

*PART 1 – PUBLIC DOCUMENT	<p style="text-align: center;">AGENDA ITEM No.</p> <p style="text-align: center; font-size: 2em; font-weight: bold;">10</p>
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STRATEGIC DISCUSSION PAPER

TITLE: FREEDOM OF INFORMATION, TRANSPARENCY AND DATA PROTECTION AND THE IMPACT ON HUMAN RESOURCES

Across Local Government as a whole a significant amount of resources go into preparing data for transparency purposes and responding to Freedom of Information (FOI) requests. The HR team put a lot of hours into this work. The Council does have a lot of data already available on the website and occasionally it's possible to point people to that data however FOI requests are often very specific.

Freedom of Information Requests (FOI's)

The FOI's we have responded to recently fall under these descriptors:-
 staff stats – numbers of employees leavers and sick days, recruitment advertising spend, disciplinary actions, employee benefits, volunteer reserves, recruitment candidate and employee compliance, compensation claims, staff stats – redundancies and leavers, zero hours contracts, temporary staffing, disciplinary info for last 5 years, staff turnover, cost of redeployment.

We record how long we spend on these and these examples took around 40 hours of HR time to produce. The most common requests are from people looking for information to try and sell a product or service, or journalists that are looking for data across lots of local government or public sector employers for news paper articles.

Transparency Regulations

The Transparency Regulations require a lot of data to be collected and published. The Council has a publication scheme that publishes information about who we are and what we do. Organisational information, locations and contacts, constitutional and legal governance, what we spend and how we spend it and financial information relating to projected and actual income and expenditure, tendering, procurement and contracts. It also covers what our priorities are and how we are doing.

Pay Policy Statement

The Annual Pay Policy Statement requires a considerable amount of preparation each year and each year there are new regulations and or guidance that come in scope of the statement. It's published to comply with section 38 of the Localism Act 2011. It takes into its scope guidance issued under section 40 of the Act and the Supplementary Guidance from February 2013 and the Local Government Transparency Codes 2014 and 2015. The statement outlines our current policy and new matters required by the Act and the Transparency Codes relating to the pay of staff particularly senior staff and the lowest paid employees. It also covers the Small Business, Enterprise and Employment Act 2015.

Annual Publication of Equalities Data

The Public Sector Equality Duty (section 149 of the Equality Act 2010) applies to public bodies and others carrying out public functions. The Equality Duty is supported by specific duties, set out in regulations which came into force on 10 September 2011. These specific duties require

public bodies to publish relevant, proportionate information demonstrating their compliance with the Equality Duty; and to set themselves specific, measurable equality objectives. This means that each year by the end of January we have to publish certain data in respect of the previous calendar year. The data provided covers recruitment, current staff, application of HR policies, refusal of applications for learning and development, analysis of those taking and returning from maternity leave, analysis of leavers from NHDC employment and a summary of the most recent Equal Pay Review. This data needs to be gathered from a number of sources, but as it pertains to the previous calendar year, much of it cannot be fully collected until after the payroll run for December, leaving only a few weeks for it to be gathered, analysed and converted into a public friendly report before the deadline publication date of 31st January of the following year. On average this takes two officers about 10 working days in total to produce each year.

Subject Access Requests (SAR)

A subject access request is a written request made by or on behalf of an individual for the information to be provided under section 7 of the Data Protection Act 1998 (DPA). A SAR simply needs to be made in writing and the maximum fee that can be charged for dealing with it is £10. It must be responded to promptly and at least within 40 calendar days of receiving it. It requires that every document and e-mail that names that individual is searched for. Then the Data Controller needs to go through every document to see if it may have any personal details of another individual and if that is the case redact that information. This is an extremely time consuming process.