

Compliance at any cost? The impact of information governance legislation on HEIs

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Overview

- Background & context
- Who is asking for what & how often...
- Data protection – the return of an old favourite!
- Tidal wave, steady stream or damp squib?
- Treading water, waving or drowning?
- Time to stop treating the symptoms and start addressing the cause?
- Obligation or opportunity?
- Resources

Background & context

- Concern from VCs & Principals regarding the impact FOI was having on HEIs
- Oct – Nov 2005 Survey run by JISC & JISC infoNet to obtain true picture
- Jan – Feb 2006 Survey extended & repeated

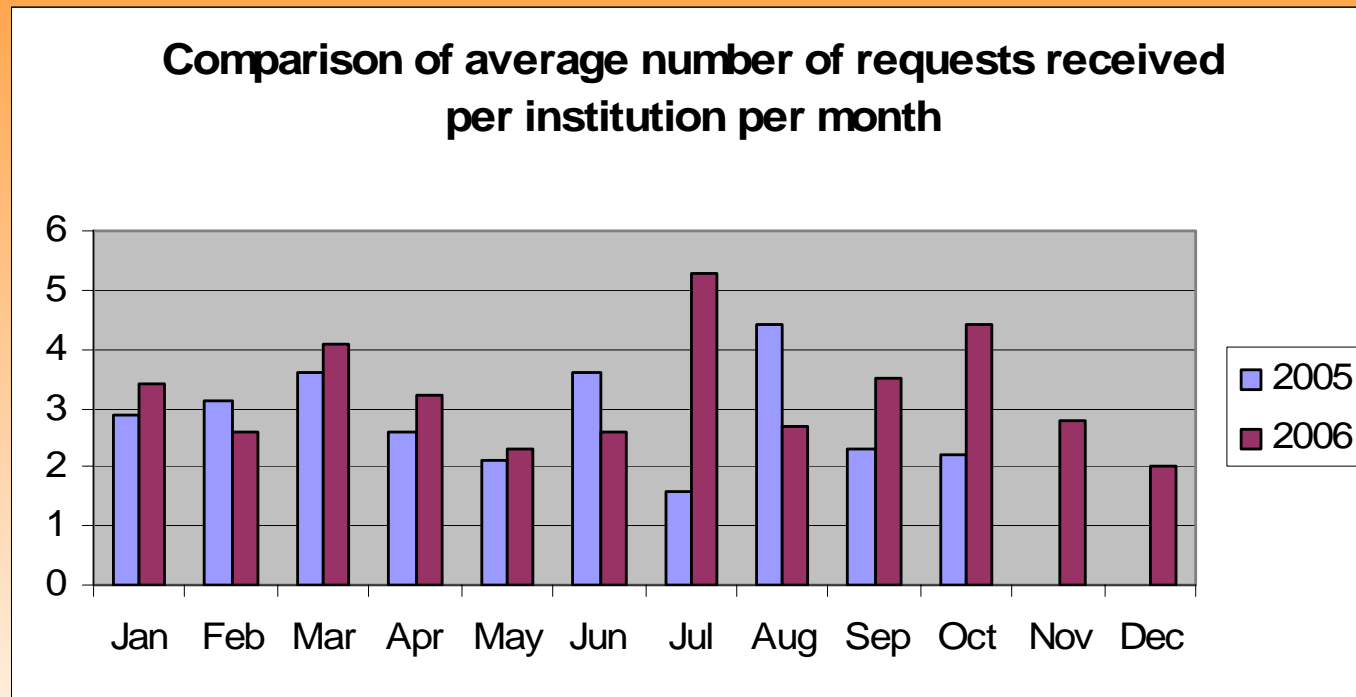


Fearing the tidal wave...

