

REPORT TO	ON
Governance Committee	28 June 2017

Jan 2017



TITLE	AUTHOR	Agenda item No.
Investigation into the leaking of Confidential Information	D Whelan	17

1. PURPOSE OF THE REPORT

1.1 The report presents the outcome of an investigation by external lawyers Weightmans into the circumstances relating to the leaking of confidential information – this primarily relates to the leaking of the interim report into taxi licensing in April 2016.

1.2 The report most importantly addresses how we can improve and strengthen our systems and processes for managing confidential information. It is for these reasons that the report is being referred to this committee.

2. RECOMMENDATIONS

That the Committee:

1. Note the report and appendices that are appended to this report:
2. Agree the Action Plan moving forward.

3. CORPORATE PRIORITIES

The report relates to the following corporate priorities:-

Clean, green and safe		Strong and healthy communities	
Strong South Ribble in the heart of prosperous Lancashire		Efficient, effective and exceptional council	X

4. BACKGROUND TO THE REPORT

4.1 Members will of course recall the background to this.

4.2 The facts in a nutshell is that a confidential interim report into our taxi licensing service was leaked to the media in April 2016 – the report had been written in January 2016 by external solicitors Wilkin Chapman.. The report had a very limited circulation.

4.3 Following on from the leak the then Chief Executive asked the police to carry out an investigation. This was inconclusive. A member of the public subsequently reported the council to the Information Commissioner (ICO) over the leak. She was concerned that her personal details

had been passed to the media. For the record her personal details were not included in the interim report. The ICO provisionally found that the council has not breached data protection but referred the matter back to us for further investigation.

4.4 On 23rd October 2016 the Council's Legal Services Manager received an email from the member of the public concerned - attached to that email was a copy of the recording of a telephone conversation between Cllr Hamilton and herself.

4.5 On 11th November 2016 Cllr Hamilton tweeted the following:-

"In early April 2016, Labour Leader Paul Foster gave me the taxigate interim report and asked me to leak it to the media"

5. DETAILS AND REASONING

5.1 The Council's Interim Monitoring Officer subsequently instructed Weightmans Solicitors to carry out an investigation. Mr Simon Goacher (a former Monitoring Officer) was the specific Solicitor who carried out the investigation. Members will see at Appendix 1 a copy of the report and at Appendix 2 the Appendices to that report.

5.2 There were a number of purposes to the investigation namely:

- What were the circumstances relating to the leak of the report?
- What lessons can be learnt for the organisation moving forward?
- To look into the allegation by a member of the public that her details had been leaked to the press.

5.3 The report contains details on the methodology adopted by Simon Goacher in carrying out the report and details who was interviewed.

5.4 In the concluding part of the report there are six recommendations as to the way forward. To quote from Simon Goacher: "In order to ensure that the Council has in place a robust framework to deal with confidential and personal information and that this is reinforced and improved the Council should consider the following actions: " – Mr Goacher then sets out the six recommendations in question.

5.5 It is considered that all these recommendations are sound and very helpful. Members will see at Appendix 3 to this report copy Action Plan. Members are asked to approve and endorse the Action Plan.

6. WIDER IMPLICATIONS AND BACKGROUND DOCUMENTATION

6.1 Comments of the Statutory Finance Officer

There are no direct financial implications arising from the recommended actions.

6.2 Comments of the Monitoring Officer

It goes without saying that the council must do everything to ensure that its regime with regard to data security is as secure as possible. Clearly it is of major concern when confidential documents are leaked to the press. This is not the way to do business. The most important thing is looking forward. How can we strengthen our arrangements in this regard? It is considered that the Action Plan will help considerably in this regard.

<p>Other implications:</p> <ul style="list-style-type: none">• Risk • Equality • HR	<ul style="list-style-type: none">• The principal risk here is that we fail to comply with our duties under the Data Protection Act 1998 (DPA). This we must not allow to happen. Apart from there being significant financial penalties for breaching the DPA more importantly there is also the risk of reputational damage. • There are no adverse implications for equality issues with this report • There are no HR implications arising from this report
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7. BACKGROUND DOCUMENTS

None