



**Glasgow City Council**

**Finance and Audit Scrutiny Committee**

**Report by Director of Legal and Administration**

**Contact: Dr Kenneth Meechan    Ext. 74517**

**Item 2**

**21st May 2025**

## **ICO Audit**

### **Purpose of Report:**

This report advises Committee of the circumstances which led to the Information Commissioner's Office (ICO) carrying out an audit of the Council's handling of subject access requests under data protection legislation, summarises the findings of the audit and describes steps being taken by the Council to address these findings.

### **Recommendation:**

The Committee is asked to:

- Note the background to the ICO audit taking place;
- Note the findings and recommendations of this audit; and
- Note the steps which have been taken and are being taken or planned to address these recommendations.

Ward No(s):

Citywide: ✓

Local member(s) advised: Yes ☐ No ☐    consulted: Yes ☐ No ☐

## **1. Introduction**

- 1.1 This paper describes the circumstances which led to the Information Commissioner's Office (ICO) carrying out an audit of the Council's handling of subject access requests under data protection legislation, summarises the findings of the audit and describes steps being taken by the Council to address these findings. The Executive Summary of the ICO report is attached as Appendix 1. This was also published by the ICO on their website and is available at <https://ico.org.uk/media2/gklapo3f/glasgow-city-council-executive-summary-of-the-audit-report.pdf>.

## **2. Background**

- 2.1 The Council, like all organisations which process personal data, has obligations to respond to requests from individuals whose data we process (referred to in the legislation as "data subjects") who wish to receive a copy of the data we hold. Requesting your data in this way is known as a "subject access request" or SAR. Subject to certain exemptions, the Council must comply with any such request within one month of the request being validated; this period can be extended to three months for complex or voluminous requests.
- 2.2 As a result of a number of factors - but mainly the Scottish Government's Redress Scheme for victims of abuse in residential settings – the Council is having to deal with around 3 ½ times as many data SARs as we did five years ago. The increase is almost entirely in connection with requests for social work files which are dealt with by a team within the HSCP (the Complaints and Freedom of Information Team, generally referred to as CFIT), rather than the corporate team in CED. The volume has proved unmanageable meaning the Council is not currently complying with the statutory timescales for requests for social work files, and a significant backlog of cases has built up since 2020. Attempts to reduce the backlog over this period have not had any significant success and there are currently 513 overdue requests awaiting responses. Paragraph 2.4 below describes the steps taken prior to the ICO audit to address the issue.
- 2.3 The ICO became aware of this as a result of complaints they have received from dissatisfied applicants, and began a formal investigation in April 2023. On 24<sup>th</sup> October 2024 in a meeting with senior ICO representatives, Council officers were informed verbally that the ICO's investigation had completed and were advised as to the action they were intending to take, which consisted of the ICO issuing (and publishing) a formal Reprimand in relation to the Council's failure meet its statutory duties, and serving an Assessment Notice on the Council. The Assessment Notice entitled the ICO to carry out a compulsory audit of the Council's handling of SARs and led to the actual audit. Fieldwork for the audit took place in December 2024. The statutory Reprimand was published by the ICO on 26 February 2025 and can be seen at <https://ico.org.uk/action-weve-taken/enforcement/glasgow-city-council/>. Publication of this was accompanied by a press release which can be seen at <https://ico.org.uk/about-the-ico/media->

[centre/news-and-blogs/2025/02/action-taken-to-improve-access-to-personal-information-from-local-authorities-across-scotland/](https://www.glasgow.gov.uk/centre/news-and-blogs/2025/02/action-taken-to-improve-access-to-personal-information-from-local-authorities-across-scotland/).

- 2.4 Committee may wish to note that this situation has not arisen due to management inaction. The CFIT team consisted of four staff plus the team manager in 2018; this was increased to six staff in 2019 (in part to deal with an increase in SAR requests following the implementation of the GDPR in 2018) and further increased to eight staff by early 2020. A high volume scanner and redaction software were also procured during this period and the team were able to cope with further increase in SAR demands following the introduction of the Advanced Payment Scheme in 2019. However the Covid-19 lockdown resulted in a period of around eight months when archived files held in the Mitchell Library could not be accessed, which is when the backlog began to develop. The CFIT team was further expanded to 12 staff in 2023, and with this staffing complement the team are broadly able to keep up with the increased demand but not able to make any inroads into the existing backlog.

