

MANAGEMENT BOARD**Impact of the Tebbit change programme on the operation of the Data Protection Act and an update on the Data Security review**

Director General, Resources

Purpose

1. This paper updates the Board on the Review of Data and Information Security and makes recommendations in relation to the impact of the Tebbit change programme on the operation of the Data Protection Act 1998 (DPA).

Conclusion and decisions

2. The Board is invited to consider recommendations aimed at providing an increased level of focus on DPA handling and awareness
3. The Board is also invited to consider the recommendation that a representative action group be set up in place of the present loose network of DP representatives, and that Director Generals should be invited to nominate representatives by the rise of the House on 18 December.
4. The Board is also asked to take note of the terms of reference for the Review of Data and Information Security.

Background

5. The aim of the Tebbit change programme is to provide a better focus on the management and delivery of corporate objectives. A major feature of the programme is a significant realignment and reshaping of departmental responsibilities. The programme will have an impact on the oversight and practical application of the rights and obligations set out in the Information Acts.
6. The Clerk as Chief Executive will continue to be the Data Controller for the purposes of the DPA and, as data holder, be responsible for the Freedom of Information Act (FOIA). The Director General of Resources will continue to hold delegated responsibility for day to day operation and decision making in relation to all aspects of the Acts. However, while the fundamental aspects of operation will not change, consideration of post Tebbit structures and decision making processes is required - this paper is the first step in this process.
7. A pending vacancy in the FOI/DPA team also means that there is an immediate opportunity to consider how best to focus team resources.

Context

8. Reporting to the Director General Resources, the Data Protection Officer oversees House-wide compliance with the DPA on behalf of the Data Controller (Clerk of the House). A number of nominated representatives in each department oversee local operation and act as contacts and coordinators. The Data Protection Officer is also the House's Freedom of Information Officer.
9. Recent events in the relation to the handling of personal information in the House and the wider public sector illustrate the need for a constant focus on audit, training and awareness. The change programme provides the impetus to consider the role and responsibilities of the DP/FOI Officer and those of the departmental DPA representatives.
10. From January my department will be carrying a vacancy in the FOI/DPA team leading to the need for immediate decisions in relation to the brigading of responsibility for the Information Acts. In October 2005 the previously separate roles of DPA Officer and FOI Officer were combined into a single post. Since then the primary focus of that post has been to ensure that the House's interests have been protected in relation to the development of the publication scheme and the operation of the FOIA – particularly where these matters relate to information about Members.
11. However, we are approaching a situation where the big decisions on FOIA have been taken and now there is a clear and demonstrable need to focus the role on day to day aspects of the DPA. I have asked the DP/FOI Officer to set out how this might be achieved and initial thoughts follow.

Proposed structure

Management of the function

12. While an argument could be made to bring the DP/FOI Officer role into the Office of the Chief Executive, and, particularly on FOI, there are links with the Department of Information Services, keeping the role in the Department of Resources at this stage is logical given the Director General's current responsibility for the function and the department's role in processing personal data.

Departmental responsibilities

13. The change in departmental structure will require an immediate assessment of the nature and extent of the information for which each Director General holds responsibility, a record made of the processes involved in handling this information and an assessment of the associated risks. In line with this requirement the role of DPA representative should also be considered in relation to departmental responsibilities. Therefore the Data Protection Officer recommends that, in order to support the required level of operational

awareness and risk assessment, a new grouping of staff from each department should work alongside the DPA Officer in order to deliver the necessary programme of actions.

14. To bring this about, each Director General (including D- PICT) should be invited to nominate a member of staff to undertake the required actions. While overall functional responsibility will rest with the Director General Resources and Data Protection Officer, each representative should be sufficiently senior so as to be answerable for the operation of the Act within their respective departments and to be able to report progress to their relevant Director Generals. There is no requirement for representatives to be HR staff.
15. Each representative would be responsible for implementing a programme of actions in their respective departments. Reporting through the Director of Resources to the Management Board, the Data Protection Officer will devise, direct and coordinate this programme. The work to be undertaken will include:
 - coordinating an audit of personal data holdings
 - identifying and managing DPA risks
 - assessing training needs and draw up training plans
 - implementing a programme aimed at heightening awareness of DPA obligations
 - reviewing and adapting DPA policies and procedures tailored to the processing undertaken in each department
 - taking responsibility for the day to day operation of the Act in their respective departments
 - taking ownership of general data security issues
16. Fulfilling the above responsibilities will require time – an assessment of impact should be undertaken at an early stage but it is anticipated that in the first year up to one day a week may need to be set aside for this work. The anticipated programme would also impose additional demands on line managers.
17. If the above outline is approved, Director Generals would be invited to nominate representatives by the rise of the House on 18 December. The DP/FOI Officer and representatives should be instructed to agree actions by mid January.

Review of Data and Information Security

18. The Management Board will be aware that we have commissioned a review into the security of data, following the recent incident at HRMC. The Lords wish to be included, and the review is therefore being conducted jointly.

19. [s.40] is leading a team consisting of - [s.40] (PICT Data Security Officer), [s.40] (HoC DPA and FOI Officer) and [s.40] (HoL DPA and FOI Officer).
20. The terms of reference for the review are to:
- Review and categorise sensitivity of information held by the House of Commons and the House of Lords, both on paper and electronic, having regard both to classified, and to 'personal data' and 'sensitive personal data' as defined by the Data Protection Act 1998.
 - Establish the vulnerabilities to the security of data and identify the strengths and weaknesses of current data security arrangements.
 - Describe the appropriate security regime for such data.
 - Make proposals for the strengthening of the security regime to achieve an appropriate and proportionate level of security.
 - Present emerging findings to the Management Board via briefing to DG (Resources) by 12 December
 - Report to the Clerk of the House via DG (Resources) and D-PICT with initial findings by 14 December
 - Report to the Clerk of the Parliaments via the Director of Information Services and Librarian with initial findings by 14 December.
21. I will provide an oral update on the emerging findings of the review at the Board meeting.

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Director General of Resources

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