



Report to: Portfolio Holder for Strategy, Performance & Finance
 Decision Date: 1 June 2026
 Portfolio Holder: Councillor Paul Peacock, Strategy, Performance & Finance
 Director Lead: Sanjiv Kohli, Deputy Chief Executive and Director - Resources
 Lead Officer: Lisa Ingram (Principal Legal Officer - Litigation)

Report Summary	
Type of Report	Open Report/Non-Key Decision
Report Title	Law & Information Governance – Resource in Information Governance
Purpose of Report	To seek approval for additional resource in the Law & Information Governance establishment, with an IG focus.
Recommendations	That Option 3 be approved as set out in this report. This would increase staffing resources by x1 FTE (to support statutory work undertaken by the team) at an additional cost in the current year, 2026/27 of £15,740 (to be funded from the change management reserve) with the additional cost for 2027/28 being built into the 2027/28 budget as set out in the financial implications in Section 3.1.
Alternative Options Considered	There are no other viable options available.
Reason for Recommendation	The team is working at above their capacity. Officers often work beyond their contracted hours, and this is not sustainable or fair. The IG team may at times have to undertake statutory requirements only and any additional work will have to cease, temporarily, for long periods or permanently.
Decision Taken	As per the above recommendations.

1.0 Background

1.1 The Law & Information Governance team was established in 2020 and prior to that, IG fell under Customer Services & Communications.

- 1.2 SLT approved increases in the Legal Team establishment in January 2024 and December 2024; to include an additional Senior Legal Officer (Commercial), and additional Senior Legal Officer (Contentious) and an Apprentice. This report focuses on the IG function within the team.
- 1.3 A Data Protection Officer (DPO) is a statutory role required under Part 3 of the Data Protection Act 2018 (“the Act”). It requires that the DPO reports to the highest relevant management level of the organisation, they operate independently ensuring they do not have a conflict of interest and that they are provided with adequate resources to enable DPOs to meet their obligations under UK General Data Protection Regulation or Part 3 of the Act.
- 1.4 A Data Protection Officer is an independent expert responsible for overseeing an organisation’s data protection strategy, ensuring compliance with GDPR, monitoring internal compliance and acting as a liaison between the organisation, data subjects, and regulatory authorities. The duties of the DPO must not lead to a conflict of interest. The European Data Protection Board has stated that DPOs are the “cornerstone for organisations in terms of GDPR compliance” and must be allowed to exercise their functions independently. This means that the data controller, the Council, should not direct the DPO regarding how they do their work and is in recognition of the key role that the DPO plays in ensuring compliance. Care must be taken not to compromise the autonomy of the DPO by putting them in a position that may lead to a conflict of interest or where the DPO role could be perceived to be blurred into that of the data controller.
- 1.5 The role of the DPO could be compared with that of the Monitoring Officer but they are the conscience of the Council’s Information Governance. The DPO is also the statutory responsible role for the purposes of Surveillance. There has to be a Surveillance Camera System DPIA for each camera location which is more complex than a DPA DPIA.

Currently within the IG part of the establishment, there are 2 FTE:

1 Senior Information Governance and Data Protection Officer (“SIGDPO”)

1 Information Governance Officer (“IGO”)

The responsibilities of each role can be found in **Appendix A**.

- 1.6 The SIGDPO is supervised by the Principal Legal Officer and Deputy Monitoring Officer (“PLO”). The IGO is supported by the PLO in the absence of the SIGDPO. To further support the IG team one of PLOs within the legal team has undertaken the GDPR certification course to provide more resilience and support within the IG team with a particular focus on data breaches.
- 1.7 **2025 arrangements**
Whilst the permanent SIGDPO was on maternity leave, Interim Senior Information and Governance Officer was employed on a fixed term contract for 12 months which has been extended until March 2028. He is working 3 days per week. This arrangement was based on the same scale as the then SIGDPO. The IGO, during the same 12 months has been paid an honorarium to undertake identified areas of the role of SIGDPO on the 2 days the temporary SIGDPO was not working. The honorarium has been extended until March 2028. This cost is set off by the salary saving from the SIGDPO permanent full time post.

1.8 The IGO and Interim SIGDPO covered the x1 FTE role of SIGDPO in the permanent SIGDPO's absence between them, this being a temporary arrangement. This left 2 days of the IGO role effectively vacant and temporary arrangements were put in place with Temporary 2 day a week support from Administration Services back filling 2 days of the IGO role when the IGO undertook the SIGDPO role. Therefore, during the maternity leave period, the IG team retained the 2 FTE.

1.9 **Current Arrangements**

The permanent SIGDPO returned for 12 weeks from January to March 2026 after finishing her maternity leave. She has now commenced a 2-year career break from 31 March 2026 – 31 March 2028.

