

Department of Education (NI)

Freedom of Information audit report

February 2021

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 Education (DE) with an independent assurance of the extent to which the information handling practices of DE, within the scope of this agreed audit, conform with the codes of practices under sections 45 and 46 of the FOIA.

DE agreed to a consensual audit by the ICO of its compliance with the FOIA. An introductory telephone meeting was held on 12 November 2020 with representatives of DE 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 DE, 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 DE 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 1 February to 12 February 2021. The ICO would like to thank DE for its flexibility and commitment to the audit during difficult and challenging circumstances.

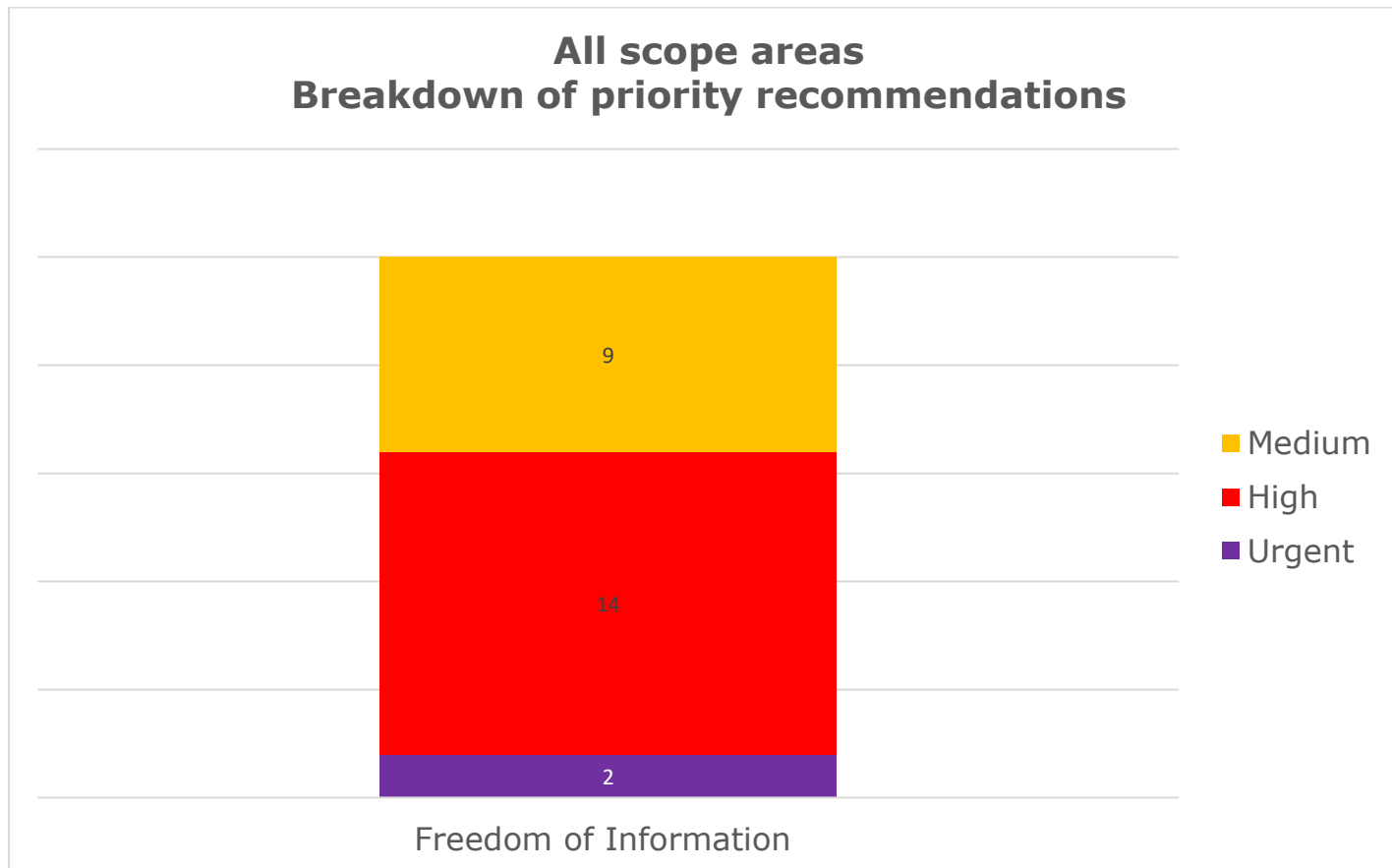
Where weaknesses were identified recommendations have been made, primarily around enhancing existing processes to facilitate compliance with the relevant legislation. In order to assist DE in implementing the recommendations each has been assigned a priority rating based upon the risks that they are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

