



Item No. 14

Meeting Date

Wednesday 11th June 2025

**Glasgow City
Integration Joint Board
Finance, Audit and Scrutiny Committee**

Report By: Duncan Black, Chief Officer, Finance and Resources

Contact: Gordon McKay, Business Development Manager

Phone: 0141 287 8849

Information Commissioner's Office (ICO) Audit of Glasgow City Council

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 and the subsequent impact on the HSCP.

Background/Engagement:

This report relates to Glasgow City Council responsibilities, part of which are delivered by staff within the HSCP. This matter has been reported to GCC's Finance and Audit Scrutiny Committee.

Governance Route:

The matters contained within this paper have been previously considered by the following group(s) as part of its development.

HSCP Senior Management Team ☐
Council Corporate Management Team ☐
Health Board Corporate Management Team ☐
Council Committee ☒
Update requested by IJB ☐
Other ☐
Not Applicable ☐

Recommendations:

The IJB Finance, Audit and Scrutiny Committee is asked to:
a) Note the background to the ICO audit taking place;
b) Note the findings and recommendations of this audit;
and

OFFICIAL

	c) Note the steps which have been taken and are being taken or planned to address these recommendations and the impact on HSCP.
--	---

Relevance to Integration Joint Board Strategic Plan:

Priority 4.02 - Provide the information and supports required to those who are experiencing or are at risk of experiencing harm in our city to ensure protection from harm.

Priority 5.04 - Ensure staff are trained to deliver on the commitment to plan and deliver services within a human rights-based approach.

Implications for Health and Social Care Partnership:

Reference to National Health & Wellbeing Outcome:	N/A
--	-----

Personnel:	None directly arising from this report however temporary recruitment undertaken and ongoing to resolve backlog issue.
-------------------	---

Carers:	N/A
----------------	-----

Provider Organisations:	N/A
--------------------------------	-----

Equalities:	N/A
--------------------	-----

Fairer Scotland Compliance:	N/A
------------------------------------	-----

Financial:	<p>No direct financial implications from this report for the IJB, 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. This would be issued against GCC, not the IJB.</p> <p>Committee Members should note that to date there has been no direct financial support to the HSCP to address the issues contained within this report. In addition to the commitment of resources to expand the team as outlined in 2.9, the HSCP has further committed circa £500k for recruitment of staff on an 18 months fixed term contract and £79k to purchase AI software for one year.</p>
-------------------	--

Legal:	None for the IJB itself, as Glasgow City Council is the responsible authority and data controller. The Council is seeking to better comply with its obligations under the UK GDPR, and the actions to meet this goal are outlined in the report below.
---------------	--

Economic Impact:	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, impacting on socio-economic disadvantage.
-------------------------	---

OFFICIAL

OFFICIAL

Sustainability:	N/A
Sustainable Procurement and Article 19:	N/A
Risk Implications:	<p>Risk to GCC is per the detail below, as ICO may undertake enforcement action or fine the Council if compliance does not improve. Risk to reputation of HSCP alongside GCC.</p> <p>The impact of the activity covered by this report is reviewed in relation to the risk of negative media/publicity captured on the social care risk register and monitored at Committee. The risk score was increased in Q4 to reflect the activity covered within this report.</p> <p>Committee should be aware of potential risk in relation to the HSCP's financial investment in the AI software and additional staffing should the implementation of the software not yield the expected benefits and if the recruitment exercise should not be successful.</p>
Implications for Glasgow City Council:	Reputational and potentially financial damage may result from continued failure to meet requirements of Data Protection legislation. Successful implementation of planned activity to address backlog issues will significantly reduce risk of such damage.
Implications for NHS Greater Glasgow & Clyde:	N/A

1. Purpose

- 1.1. This report advises Committee of the circumstances which led to the Information Commissioner's Office (ICO) carrying out an audit of Glasgow City Council's handling of Subject Access Requests (SARs) under data protection legislation, summarises the findings of the audit and describes steps being taken by the Council to address these findings and the subsequent impact on the HSCP.
- 1.2. The Executive Summary of the ICO 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>.

2. Background

- 2.1. Glasgow City Council has obligations to respond to requests from individuals whose data they process (referred to in the legislation as "data subjects") and who wish to receive a copy of the data held by the authority. Requests of this nature are "Subject Access Requests" or SARs. Data protection legislation states that, subject to certain exemptions, data controllers must comply with any such request within one month of receipt of a valid SAR, although this period can be extended to a maximum of three months for particularly complex or voluminous requests.

OFFICIAL

OFFICIAL

- 2.2. Social Work files typically contain extensive and detailed 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. There may also be other data that it is necessary to redact from records before they are released to the data subject. The review and redaction steps are the most time-consuming part of the process, and the size of a record to be processed can vary significantly, with some records in the region of 10,000 pages in length.
- 2.3. For various reasons – chief among them decision made relating to the administration of the Scottish Government's Redress Scheme for victims of abuse in residential settings – GCC currently receives over three times as many SARs as they 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, FOI and Investigations Team, generally referred to as CFIT).
- 2.4. The volume of requests received, particularly over the last three years, has proven unmanageable and a backlog of outstanding SARs has accumulated. As a result, GCC is not currently complying with the statutory timescales for responding to SARs (specifically, SARs relating to Social Work records). Attempts to reduce the backlog over this period have not had any significant success and there are currently 515 overdue Social Work SARs awaiting response.
- 2.5. The official Scottish Government estimate for applicants to the Redress Scheme was 11,000 people across Scotland. It was internally predicted that the service would likely receive around 2,200 additional requests over the proposed five year period the scheme was initially projected to run. This would have represented an average of about 440 'additional' SARs each year. However, the table below illustrates that demand has been significantly higher than projected with roughly 1000 requests per annum, compared with an average of around 480 between 2018 and 2021.
- 2.6. Demand over the year to date and for previous years is outlined in the table below:-