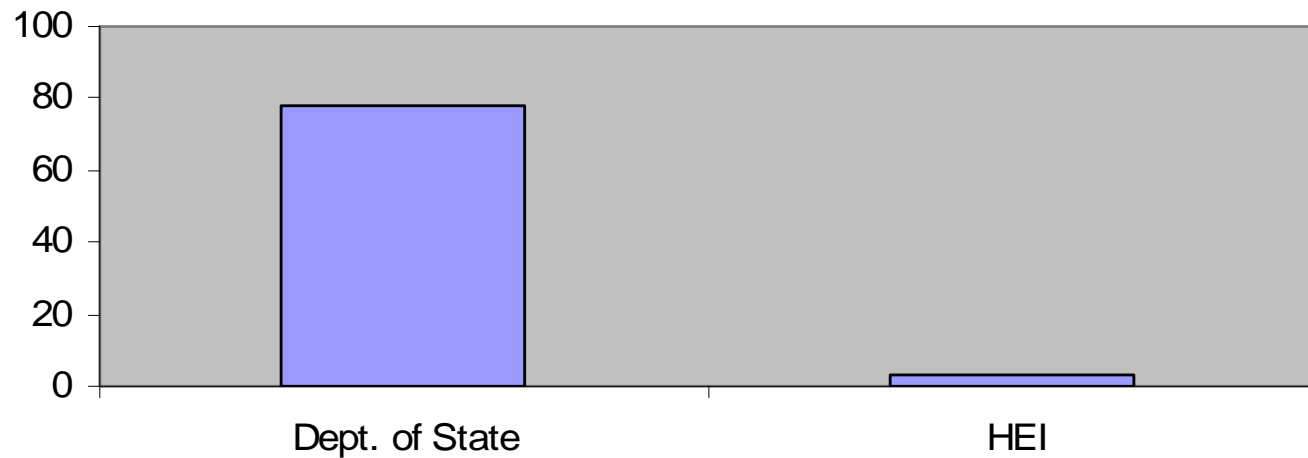
- December 2004:
The end of the world is nigh...
- Just as it was in 1998



...but more of a damp squib?



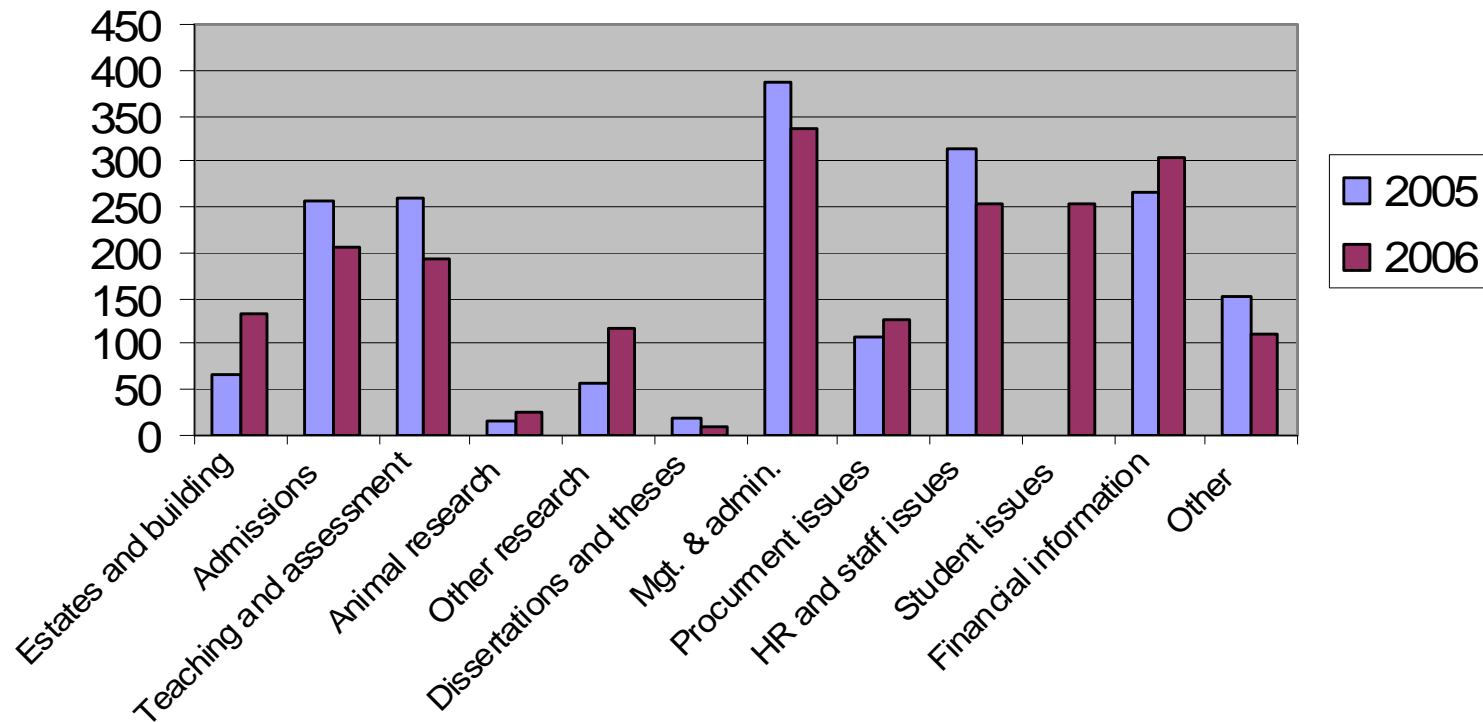
Average number of requests received per organisation per month 2005-2006



