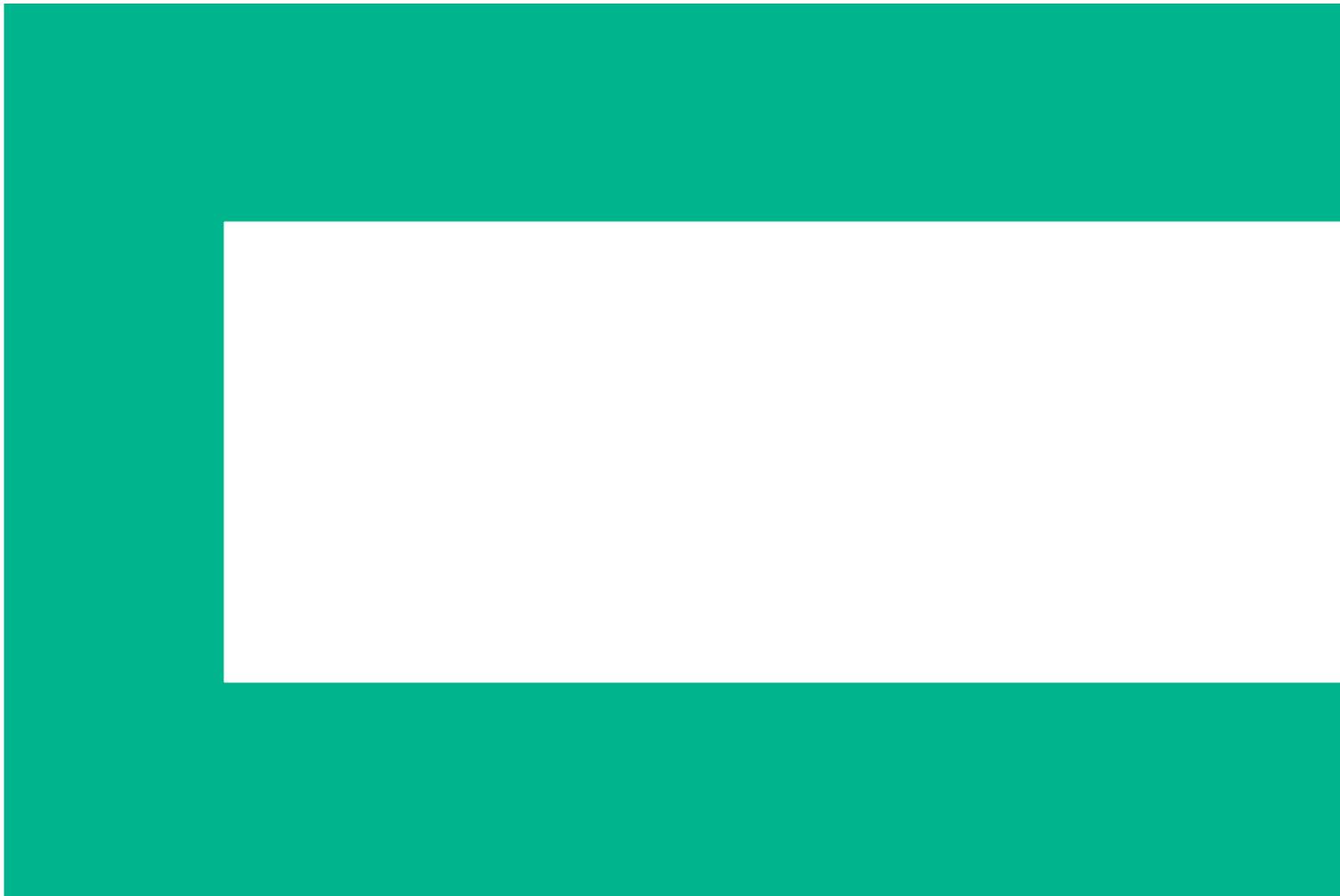




# **Addressing the challenges posed by compliance with the Freedom of Information Act 2000**

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## Introduction

The Freedom of Information Act (“the Act”) was introduced across most of the United Kingdom in 2000—and in Scotland in 2002—to allow public right of access to information held by public authorities.