Audit Summary

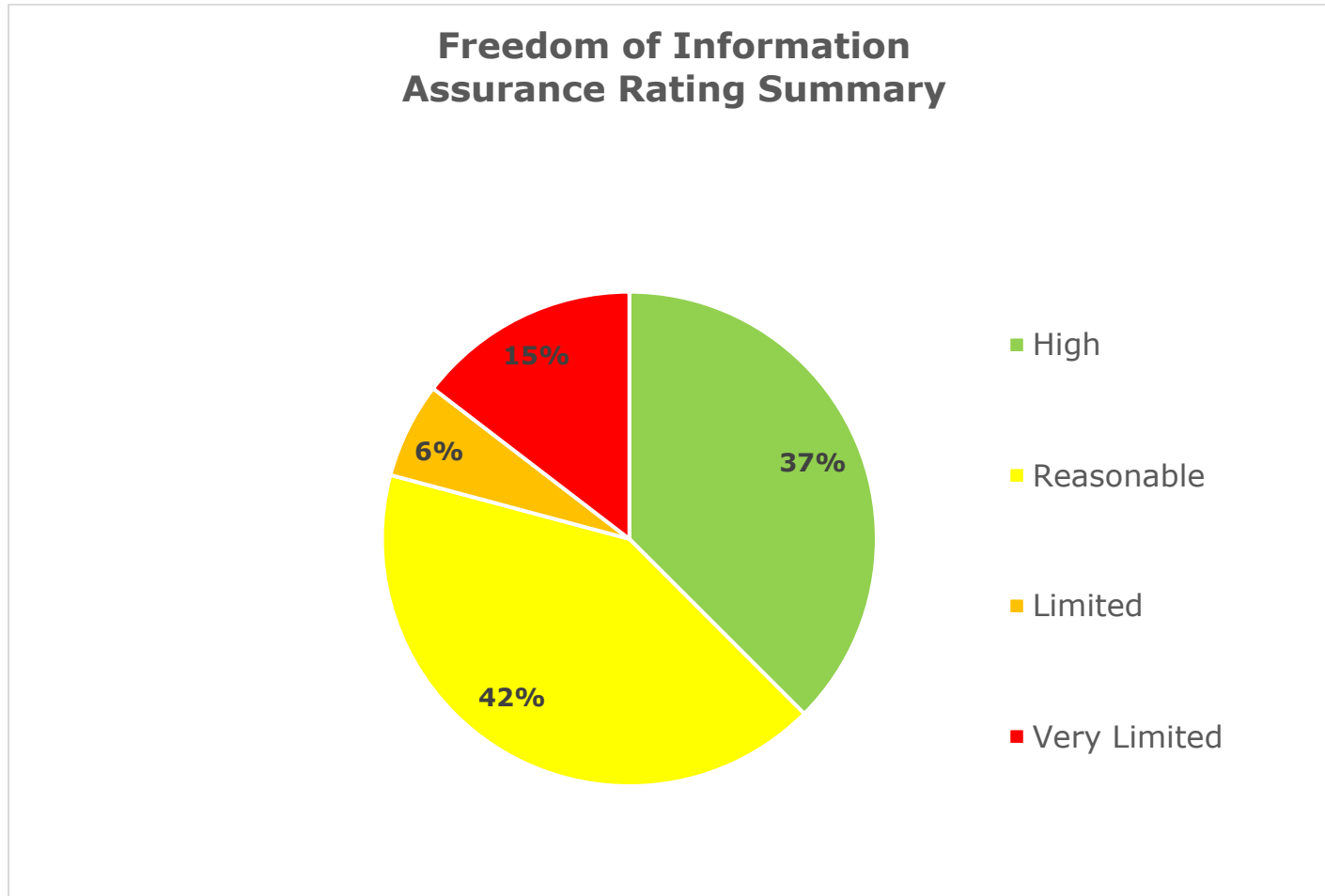
Audit Scope area	Assurance Rating	Overall Opinion
Freedom of Information	REASONABLE	There is a reasonable level of assurance that processes and procedures are in place and are delivering freedom of information compliance. The audit has identified some scope for improvement in existing arrangements to 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



Areas for Improvement

- DE does not provide staff with training on FOI/EIR legislation as part of its induction or refresher training programmes. This means that DE has not controlled the risk of staff acting in non-compliance with legislative requirements. DE should introduce FOI/EIR training as part of its mandatory induction and refresher training programmes for all staff.
- DE does not proactively monitor its FOI/EIR performance. Without consistent oversight on FOI/EIR compliance, DE risks failing to address potential issues impacting its compliance in a timely manner. DE should begin routine documented reviews of its FOI performance and report key information and KPIs to senior management on a periodic basis.
- DE's records management policies are outdated and do not adequately reflect DE's approach to records management. Without having the department's current records management requirements formally documented DE may have different practices taking place in different areas of the organisation. DE should ensure that its updated records management handbook is approved and implemented as soon as possible.
- DE has not reviewed its retention schedule since 2012. DE should review its retention schedule as soon as possible to ensure it is fit for the purposes of the data it is processing.

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 DE.

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 DE. The scope areas and controls covered by the audit have been tailored to DE and, as a result, the audit report is not intended to be used in comparison with other ICO audit reports.