLICATIONS

There are no specific legal implications arising out of the recommendations. However, the Council's performance is subject to external scrutiny by the ICO, who have the authority to impose sanctions upon the Council for non-compliance. The monitoring and reporting on the outcomes of ICO complaints represents good practice and promotes good governance and service improvement.

5.5 DATA PROTECTION

Details are included in the report.

5.6 FINANCIAL

No instances of liability have been incurred through nonadherence to statutory requirements.

5.7 RISK MANAGEMENT

Identified risks through the Data Protection Impact Assessments are passed to operational risk registers.

5.8 STAKEHOLDER / CONSULTATION / TIMESCALES

None

5.9 REPUTATION

None

5.10 CONTRACTS

None

5.11 CRIME AND DISORDER

Assurance of our support for other lawful agencies in the sharing of information by managing the information effectively.

5.12 EQUALITY AND DIVERSITY/ HUMAN RIGHTS/ SAFEGUARDING

Data Protection legislation is intrinsically linked with the convention on Human Rights.

5.13 HEALTH AND WELL BEING

None

5.14 CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS

Take assurance that the delivery of Environmental Information supports the transparency of this Council in respect of the wider climate change agenda.

5.15 LINKS TO 12 MISSIONS IN THE LEVELLING UP WHITE PAPER

None

4. ACRONYMS

ICO	Information Commissioners Office
DSAR or SAR,	(Data) Subject Access Request
DPA 2018	Data Protection Act 2018
EIR	Environmental Information Regulation 2004
GDPR	General Data Protection Regulations
FOI or FOIA	Freedom of Information Act 2000

APPENDICES
None

BACKGROUND PAPERS
No background papers as defined in Section 100D of the Local Government Act 1972 were used in the production of this report

CHRONOLOGICAL HISTORY OF THIS REPORT
This report has not previously been considered by a Council

REPORT APPROVAL	
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