As well as the “general right of access”, the Act places a duty on public authorities, to adopt and maintain pro-active “publication schemes” for the routine release of important information (such as annual reports and accounts), giving public authorities just 20 working days to respond to an information request.

Although over 15 years since its passage into law, one may consider whether government agencies are confident that they can meet the expectations of the Act in a changing world. The intention of the legislators is a noble one—that “openness is fundamental to the political health of a modern state”. However, much has changed in the world of information generation, governance, and management since the Act’s inception and one may question whether the current policy and compliance by government agencies is capable of meeting such changes.

In terms of the agencies which are affected, the Act includes public authorities such as government departments, local authorities, the NHS, state schools, and police forces, which are owned by the Crown or the wider public sector. While there are exceptions such as MPs, GPs, and some judicial bodies, the Act still covers a huge volume of civil servants. Furthermore, by delegating responsibility for service to private companies wholly owned by them—such as housing associations—local authorities cannot divest themselves of Act compliance. The focus of this paper will be on local authorities and NHS trusts.

## Change of state

The pressure on any publically accountable body in the area of information management is increasing exponentially. In 1995, the EU Data Protection Regulation was introduced at a time when only 18% of the EU population had a computer and only 8% were on the Internet. Then consider that the Act was introduced at a time when the revolution mobile phones and tablets had only just begun. In 2000, a law was passed which was unaware of the mass data volume and format explosion of information that would occur in the following decade. So how reasonable is it to expect government agencies to match the requirements of the year 2016 to a law which was passed in 2000? If a mobile phone is effectively an on-line data-generating computer which can be used to create data which arrives in the hands of such agencies, what percentage of the UK population now has one?

At the same time, major information mishandling in the corporate domain has raised not only the profile of the handling of Personally Identifiable Information (“PII”), but has also raised the expectations of the electorate as to the transparency and probity of both private and state institutions which handle their information. For example, the News of the World phone-tapping scandal and the Personal Protection Insurance cartel created by UK banks have increased distrust in PII handling, as well as showing that regulatory enforcement will be effected.

In 2013, a local council responded to an FOI request and inadvertently disclosed publically details of sexuality, ethnicity, domestic violence, and criminal offences. Between November 2010 and March 2015, some 21 local authorities and 8 NHS trusts were served with ICO monetary penalty notices.

But why should one care now as to the demands of the Act? One major reason is the 15 December 2015 assertion of the European Union Council that a new Data Protection Regulation will come into effect, being written directly on to national statute books without a vote by any democratic national assemblies. Its formal inception is likely to be in 2018, however, “forewarned is forearmed” and one can easily anticipate that the Act will become increasingly relevant. This is especially true since “Subject Access Requests”, enabling people to have access to their own PII, are made under the 1998 Data Protection Act.



With the unprecedented growth in Big Data, the future lies in the ability to access, analyse and report from the current data lakes. But how well are local authorities and NHS trusts doing it now and how much more safely and effectively could they be at performing such tasks?

## Upgrading approach

In this paper, we will consider the practical issues for government agencies in terms of compliance with the Act and the impending Data Protection Regulation. In so doing, we may assess the adequacy of functions and delivery—not only in terms of “defensibility” but also meeting heightened expectations of service delivery. To hear of a West London borough council recently talk of “customers and clients”, as opposed to simply “ratepayers”, perhaps indicates where government departments could go in terms of winning and keeping the public’s trust on their delivery. In their case, given their access to the date of birth of all borough youngsters, the Council now sends a sixteenth birthday card to all its residents advising of the wealth of services and facilities available. So one may include the “upside” benefits of being Act-compliant.

### The challenges

A fundamental is that digital information now arises in audio, visual, and alphanumeric formats—especially with the explosion in mobile phone and tablet usage—by all age groups and at all hours of the day. Furthermore, the mass of structured data, such as Excel sheets, is now being surpassed by the daily volumes of unstructured information including social media interaction.

For government agencies there is not only the issue of newly arising data but also the volume of legacy data which may be housed on a variety of platforms and applications, with limited chances of being able to search across it or be alerted to non-compliant anomalies.