1.10 The permanent SIGDPO was working just 2 days per week during that 12-week period so a decision was made to retain the Interim Senior Information & Governance Officer in the temporary position and continue the honorarium arrangements in place for IGO to ensure resilience and continuity in the service being delivered and providing the least disruption.

1.11 The temporary role undertaken by Temporary 2 day a week support from Administration Services as set out in 1.8 above, ended upon the permanent SIGDPO's return but has been reinstated temporarily for 3 months whilst this proposal is considered.

Longer term without the temporary arrangement in place to cover the 2 days backfilling there is a vacancy of 2 days per week at IGO level.

1.12 The IG team sit with the Legal team and currently the DPO is managed by the Principal Legal Officer and Deputy Monitoring Officer and also reports directly to the Senior Information Risk Officer (SIRO), who is also the Council's s151 Officer.

Prior to the then Monitoring Officer's departure, consideration was given to IG moving out of the Law & IG Business Unit but the decision was made for IG to remain with Legal. These arrangements which currently remain in place work well, with the support given as and when necessary, by one of the PLOs who has undertaken additional training as detailed within this report and undertakes duties as Deputy Monitoring Officer, a role with similarities to that of the DPO, having a good understanding of good governance and impartiality. When that PLO is absent, the other PLO in the Legal team can provide guidance and support when needed, providing resilience responding to and meeting statutory obligations.

1.13 The IG team (notwithstanding the capacity concerns), functions and is delivering its statutory duty required under the law with stability and resilience within the Law & IG team.

Following enquiries carried out, it has been established that within the County most DPOs also sit with Legal who in their role within the Council are often the ones ensuring compliance with legislation and challenge processes and procedures. DPOs within the County sitting within the same directorate as Legal Services or within a Legal Team itself include Gedling BC, Ashfield DC, Mansfield DC, Bassetlaw DC, Nottingham City Council and Nottinghamshire County Council. Broxtowe BC's DPO is included within ICT.

2.0 Proposal/Options Considered

- 2.1 IG deliver statutory functions outlined within legislation. The last 3 years has seen fluctuating **statutory** requests - FOI, EIR, SARs, DP requests, data breach management, data protection complaints processes. The 2025 statistics were referred to in Law and IG's Business plan and some are included in Appendix B below for completeness. They show that numbers of breaches are increasing as well as requests for advice/assistance and a significant increase in DPIA. What is not reflected in the statistics is the increase in complexity and scope of the requests.
- 2.2 Complexity of requests are having a noticeable impact on the team's resources, particularly with the use of AI in requests being made and the volume of information being requested within a Subject Access Request (SAR). A recent SAR made took in excess of 70 hours to process.
- 2.3 The Team has also seen an increase of housing disrepair claims and part of that process includes SARs being made on behalf of the tenant which the IG team are involved in.
- 2.4 Whilst the Council undertakes a substantial amount of work to minimise data breaches, these are increasing in numbers and again are time consuming to ensure adequate levels of investigations are carried out and the evidence properly assessed, all within a 72 hour or less period. It takes a minimum of half a day to process data breaches. After the initial time to assess the breach this time can increase, this depends on the complexity of the data processing and what mitigation is required.
- 2.5 The Legal Apprentice has been providing additional resource on an as and when basis to IG, this mainly relates to housing disrepair redactions.
- 2.6 In 2025, 263 formal advice and assistance cases were opened and advice provided, this figure does not include telephone calls and face to face queries.
- 2.7 In 2025, 39 new Data Protection Impact Assessments ("DPIA") were produced, this not only shows the work to complete a DPIA but also reflects 39 new processing activities where ongoing IG support is required. DPA DPIAs have to be reviewed monthly where a project develops and then reviewed after a couple of years. Surveillance Camera DPIAs will be reviewed when the camera location is reviewed normally bi-annually (but will be reviewed within the first year of the control room being completed). As you will be aware the Council has recently purchased a drone, and similar work will be required as for the CCTV cameras.
- 2.8 In addition to the statutory requirements as detailed above, the team has seen a significant increase in work being commissioned by SLT that are essential to the workings of the wider Council and is **non-statutory**. For example, Housing, Sharepoint (the Council is implementing data management through Sharepoint and there is additional work in supporting all BUs across the Council), LGR, data cleansing, Information Security Management Systems (ISMS), and Cyber Security Assessment Framework (CAF).

