

Department of Justice (NI)

Freedom of Information audit report

October 2020

Executive summary



Audit Methodology

The Information Commissioner is responsible for enforcing and promoting compliance with data protection legislation, as well as the Freedom of Information Act 2000 (FOIA) and Environmental Information Regulations (EIR). Section 47 of the FOIA provides provision for the Commissioner to assess whether a public authority is following good practice, including compliance with the requirements of this Act and the provisions of the codes of practice under sections 45 and 46. The ICO sees auditing as a constructive process with real benefits for controllers and so aims to establish a participative approach.

The purpose of the audit is to provide the Information Commissioner and Department of Justice (DoJ) with an independent assurance of the extent to which the information handling practices of DoJ, within the scope of this agreed audit, conform with the codes of practices under sections 45 and 46 of the FOIA.

DoJ agreed to a consensual audit by the ICO of its compliance with the FOIA. An introductory telephone meeting was held on 01 September 2020 with representatives of DoJ to discuss the scope of the audit.

It was agreed that the audit would focus on the following area(s):

Scope area	Description
Freedom of Information	The extent to which the information handling practices of DoJ, within the scope of this agreed audit, conform with the codes of practices under sections 45 and 46 of the FOIA.

Audits are conducted following the Information Commissioner's data protection audit methodology. The key elements of this are normally a desk-based review of selected policies and procedures, on-site visits including interviews with selected staff, and an inspection of selected records.

However, due to the outbreak of Covid-19, and the resulting restrictions on travel, this methodology was no longer appropriate. Therefore DoJ agreed to continue with the audit on a remote basis. A desk based review of selected policies and procedures and remote telephone interviews were conducted from 21 September to 7 October 2020. The ICO would like to thank DoJ for its flexibility and commitment to the audit during difficult and challenging circumstances.

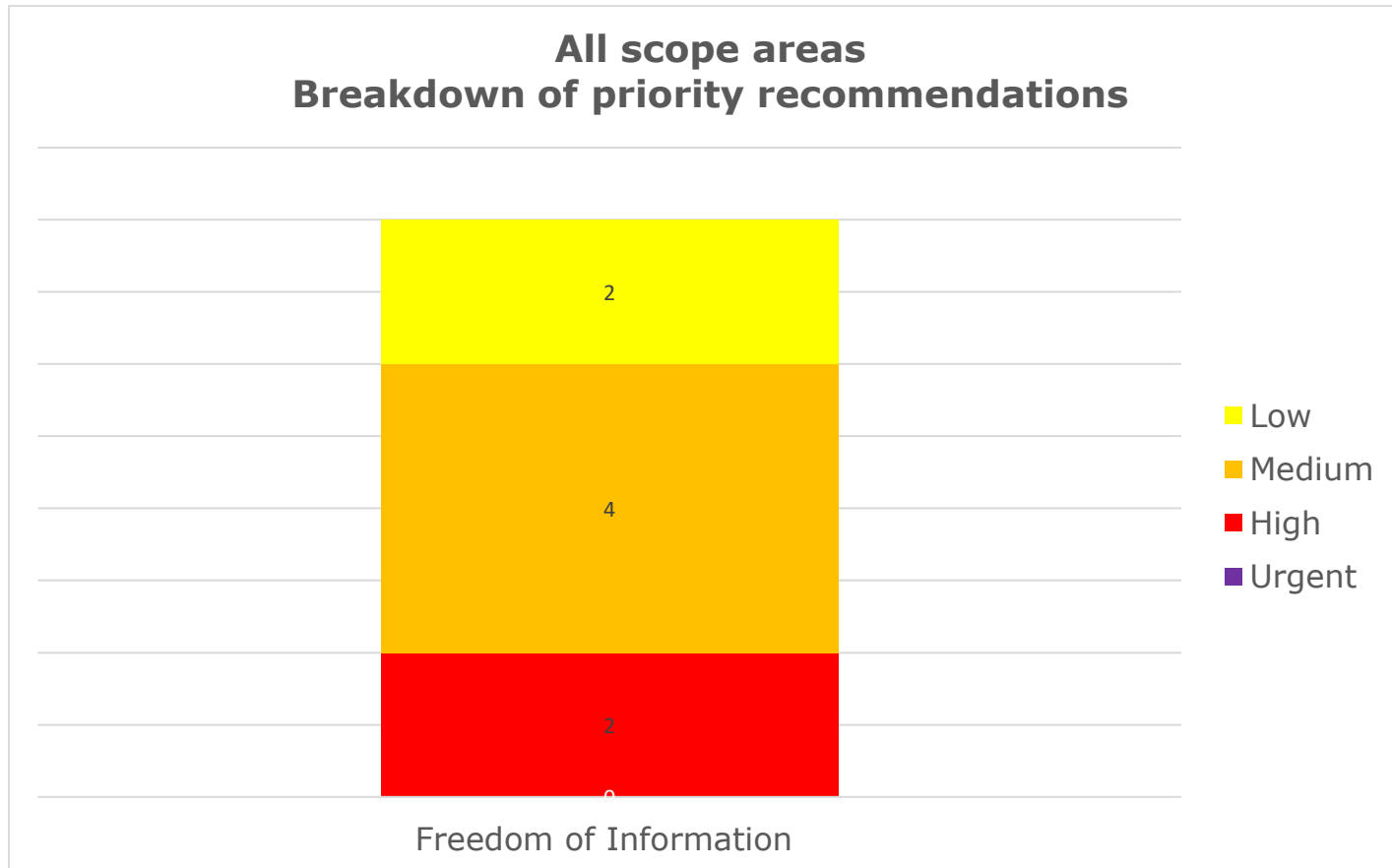
Where weaknesses were identified recommendations have been made, primarily around enhancing existing processes to facilitate compliance with the relevant legislation. In order to assist DoJ in implementing the recommendations each has been assigned a priority rating based upon the risks that they are intended to address. The ratings are assigned based upon the ICO's assessment of the risks involved. DoJ's priorities and risk appetite may vary and, therefore, they should undertake their own assessments of the risks identified.