Linked to this challenge is the means of storage of data:

- Where is it housed and what is the technology cost of storage?
- Has the data lake ever been culled of redundant, obsolete, and trivial information, as well as being de-duplicated to reduce the sheer volume which needs to be stored?
- Is any handling of records, archiving, and eventual deletion actually managed according to a defensible policy of prudent data management?
- Could the more efficient storage of less data actually generate cost-savings, such as reduced space rental costs, which can be used to justify the acquisition of more effective tools?
- What are the costs in manpower in responding to Subject Access Requests, as well as broader mining of the agency’s historic data?

### Data storage

A natural concern is how to reduce the costs associated with IT and information processes since the information footprint is growing uncontrollably along with costs of managing it. Furthermore, manual processes reduce staff efficiency and are error prone. In summary, storage is regularly not optimized and data is not always stored according to value.

Another aspect for data managers is ensuring the security of valuable business data and hence reducing risk. “Dark data” exists and is not being managed, retained, or disposed appropriately in virtually all organization—both government and corporate. In practice, business critical is not managed or secured according to its value and sensitivity. This is not assisted by the classification and application of policy to data being piecemeal and often not consistent across the agency.

In terms of metrics, industry analysis indicates that, on average, 30% of IT spend is engaged with storage, of which 85% is spent on copies. In addition, some 60% of enterprise space is taken up with copies. So, the ability to respond in a timely manner to Subject Access Requests is understandably highly inefficient.

Hewlett Packard Enterprise provides solutions based on analytics and technology which provide smarter backup and storage by means of:

- Reducing the amount of storage with policy-based tiering
- Shrinking the cost and complexity of managing unstructured data
- Intelligently distributing information across multiple storage repositories including the cloud

### Data cleansing

We may consider that government agencies, in the same way as private corporations, have a double problem. There is firstly the data lake of historic information acquired over decades which may well be in paper format, requiring Optical Character Scanning, as well as the diverse formats described above. Secondly, there is the daily occurring volume of new data which probably lacks any value judgement being applied to it as to its importance and worth. The requirement in both instances is to have a cleansing facility which can take policy standards and apply them across these data types. There is no specific law saying that government agencies should keep all data for ever, rather that it should retain the data which is relevant in the performance of its roles—including its obligations to the public. Hence the value in having an engine which can sort and cleanse, remove the Redundant, Obsolete, and Trivial (“ROT”) in accordance with policy.

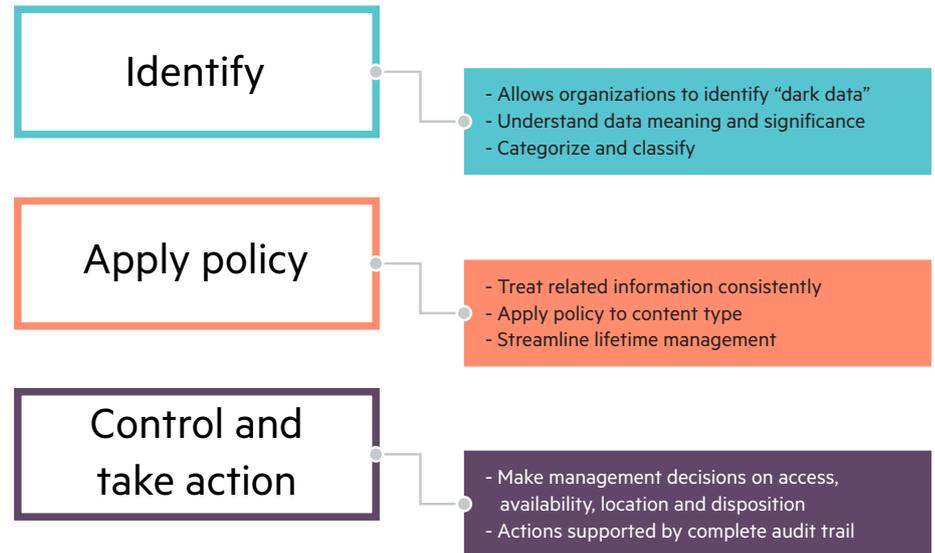
The acid test in terms of data cleansing is whether, from an auditable point of view, one can say that ROT data was removed in good conscience and in accordance with policy, bearing in mind the cold light of day of a courtroom and standards of evidence.