- 2.9 Additional work is expected and has already commenced relating to developments in technology including facial recognition for CCTV. Additional advice is being provided with regards to the ethics, permitted use, cleanliness of the data sets, automated decision making and governance of use of AI.
- 2.10 IG are also regularly involved through the process when negotiating contracts with external suppliers and partners. IG offer support and advice on any data protection impacts or data processing identified in a contract to ensure that the Council's position is adequately protected. Sometimes this involvement will progress to at a DPIA but often if doesn't so is additional to work on DPIAs.
- 2.11 Preparation for LGR going forward has already started but is in its infancy. We are likely to see an increase of SARs relating to employment challenges together with increased FOI requests from members of the public/members relating to decision making and we need to be in a position to respond to this new work proactively and without delay.
- 2.12 To maintain only the **statutory** requirements, the team requires the continuation of the 2 FTE as a minimum but with this level of resource, the team are up to capacity and at risk of not meeting statutory deadlines. For the team to continue meeting the statutory requirements and to continue providing the expected IG service to business units, supporting projects and organisational change, mitigating existing and developing risks, DPIAs, the IG function would benefit from another 1 FTE making a total of 3 FTE.

Options

1) Do nothing – within budget / saving of 0.4 FTE at grade NS14

The IG team will be working at 1.6 FTE, and the IG team continues as per its current arrangements and as described above:

- Interim Senior Information and Governance Officer 3 days SIGDPO
- Information Governance Officer 2 days SIGDPO (honorary)
- Information Governance Officer 3 days IGO
- Vacant 2 days IGO

By working at 1.6 FTE, it is highly likely that statutory requirements will not be met, and the Council will become non-compliant.

The team is working at above their capacity. The Interim Senior Information and Governance Officer often works beyond his contracted hours, and this is not sustainable or fair to the Interim Senior Information and Governance Officer. The IG team may at times have to undertake statutory requirements only and any additional work will have to cease, temporarily, for long periods or permanently.

2) Maintain maternity arrangements – within budget

The IG team will revert back to working at 2 FTE.

The IG team continues as per the maternity arrangements.

- Interim Senior Information and Governance Officer 3 days SIGDPO
- Information Governance Officer 2 days SIGDPO (Honorary)
- Information Governance Officer 3 days IGO
- 2 days IGO backfill whilst IGO fulfils SIGDPO

The team is working at above their capacity. The Interim Senior Information and Governance Officer often works beyond his contracted hours, and this is not sustainable or fair to the Interim Senior Information and Governance Officer. The IG team may at times have to undertake statutory requirements only and any additional work will have to cease, temporarily, for long periods or permanently. Continuing with current levels will lead to a drop in performance and potential non-compliance with statutory requirements.

3) Increase resource – Option 3

This option involves adding some resource to the team which would be of benefit to the whole Council and ensure that the non-statutory services and support provided by the IG team continues effectively. The duties and work expected of the team are set out above and set out this more favourable option. The HRA is not currently recharged for any of the IG services provided, and it is proposed that a charge is made to the HRA commensurate to the services provided to the Housing Directorate.

The proposed new structure will meet current increased demands on the service in respect of statutory work only.

Structure – option 3

- 1 FTE x Snr IGO and DPO FTE NS14
- 1 x FTE IGO and Deputy DPO FTE- NS8 (plus honorarium)
- 1 x FTE IG Assistant – NS6 [NEW POST]

The duties of the IG Assistant would be to support the administrative functions of the IG team relating to statutory and non-statutory work.

3.0 Implications

In writing this report and in putting forward recommendations, officers have considered the following implications: Data Protection; Digital & Cyber Security; Equality & Diversity; Financial; Human Resources; Human Rights; Legal; Safeguarding & Sustainability and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

Implications Considered			
Yes – relevant and included / NA – not applicable			
Financial	Yes	Equality & Diversity	Yes
Human Resources	Yes	Human Rights	
Legal	Yes	Data Protection	
Digital & Cyber Security		Safeguarding	
Sustainability		Crime & Disorder	
LGR		Tenant Consultation	

3.1 Financial Implications (FIN26-27/6189)

- 3.1.1 The 2026/27 base budget was set on the assumption that the team would revert to its substantive establishment of 2.0 FTE, and this is reflected in the current establishment budget shown below.

3.1.2 The table summarises the budget implications of each proposal compared with the current establishment budget. All options assume:

- an honorarium for two years (to 31 March 2028) for the IGO acting up for two days per week; and
- a 0.4 FTE vacancy for two years (to 31 March 2028) during the SIGDPO career break, after which the budget reverts to the current establishment.

3.1.3 For proposal 1 and 2, the additional costs can be offset by the savings arising from the 0.4 FTE vacancy during the two-year period.