Year	2025 YTD	2024	2023	2022	2021	2020	2019	2018	2017	2016	2015
SARs	292	989	1018	985	551	411	573	389	200	162	173

- 2.7. The Information Commissioner's Office, or ICO, is the UK's independent regulator for Data Protection and is responsible for upholding the information rights of individuals. The ICO became aware of the SAR backlog issue at GCC 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 been completed and were advised that the ICO would issue a formal Reprimand in relation to the Council's failure meet its statutory duties and would serve 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, which took place in December 2024.

OFFICIAL

OFFICIAL

- 2.8. 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/>.
- 2.9. Committee will wish to note the HSCP has taken action to alleviate the situation. The table below illustrates how the CFIT team has grown to address the increase in demand.

Year	2025	2024	2023	2020	2019	2018
Staff	20**	13*	12	8	6	5

* 9 of these staff are also involved in the processing of complaints and Freedom of Information requests

**Subject to successful recruitment of staff to work exclusively on SARs for a fixed term 18 month period

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 the related publicity around data rights) and further increased to eight staff by early 2020. An internal review of processes within the team led to significant improvements in processing time, with a high-volume scanner and redaction software being procured during this period enabling the team to cope with further increase in SAR demands following the introduction of the [Advanced Payment Scheme](#) in 2019. However, the Covid-19 lockdown in 2020 resulted in a period of around eight months when archived files held in the Mitchell Library could not be accessed, causing a significant backlog to develop. This backlog was then made significantly worse by the increase in demand resulting from [Redress Scotland](#) processes. The CFIT team was further expanded to 12 staff in 2023 in response to increased demand, and with this staffing complement the team are broadly able to keep up with the increased demand but are not able to reduce the existing backlog while demand remains so high.

- 2.10. Glasgow City HSCP has 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 handle SARs relating to Social Work records currently consists of 13 people (although nine of these staff are also responsible for processes relating to FOI requests and complaints) so this represents a significant increase in the number of staff available to deal with these requests.
- 2.11. A risk in relation to the failure to respond to SARs within statutory timescales was added to the social care risk register during 2024/25 and the risk relating to negative media/publicity on the IJB risk register was increased during 2024/25 to acknowledge the ongoing issue and possible associated risk. Both risks will continue to be reviewed and monitored through this committee.

OFFICIAL

OFFICIAL

- 2.12. The Council is also in the process of procuring an AI-powered software tool (funded by the HSCP) which can reduce the amount of time it takes to get a social work file ready for release.
- 2.13. The Executive Summary of ICO the report is available on the [ICO website](#) and the full report can be provided to Members on request. However, the main findings of the report are as follows:
- Internal guidance documents required to be updated or, in some cases, created from scratch;
 - 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;
 - Mandatory staff training should include content on how to recognise a SAR and what to do if one is received; and
 - 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.
- 2.14. The final recommendation states that the Council "...must implement all reasonable technical and organisational measures that would ensure they can meet their obligations".
- 2.15. All the recommendations in the audit report are accepted and have either been addressed already or have scheduled completion dates in the near future. Council officers, including HSCP staff, have drawn up an action plan to address both the audit recommendations and more generally to address the backlog.
- 2.16. In conjunction with the Reprimand referred to above, ICO staff indicated that 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.
- 2.17. 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 an enforcement notice is not an essential prerequisite to a fine and the ICO could choose to issue a fine instead of – or as well as – an enforcement notice.
- 2.18. 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.

OFFICIAL

OFFICIAL

- 2.19. While these matters do not directly impact the IJB, the activity required to resolve the SWS SAR backlog issue sits within the remit of the HSCP team responsible for processing these requests on behalf of Glasgow City Council.
- 2.20. The specific activity planned within CFIT is, as noted above, to adopt new AI-powered software that will further increase the efficiency of processing SARs within the team, and to temporarily expand the size of the team to significantly increase the capacity of the team to respond to SARs. These actions are projected to be sufficient to clear the backlog by the end of the 18-month fixed term period of the contracts, even if the level of demand remains at the current inflated rate for the duration of that period.
- 2.21. As CFIT have responsibility for handling Social Work-related complaints and FOI activity, there has been some impact on performance around these areas while the team have sought to prioritise SAR work where possible.
- 2.22. Impact on these processes may continue until the backlog issues are resolved and are vulnerable to any increase in activity (e.g. complaints), however the team will continue with ongoing process review activity to identify any potential process improvements and, once new staff are in place, will be enabled to prioritise tasks more effectively. Addressing and resolving the backlog issue will enable CFIT to improve performance across all three workstreams supported by the team.

3. Recommendations

- 3.1. The IJB Finance, Audit and Scrutiny Committee is asked to:
 - a) Note the background to the ICO audit taking place;
 - b) Note the findings and recommendations of this audit; and
 - c) Note the steps which have been taken and are being taken or planned to address these recommendations and the impact on HSCP.

OFFICIAL