To deal with this challenge, Hewlett Packard Enterprise has developed a legacy data cleansing engine called **ControlPoint**. It has the ability to handle terabytes of data, in any format, and apply policies set by the agency to be compliant with laws and regulations. It enables the orderly disposal of data or its correlation into more logical classification / indexing repositories.

Clearly, this facility provides both a positive identification of the relevant as well as the irrelevant. The net effect is therefore to decrease the data volume that needs to be searched to meet Act requirements—so increasing the speed and accuracy of response. Furthermore, ControlPoint has the capacity to lower the costs of storage, archiving, and data protection.

### Take action to manage-in-place, migrate or dispose

HPE ControlPoint makes defensible disposal and retention an enterprise reality



### Records management

In order to meet Subject Access Requests, we have considered the capture, classification, and cleansing of data. These are essential pre-requisites to orderly data identification. However, there is a further step which should be considered, namely the creation of a Records Management facility which provides a unified store for access, imposition of policy and front-line agency usage. From here, data can then be moved to archive, where immediate retrieval is not required and where data compression facilities can reduce storage costs, but for the application of eventual Retention Schedules and automated data deletion.

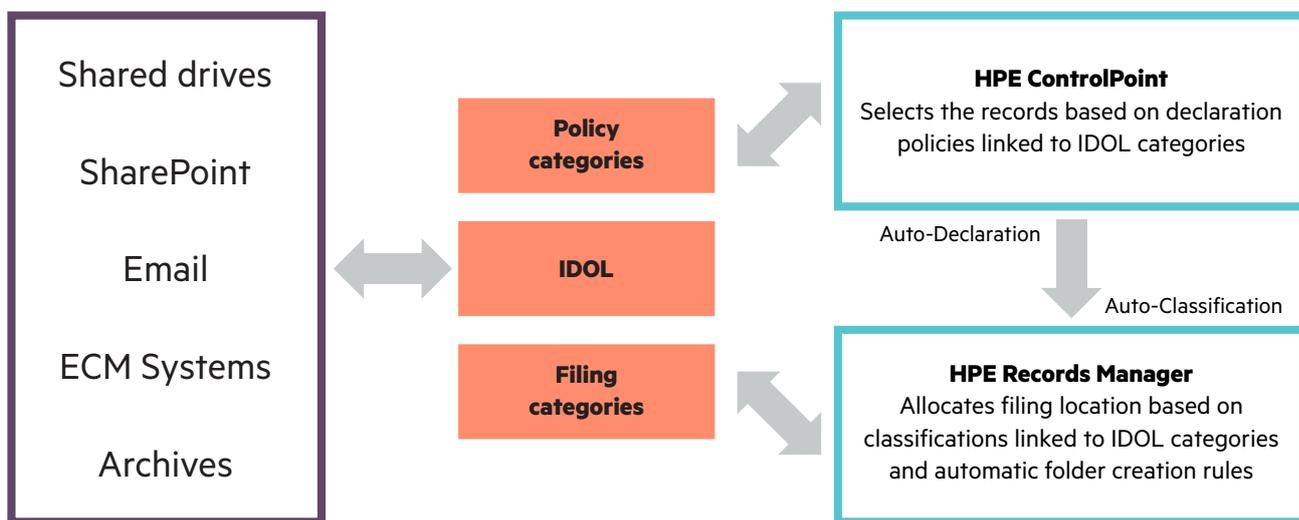
By creating a central Records Management function, we therefore facilitate search, retrieval, and data linkage. Functionality is also available to enable each step in the data acquisition process to be logged so that provenance of data can be shown, and reasons for ROT deletion verified.

