



Glasgow City Council

Finance and Audit Scrutiny Committee

Report by Director of Legal and Administration

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Item 5

18th June 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 full version of the ICO report is attached as Appendix 1 (names of the ICO staff who conducted the audit have been redacted). The Executive Summary of the report was 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>.
- 1.2 This report is an updated version of the report considered by this Committee on 21 May 2025.

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 previously – we received 377 requests in 2017, compared to 1,405 in 2024. The figures for 2025 to date (31 May 2025) are 725, suggesting we will receive a total of around 1,740 requests this year. 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. Of the 1,740 requests we expect to receive this year, we anticipate that around 1,200 of these will be for social work case files. 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 527 overdue requests awaiting responses as at 6 June 2025. 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

24th 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 (which is the date included in the report) and the final report from the ICO was received on 31 January 2025 and published on 12 March 2025. 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/>.

- 2.4 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 were broadly able to keep up with the increased demand at that time but not able to make any inroads into the existing backlog. The demand has continued to rise since 2023 and at the present time, the backlog of cases is actually still increasing.

3 ICO Audit findings

- 3.1 The full report is attached as Appendix 1. The main findings of the report, and a brief summary of the current position in response to these findings, 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: guidance documents addressing this have been created or updated; the incorrect telephone number has been removed from our main privacy page (www.glasgow.gov.uk/privacy) and a project commenced to remove the other instances (approximately 200);
- 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: this has been done;
- 3.4 Mandatory staff training should include content on how to recognise a SAR and what to do if one is received: the mandatory 2025 Information Security and

Data Protection training course includes a dedicated section on this, with the message being reinforced by the newly-deployed screen savers; and

- 3.5 The Council should investigate entering into a service level agreement (SLA) with Glasgow Life in connection with the retrieval of archived social work files from the Mitchell Library: positive meetings have taken place with Glasgow Life regarding this, a draft SLA has been produced and is currently being agreed. Members should note that absence of an SLA has not impeded the ability of Glasgow Life staff to supply social work files to HSCP as required.
- 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." This recommendation is considered below.

4 Next steps

- 4.1 Council officers have drawn up an action plan to address both the audit recommendations, including the general recommendation noted at paragraph 3.6 above, and more generally to address the backlog. This plan, and an update on our compliance with the audit recommendations, have been shared with the ICO. Key elements of this plan are as follows:
- 4.2 All the recommendations in the audit report are accepted and as noted above 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, particularly as all the new staff will be dedicated to SAR processing and will not be involved with complaints or FOI handling. HSCP management will be interviewing candidates for these posts later this month, with the intention to have the new staff in post by August.
- 4.4 In terms of the impact these new staff will have on the backlog, this is dependent on a number of variables, some of which are unknown such as the size of the files for cases in the backlog where these files have not yet been retrieved from the archives. The average case file to be redacted for a SAR was 440 pages (although there are extremely significant divergences from this average – the largest file in 2024 consisted of 9,759 pages and there were eight other cases in excess of 5,000 pages). There is also a degree of uncertainty as to the future number of new requests we receive. However, analysis of the 2024 throughput for the CFIT team has allowed estimates and projections to be undertaken which suggests that the enhanced staffing complement should be able to clear the backlog in 18 months. The calculations supporting this analysis are provided in Appendix 2.

- 4.5 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.) The current implementation plan from the council's ICT provider is to have this available by late September but officers are hopeful that this can be accelerated.
- 4.6 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.
- 4.7 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).
- 4.8 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.
- 4.9 Officers will bring an update report on progress with dealing with this issue in six months' time.

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. The costs

of the steps already taken described above came from the HSCP budget and were previously reported to the Finance and Audit Scrutiny Committee of the IJB.

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 contribute to Glasgow's net zero carbon target? No.

Privacy and Data Protection impacts: The steps described in the report will allow the 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.

Appendix 2: calculations showing how additional staff will impact on the backlog:

As noted above at paragraph 4.4, these calculations are subject to a number of variables which are presently unknown. However, they are based on the best management information available and are considered to be robust.

An average SAR consists of 440 pages (range is one page to 9,759 pages).

New requests for social work case files are being received at around 100 per month. However around one third of these requests can typically be closed without staff having to go through an entire case file, for example because we do not hold the records requested or because the applicant has requested a specific item of information rather than a copy of their entire file.

The present CFIT team has an estimated 5.5 FTE staff engaged in redaction work including three subject access officers, a proportion of the time of senior officers, and a modest overtime resource, equating to 25,000 pages of material per month (which is less than the average 30,800 pages of new requests).

For the planning around this latest recruitment, HSCP looked at demand and at the rate the team clear cases/pages each month. There were 987 backlog cases at point of resource planning in March 2025 (including those on hold that may become active and wouldn't be accounted for in the count of incoming requests), and assuming 100 new cases each month (estimate) adds another 1200 new cases to that total over the year (above average of 1000 cases per year) but that 33% of these future cases will be resolved without redaction activity, the HSCP estimated requirements based on 800 'full' cases incoming over the year ahead (or approx. 67 per month).

With this backlog and this estimate rated of incoming 'full' requests, the 'true' expected backlog over the next 18 months would look like this:-

Total Cases = $987 + (67 \times 18)$

Total Cases = 2,193 cases over 18 months

With a target to clear the backlog in 18 months, the team would need to clear 122 cases per month, and this would require 12.5 FTE (redaction staff only) which would be +7 FTE. However, the HSCP also factored in an expected efficiency across that theoretical 12.5 resource of 15%, a conservative estimate of the impact of Smartbox based on discussions with a council already using the system who had suggested a 30% efficiency increase. The HSCP recognised also that there would be an additional management burden of an increase in staff, and so another Senior Officer was identified as required, who would also be expected to undertake some redaction activity, leaving a requirement for 5 FTE staff involved solely with review and redaction activity, supported by a line manager and dedicated software.

To break this down as clearly as possible, approximately 5.5 HSCP staff cleared 300,000 pages in 2024, and so to clear the (estimated) 965,000 pages (using 440 pages per case) that are represented by the backlog plus incoming cases over 18 months, we would need approximately 12 staff. Adding five full time, and one manager also expected to contribute, and factoring in a conservative estimate for impact of Smartbox (the AI-powered redaction assistance tool currently being procured) across the entire group of 15% led HSCP management to recommend the planned recruitment the HSCP have now taken forward, which also includes an additional admin resource to support with throughput of documentation.

In terms of the average time to process a SAR, as noted above the case files are extremely variable in terms of how many pages need to be redacted. However based on the average case file of 440 pages, and the average output of staff redacting these, a file of 440 pages would take just under two days' continuous work to redact.