But it would be a mistake to dismiss this
altogether

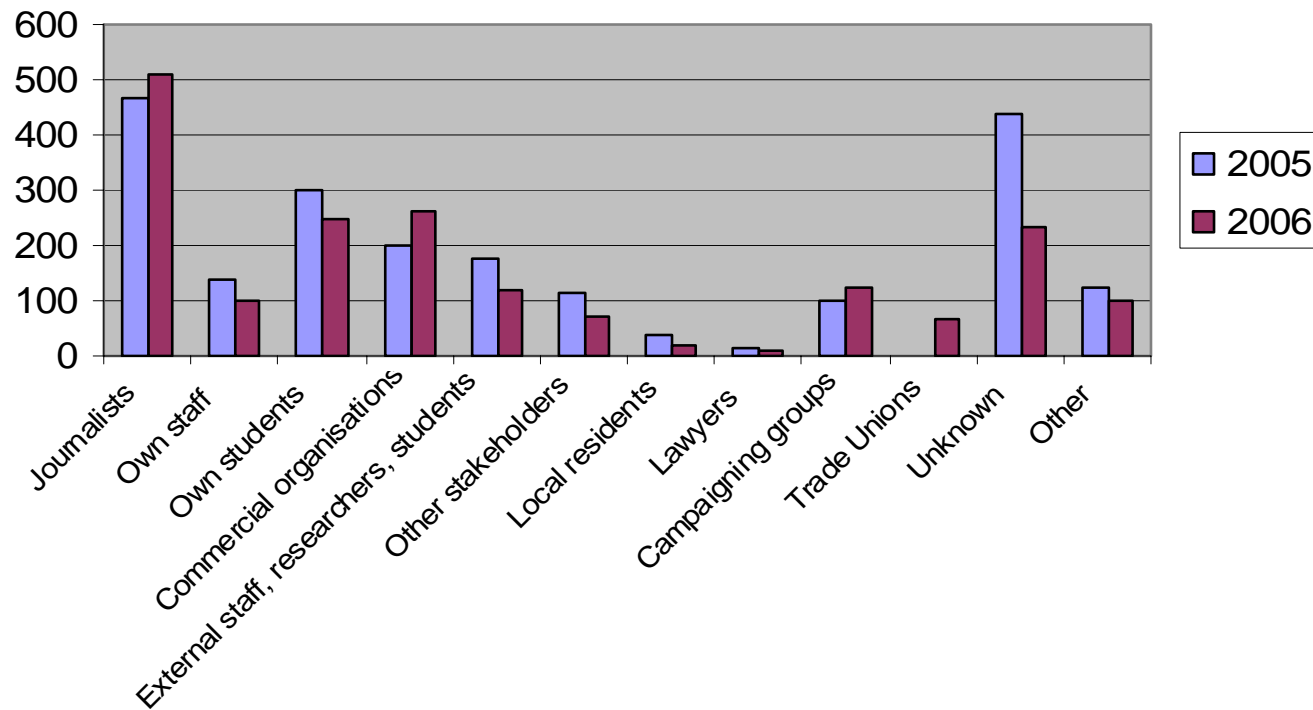
HEIs do hold information of interest

Comparison of total No. of requests received by category



And there are people keen to get at it

Comparison of total No. of FOI requests received by type of requestor

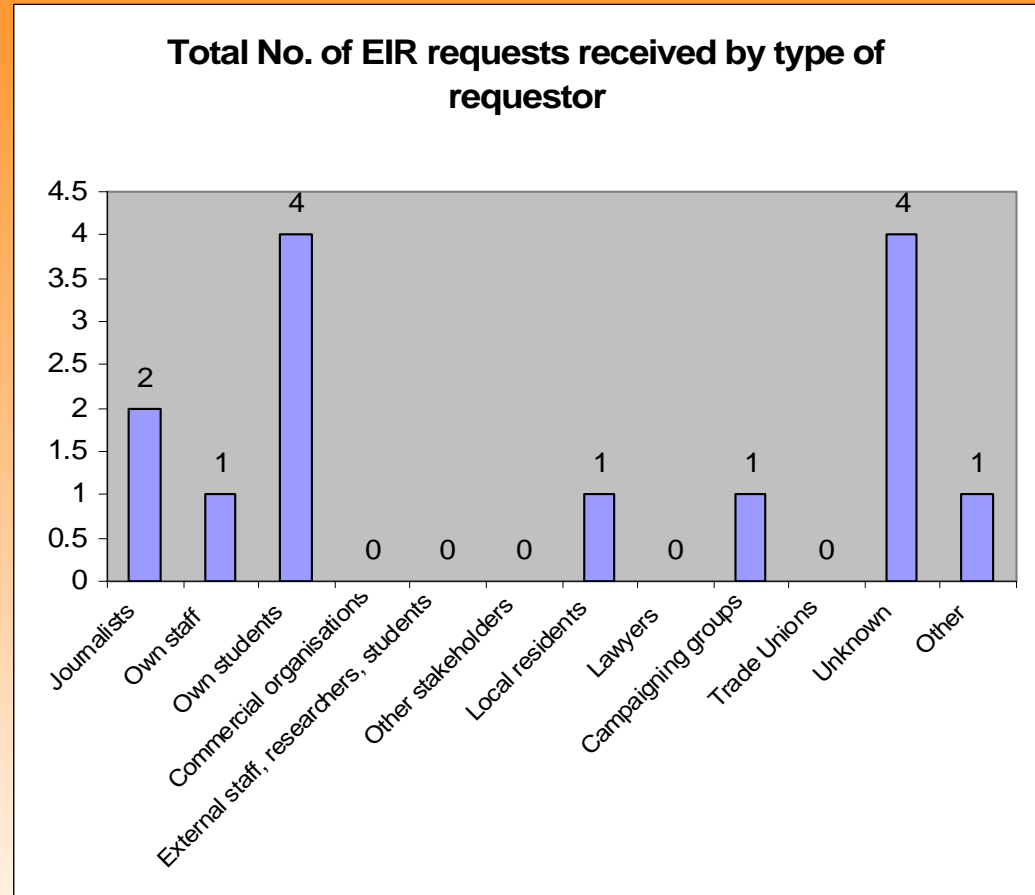


Environmental Information Regs

Introduced alongside
FOI in 2005