The HPE Records Manager facility provides all such functionality, again operating in any data type, at any volume, and even in over 150 languages. It naturally has a linkage from ControlPoint to ensure the quality of data stored. The benefits go well beyond simply enabling data access but also increasing the efficiency and cost-effectiveness of both technology and human compliance engagement providing, for example:

- Intelligent management at both the storage and content level
- Simplified management, migration, retention, and disposal of data
- Automated records declaration, policy application, and migration
- Improved management and storage according to value and policy
- Improved information find-ability, access, and re-use
- Integrated end-to-end software and hardware solution
- Improved disposal, retention, and storage reduces costs

**Remove manual and error prone processes**

Automating records declaration and classification across enterprise repositories



**Commercial advantages of upgraded data governance**

Breaking down the requirements of the Act into deliverables, one may say that the five functions highlighted above provide a strongly defensible ability of any government agency to meet the requirements of the Act, not only as to response to Subject Access Requests but also the expectations of pro-active information guidance for the section of the electorate they serve.

While much of the discussion relates to compliance, one may also consider the upside benefits of upgraded Act compliance. Parallel benefits can be obtained from the reduction of purchase and management of costly “server farms” having to hold mass data which may have considerable percentages of irrelevant information and hence reduce data protection requirements.

The exercise of cleansing information can also enable the surfacing of “smoking guns” or hidden risks which are better known and mitigated, rather than simply hoping that they will never be discovered.

The creation of an over-arching records management facility not only creates order out of predictable chaos but also provides agency staff with the ability to analyse and mine their own information more effectively in the conventional execution of their roles. Not only can this enable internal data to be managed, it also facilitates the enrichment of the data from external sources. This may be of particular value as the UK Civil Service engages with the concept of Cloud technology, with all its abundant benefits of automated information sharing between departments.



## Conclusions

While the Freedom of Information Act is over 15 years old, the recent information scandals in the private sector and the impending assertion of the new Data Protection Regulation make it prudent to consider the legacy Information Governance and technology of a local authority or NHS trust and the ways in which they can be improved.

In so doing, while new investment in technology may be valuable, the ability to identify cost savings to achieve demonstrable Return on Investment within a specified period may be a catalyst for action in the near future.

Hewlett Packard Enterprise welcome the opportunity to engage with UK government agencies to assist them in challenge identification, deliverable solutions, and commercially sound investment.

## Why partner with Hewlett Packard Enterprise

As the attached Magic Quadrant assessment by a variety of leading research analysts shows, Hewlett Packard Enterprise is consistently in the top right quadrant and frequently a leader across a whole range of Enterprise Content Management criteria. HPE has a whole new mandate since its formation from the globally known HP Inc on 1st November 2016, with sales in excess of US\$58 billion, over 220,000 staff of which some 13,000 are research engineers. We have global reach and delivery in depth across consultancy, analytics, software, services, and hardware. Furthermore, depending on the changing appetite of government agencies for cloud engagement—whether on premise or externally HPE hosted private cloud—we are ready for the future requirements of local authorities and NHS trusts. Our view is that sound Information Governance is a medium-term mutual engagement requiring investment on both sides.

In terms of specific Records Management delivery, we are proud to refer to local authorities such as numerous healthcare providers, and especially complex multi-national organizations.

We trust that you will be willing to take advantage of our investment of time, expertise, and internal funding to enable you to achieve a successful Information Governance program. In so doing, we will be closely working with you to identify cost savings and ROI to assist in the financing of the work. In this respect, we welcome your advice on the opportunity for an initial planning workshop to consider your goals.



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**Source**  
**Information Commissioner's Office**

## About HPE Software Big Data

HPE Software Big Data gives you the power to transform data into actionable intelligence, so you can capitalize on new opportunities and solve real problems in the moments that matter. We offer a portfolio of solutions built upon the HPE Haven Big Data Platform, allowing our customers to profit from insights in many forms of data, including human, business and machine data while providing secure and legally compliant governance and protection of that data. The HPE Haven Platform can process unstructured human information including social media, email, video, audio, text and webpages, with a proven analytics engine can leverage and access many forms of data across multiple repositories. Our Information Management and Information Governance solutions solve data protection, information archiving, eDiscovery and enterprise document and records management problems for large global corporations, small and mid-sized businesses, and governments in an integrated fashion across the organization.

In so doing, we will be closely working with you to identify cost savings and ROI to assist in the financing of the work. In this respect, we welcome your advice on the opportunity for an initial planning workshop to consider your goals.



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