### **3 ICO Audit findings**

- 3.1 The Executive Summary of the report is attached as Appendix 1. The full report can be provided to Members on request. However the main findings of the report are as follows:
- 3.2 Internal guidance documents required to be updated or, in some cases, created from scratch; this includes removing a non-current telephone number for the ICO;
- 3.3 The guidance for the public on the Council website on how to make a SAR should be revised to cover being able to make a SAR verbally;
- 3.4 Mandatory staff training should include content on how to recognise a SAR and what to do if one is received; and
- 3.5 The Council should investigate entering into a service level agreement with Glasgow Life in connection with the retrieval of archived social work files from the Mitchell Library.
- 3.6 The final recommendation states that the Council "...must implement all reasonable technical and organisational measures that would ensure they can meet their obligations."

### **4 Next steps**

- 4.1 Council officers have drawn up an action plan to address both the audit recommendations and more generally to address the backlog. Key elements of this plan are as follows:
- 4.2 All the recommendations in the audit report are accepted and have either been addressed already or have scheduled completion dates in the near future;

- 4.3 Glasgow City HSCP have identified funding to recruit an additional seven staff for an 18 month period. These staff will be dedicated to working on the SAR backlog. For reference, the team in the HSCP who currently handle SARs consists of 13 people (who also deal with HSCP FOI requests and complaints) so this represents a significant increase in the number of staff available to deal with these requests.
- 4.4 The Council is also in the process of procuring an AI-powered software tool which can significantly reduce the amount of time it takes to get a social work file ready for release (social work files typically contain a lot of information about third parties as well as the person the file directly relates to, and this third party information needs to be redacted before the file can be released. This is the most time-consuming part of the process.)
- 4.5 In conjunction with the Reprimand referred to above, ICO staff indicated that monitoring of the Council's compliance with statutory timescales, and the extent of the SAR backlog, would continue to be monitored. It was also made clear that if there is not a significant improvement, then further regulatory action would be taken.
- 4.6 The two main regulatory tools available to the ICO, should this prove necessary, are to issue an enforcement notice and/or a penalty notice (i.e. a fine). An enforcement notice is a legally-binding requirement for the Council to take the steps set out in the enforcement notice itself and can be enforced in the courts. Failure to comply with an enforcement notice can also result in the ICO issuing a fine (although it is not necessary to issue an enforcement notice as a prerequisite to a fine and the ICO could choose to issue a fine instead of – or as well as – an enforcement notice).
- 4.7 The ICO can issue a penalty notice (or fine) for breaches of the provisions of the UK GDPR, including for failure to comply with subject access requests. In theory such a fine could be for up to 4% of the Council's annual turnover (i.e. approximately £104 million) although in practice fines at that level have only been imposed on private sector organisations. It is however extremely difficult to predict what the level of any fine might be if the ICO chose to go down that route. The Council was previously fined £150,000 for a security breach (although it should be noted that this was in 2013 and the maximum fine at that time was £500,000) and it seems unlikely that any fine issued now would be less than that, and more probably be significantly higher. Officers are of course continuing in their efforts to try to avoid this from happening.

## **5. Policy and Resource Implications**

### **Resource Implications:**

#### *Financial:*

There are no direct financial implications from this report for the Council. However if the ICO remain dissatisfied with the Council's progress

in reducing the backlogs of SARs, they may issue a financial penalty notice under section 155 of the Data Protection Act 2018.

**Legal:** The Next Steps section above sets out the ways in which the Council is seeking to better comply with its obligations under the UK GDPR

**Personnel:** None directly arising from this report; as noted above, the Health and Social Care Partnership are currently advertising for seven additional temporary staff to assist in tackling the backlog.

**Procurement:** There are no direct procurement issues arising from this report.

**Council Strategic Plan:** This work directly supports Grand Challenge 4 of the Strategic Plan, to enable staff to deliver essential services sustainably, innovatively, and efficiently.

**Equality and Socio-Economic Impacts:**

*Does the proposal support the Council's Equality Outcomes 2021-25* n/a.

*What are the potential equality impacts as a result of this report?* None.

*Please highlight if the policy/proposal will help address socio economic disadvantage.* Reducing the time it takes to process SARs will assist claimants for the Scottish Government Redress Scheme in being able to make and validate their claims sooner.

**Climate impacts:**

*Does the proposal support any Climate Plan actions? Please specify:* n/a

*What are the potential climate impacts as a result of this proposal?* n/a.

*Will the proposal No.  
contribute to  
Glasgow's net zero  
carbon target?*

**Privacy and Data** The steps described in the report will allow the  
**Protection impacts:** Council to better give effect to individuals' rights  
under data protection legislation.

## **6. Recommendations**

### **6.1 Committee is asked to:**

- Note the background to the ICO audit taking place;
- Note the findings and recommendations of this audit; and
- Note the steps which have been taken and are being taken or planned to address these recommendations.