Option	Total FTE	2026/27	2027/28	2028/29	2029/30	Change vs Current 2026/27
Current Establishment	2	111,190	115,150	119,220	123,450	
1	2	116,390	120,350	119,220	123,450	5,200
2	2.4	132,970	120,350	119,220	123,450	21,780
3	3	153,920	159,210	159,470	165,130	42,730
Vacancy Saving (2 years)	(0.4)	(27,040)	(28,000)	0	0	

3.1.4 All roles included in the current and proposed establishments have been costed to include National Insurance and employer pension contributions.

3.1.5 At the time of writing, it is not known what proportion of work undertaken by any new post would relate to the HRA and would therefore be able to offset some of the increase over and above the 0.4FTE vacancy. This will be reviewed and agreed with the Director of Housing, Health and Wellbeing.

3.1.6 Subject to approval of the preferred option 3 the total additional cost for 2026/27 would be £42,730 partially offset by savings of £27,040 from a 0.4 FTE vacancy, reducing the additional budget required to £15,740, which can be funded from the change management reserve.

3.2 HR and Equalities Implications (HR2425/7586 FK)

3.2.1 The report above details a service that is currently working at or above capacity. As a statutory service, there is a requirement to ensure that the duties of the team can be delivered in line with all relevant legislation including working to strict deadlines. In addition to the statutory elements of the service, there is an increase in non-statutory work as a result of LGR but also ongoing changes to the way services are delivered by the Council as well as increased digitalisation.

It does seem that there is a need to increase the establishment in some form to support the existing team to continue delivering to the required standard whilst protecting their wellbeing and work life balance.

Post	Full/PT	Current Arrangements
Senior Information Governance and Data Protection Officer	1 FTE	<ul style="list-style-type: none"> • 1FTE SIGDPO on career break until March 2028 • 0.6FTE SIGDPO until March 2028 • 0.4FTE SIGDPO (split with 0.6FTE IGO below until March 2028) *
Information Governance Officer	1 FTE	<ul style="list-style-type: none"> • 0.6FTE IGO (split with 0.4FTE SIGDPO above until March 2028)* • 0.4FTE IGO (filled on a temporary basis pending outcome of this report)

Current IG Establishment

The current IG establishment is 2 FTE:

* Current IGO carries out SIGDPO duties for 2 days per week and receives an honorarium to reflect the additional duties

Proposals

During 25/26, the establishment increased by 30.84 FTE. Including the deletion of the Assistant Director Law and Democratic Services post, the Legal Services and IG establishment has not increased overall.

Options 1 and 2 outlined above suggest that maintaining an 'as is' approach is likely to lead to a fall in service levels, which must be avoided given the statutory nature of the responsibilities, or a negative impact on the impact of post holders which must be addressed.

Option 3:

Option 3 seeks to increase the establishment by 1FTE with the creation of a new, permanent, Information Governance Assistant post. This would be a new post and, whilst estimated at NS6, would need a new job description and would be subject to evaluation. The role may sit at the level of senior / technical administration, and the Business Administration Officer JDPS could be a good starting point for the role.

Once complete, as a new post, it would need to be advertised internally at minimum but potentially externally as well to reach the widest possible candidate pool.

The intention is for the IGO to continue the role at 0.6FTE and the SIGDPO at 0.4FTE with an appropriate honorarium until March 2028 when the temporary arrangements come to an end. At this point, the post holder would return to the IGO role at 1 FTE and the honorarium will come to an end.

This means that budget remains for an IGO for 0.4FTE until March 2028 in addition to the new full-time, permanent post.

Equalities

If new posts or positions are created, these should be recruited to in a fair and transparent manner and, where new posts are created, or existing posts amended, these should be subject to job evaluation as required.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

None.

The work undertaken by the team can be split into work which we have a statutory obligation to meet, for example data breaches, and the non-statutory work, for example ISMS. The work undertaken by each role can be broken down as follows:

SIGDPO (this is not an exhaustive list)

DPIAs, IAR, supplier checklists, privacy notices, contract reviews, data sharing, processing schedules, DWP MOU, ISMS, project work, advice and assistance, CCTV surveillance systems, keeping apprised of changes to legislation and guidance from regulators (DUAA), data breach management, information internal reviews, DP complaints management, publication scheme, performance stats, training, attendance at CIGG, management of IG officer, management of ICO complaints.

IGO (this is not an exhaustive list)

Log, process and monitor and coordinator information requests. This includes the application of exemptions under the relevant access to information legislation. Keep apprised of any changes to legislation or guidance which impacts the application of exemptions. Supporting the DPO in some of the tasks above, provide advice and assistance to business units, transparency, maintains IG information on the website, administrates ICO complaints.

Apprentice (additional resource)

Redaction of housing disrepair SARs.