Only 16 requests
received during 2006

Measures you have in
place for FOI should be
sufficient to handle EIR



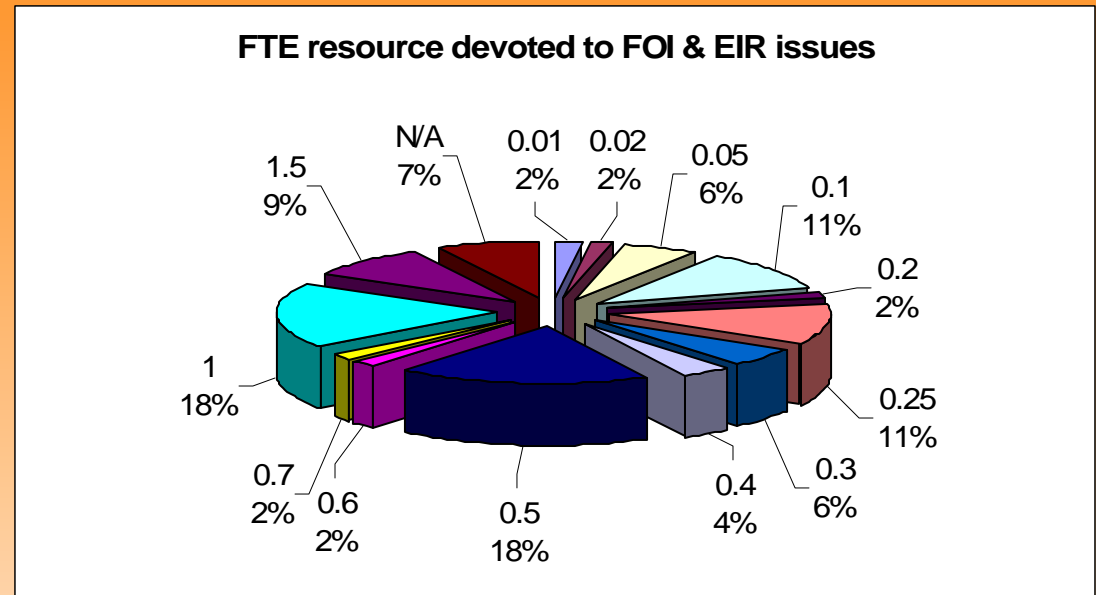
Surely we don't need to worry about the Data Protection Act any more?

- Don't be too sure
- 22% of all requests received were Subject Access Requests
- They take longer to answer than FOI requests
- They involve more staff to answer than FOI requests
- Govt. shares the concern that data protection has been overshadowed by FOI

You have been warned!

Appropriate investment?

- Although 91% have a designated FOI resource, the FTE varies enormously
- In 2005 only 1% had purchased specialist software
- If you have coped to date, you should be okay for the immediate future...



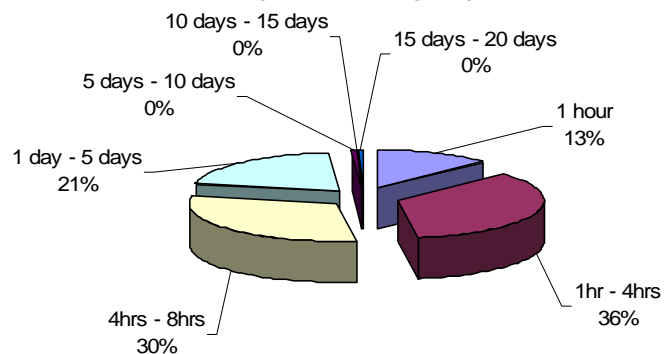
But could this small stream ever become a raging river?