Audit Summary

Audit Scope area	Assurance Rating	Overall Opinion
Freedom of Information	HIGH	There is a high level of assurance that processes and procedures are in place and are delivering data protection compliance. The audit has identified only limited scope for improvement in existing arrangements and as such it is not anticipated that significant further action is required to reduce the risk of non-compliance with the relevant legislation.

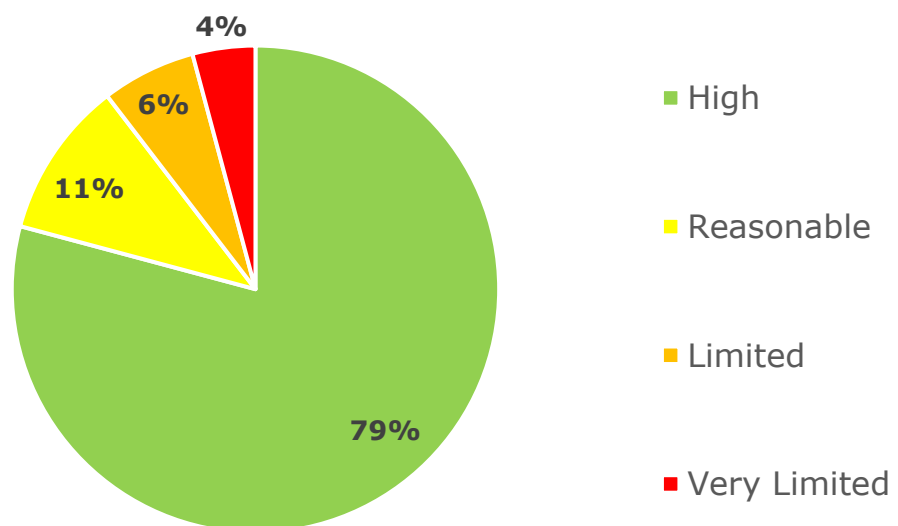
*The assurance ratings above are reflective of the remote audit methodology deployed at this time and the rating may not necessarily represent a comprehensive assessment of compliance.

Priority Recommendations



Graphs and Charts

**Freedom of Information
Assurance Rating Summary**



Areas for Improvement

- The DoJ should review their FOI and Records Management policies and procedures and ensure they are up to date and reflect the needs of the department in relation to the legislation.
- The DoJ should incorporate their agencies within the current quality assurance process to ensure consistency in the department's responses to FOI requests.
- The DoJ should implement FOI and Records Management training that should include induction and refresher training programmes and completion rates should also be tracked and reported to senior management.

Disclaimer

The matters arising in this report are only those that came to our attention during the course of the audit and are not necessarily a comprehensive statement of all the areas requiring improvement.

The responsibility for ensuring that there are adequate risk management, governance and internal control arrangements in place rest with the management of DoJ.

We take all reasonable care to ensure that our audit report is fair and accurate but cannot accept any liability to any person or organisation, including any third party, for any loss or damage suffered or costs incurred by it arising out of, or in connection with, the use of this report, however such loss or damage is caused. We cannot accept liability for loss occasioned to any person or organisation, including any third party, acting or refraining from acting as a result of any information contained in this report.

This report is an exception report and is solely for the use of DoJ. The scope areas and controls covered by the audit have been tailored to DoJ and, as a result, the audit report is not intended to be used in comparison with other ICO audit reports.