

	<p>General Functions Committee</p> <p>23 March 2015</p>
<p style="text-align: right;">Title</p>	<p>Members' Information Management Policy</p>
<p style="text-align: right;">Report of</p>	<p>Head of Information Management</p>
<p style="text-align: right;">Wards</p>	<p>N/A</p>
<p style="text-align: right;">Status</p>	<p>Public</p>
<p style="text-align: right;">Enclosures</p>	<p>Appendix 1 – Proposed Amended Members' Information Management Policy</p>
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<p>Summary</p>
<p>The council has had a Members' Information Management Policy since approval by General Functions Committee on 25th March 2014. The policy sets out members' rights of access to information under information rights legislation, and their responsibilities under the Data Protection Act 1998. The Information Management team periodically reviews policies and this policy has undergone a planned revision in consultation with the governance service. The policy has been amended to clarify and expand its explanation of members' rights of access to information, and to introduce a new process for dealing with instances where services do not accede to Members' requests for access to information. Much of the policy remains unchanged.</p>

<p>Recommendations</p>
<ol style="list-style-type: none"> 1. That the existing Members' Information Management Policy be withdrawn and the attached amended Members' Information Management Policy be approved. 2. That the Head of Information Management be requested to make and implement any minor amendments to this policy.

1. WHY THIS REPORT IS NEEDED

- 1.1 The council has had a Members' Information Management Policy since approval by General Functions Committee on 25 March 2014. The Members' Information Management Policy sets out Members' rights of access to information under information rights legislation, and their responsibilities under the Data Protection Act 1998. The Information Management team aim to review policies annually and this policy was due a planned annual review. This review was undertaken by the Information Management team in consultation with the Governance Service.
- 1.2 The policy has been amended to clarify and expand its explanation of members' rights of access to information, and to improve its formatting and layout and to bring it into line with the council's new Policy Style Guide. Much of the policy remains unchanged. The Members' Information Management Policy should be read in conjunction with the council's Access to Information rules set out in the constitution.
- 1.3 The revised policy introduces a new process for dealing with instances where services do not accede to members' requests for access to information. This new approach is suggested due to members' concerns that there have been occasions where their requests for information have been refused by services with no good reason and that there is no defined process to challenge the decision. The proposed approach is considered to be workable by the council's Senior Information Risk Owner (SIRO) and Information Management team.
- 1.4 The proposed process is that if a member has asked a service area to provide information but the service area has refused to provide it, the member may complain to the council's SIRO. The SIRO will investigate, taking into account the views of the member involved and their reasons for requesting the information and taking advice from appropriate professionals (such as the Monitoring Officer or the Data Protection Officer) as needed before making a final decision. The SIRO's decision will be binding. Decisions made by the SIRO in this area will be reported quarterly to GFC for information. The SIRO is the Deputy Chief Operating Officer (currently the Interim Chief Operating Officer).

2. REASONS FOR RECOMMENDATIONS

- 2.1 The annual revision of the policy is good practice to ensure policies remain up to date and in line with current legislation, guidance, other council policies and good practice.
- 2.2 The new approach of asking the SIRO to determine members' requests for information, which have not been acceded to by services, is in direct response to concerns expressed by members that there was no such process. The procedure is considered to be pragmatic and to allow both parties to express their views before a determination is made by the council's most senior information professional.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 The status quo was considered but is not recommended as this does not address members' concerns.
- 3.2 The option of the Chief Executive being the officer to determine disputed requests was mooted and carefully considered. However this was rejected as impracticable partly because the Chief Executive is not necessarily an information rights specialist and also due to the practical problems of finding short notice slots in his diary.
- 3.3 The option of referring such issues to General Functions Committee was mooted and discounted due to the delays in resolving issues that this would cause, due to the nature of the committee cycles. Referring matters to the SIRO will allow more rapid determination.

4. POST DECISION IMPLEMENTATION

- 4.1 The amended policy will be publicised on the intranet and the internet and will be brought to the attention of Directors/Heads of Service for cascading to staff in the council and delivery units. The policy will then be implemented.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 The council's corporate plan for 2013-16 sets our strategic priorities as:
- promote responsible growth, development and success across the borough;
 - support families and individuals that need it – promoting independence, learning and well-being; and
 - improve the satisfaction of residents and businesses with the London Borough of Barnet as a place to live, work and study.
- 5.1.2 This revised policy ensures that information is available when required by members to make robust, evidence based decisions to support realisation of these strategic priorities. As information is a strategic asset for Barnet, it is important that it is managed well – managing information “well” includes ensuring that it is stored and used safely and in accordance with information legislation. This policy sets out the requirement of members in ensuring that information is managed accordingly.

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

- 5.2.1 There will be no direct financial implications in implementing this policy.
- 5.2.2 There will be indirect financial implications in that there is likely to be an increased workload for the SIRO in dealing with referrals from members. The number of these cannot be ascertained in advance. However these will be subsumed into normal day to day business.

5.3 Legal and Constitutional References

5.3.1 Council officers and members must comply with information law and the amended policy reflects this requirement.

5.3.2 This issue could be dealt with by officers under Part 15 of the constitution (Responsibility for Functions). However, as the Members' Information Management Policy directly affects every member in a meaningful way it is considered appropriate to bring this to General Functions Committee. Part 15 of the constitution, terms of reference for General Functions Committee 'all other council functions not reserved to full council' applies.

5.4 Risk Management

5.4.1 No risks are associated with this amended policy.

5.5 Equalities and Diversity

5.5.1 There are no equalities and diversity considerations relevant to this report and an equalities impact assessment is not required.

5.6 Consultation and Engagement

5.7 Consultation with the public was not considered necessary for this internal policy document. The Governance Service has been closely engaged in redrafting the policy and is content with its revision.

6 BACKGROUND PAPERS

6.2 General Functions Committee on 25 March 2014 (decision item 9) approved the existing Members' Information Management Policy:
<http://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=174&MId=7527&Ver=4>

6.3 Council Constitution, Access to Information Procedure Rules:
<http://barnet.moderngov.co.uk/documents/s18166/19%20Access%20to%20Information%20Rules.pdf>