- Experience from overseas suggests long term rise
- DPA experience demonstrates 'slow burn' nature
- Trends likely to increase number of requests
 - Moves to leverage the value of public sector information
 - Increase in investment in HE & greater calls for accountability
 - Student as a fee paying consumer

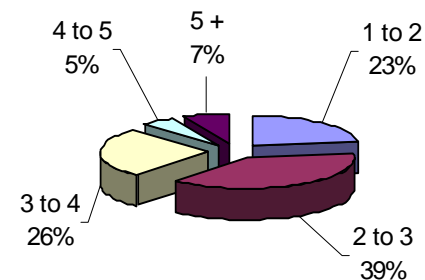
Could we cope with a future increase in the volume of requests received?

Don't underestimate current impact

**How long FOI & EIR requests take to answer
(actual time spent)**



**Average No. of staff involved in responding to FOI
requests**



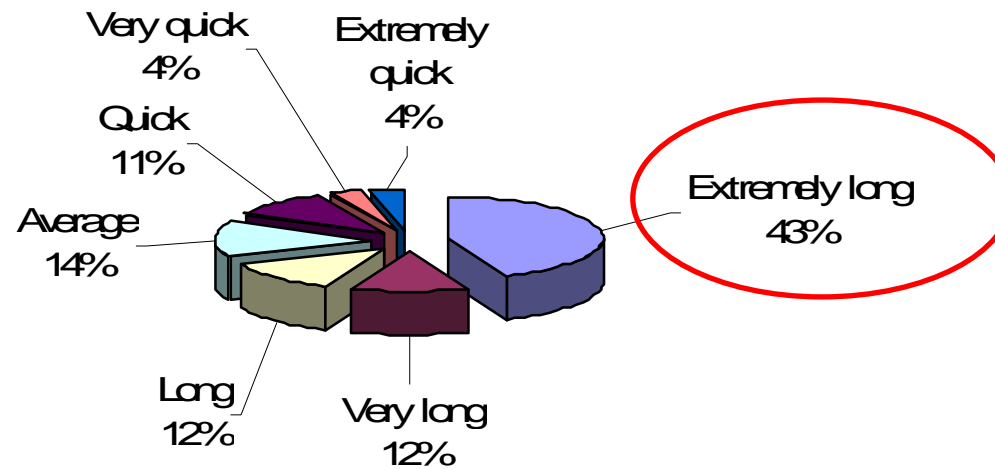
Do even greater problems lurk under the surface?

- 59% of FOI requests are taking between 10 and 20 days to complete
- 66% of DPA requests are taking between 15 and 20 days to complete

Why so long?

The cause?

Time taken locating & accessing required information



Why should this be so?

- Institutions are devolved organisations often with little centralised control over the information created or held
- Often reliant on individuals to locate and access required information
- Too much information being held needlessly
- Unwieldy filing systems
- Inconsistent / poor file naming
- Version control issues
- Document design issues

Decision Notices

West Cheshire College

- Failure to respond within 20 working days

Leeds Metropolitan University

- Failure to respond within 20 working days

University of Cambridge

- Refusal notice did not include details of the complaints procedure

University of Ulster

- Failure to respond within 20 working days

University of Arts, London

- Refusal notice did not details of complaints procedure

University of Cambridge

- Failure to confirm/deny existence of material assistance
- Failure to respond within 20 working days

There but for the grace of God...

'These arbitrary actions... demean the university and are an insult to staff who are dedicated teachers. These actions do not have the support of the external examiners and, perhaps worst of all, they are dishonest to our students'

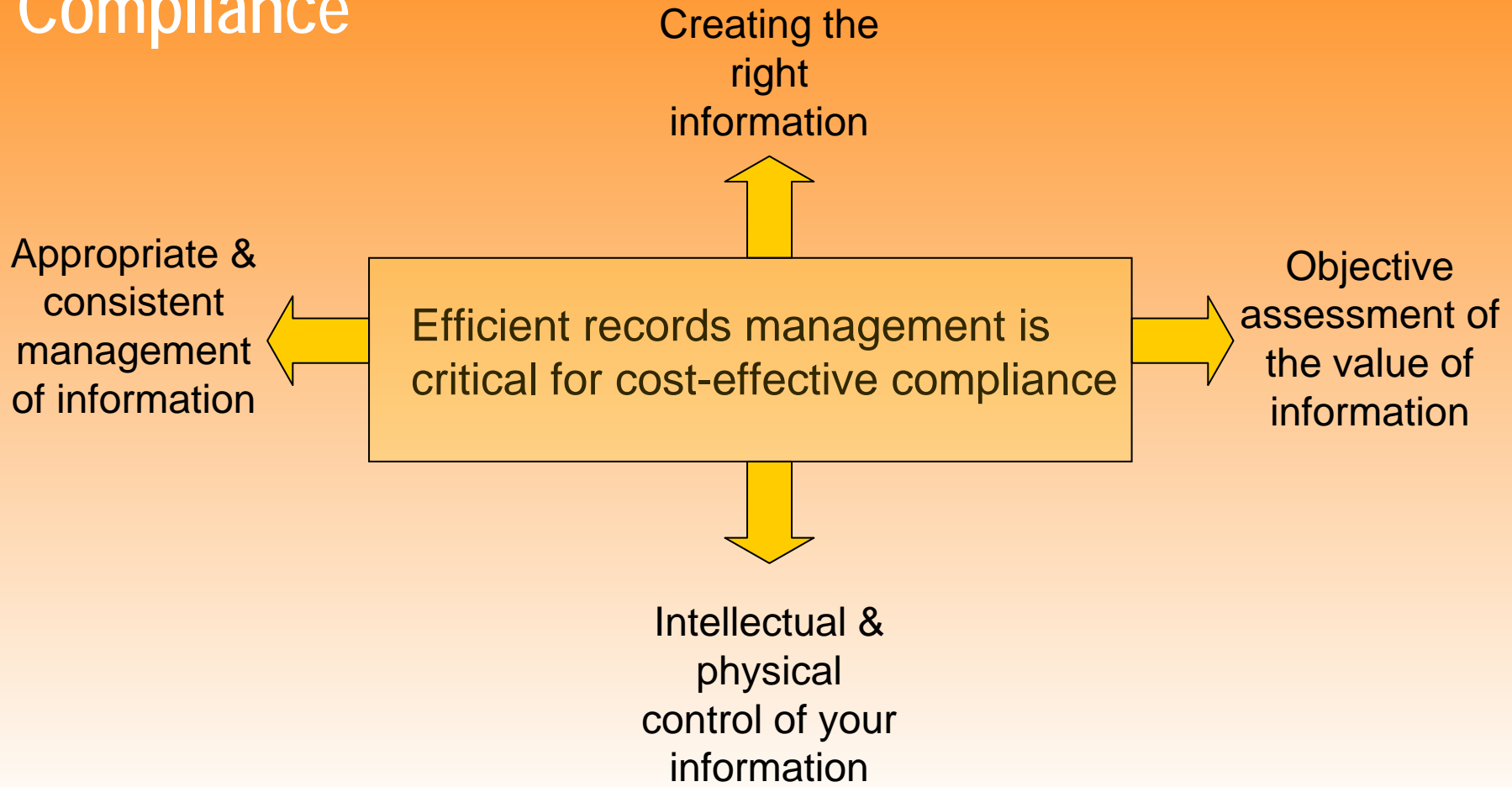
THE TIMES
HIGHER
EDUCATION SUPPLEMENT

21st April 2006

“The full story of how De Montfort University raised failing students' exam results, in the face of furious opposition from lecturers and external examiners, can be revealed by *The Times Higher* today...”

'I still think the decision... is academically indefensible. If word ever got out about what we have done, it could have serious consequences for recruitment and the academic reputation of the school'

The importance of Records Management to Information Compliance



Opportunity, rather than obligation?

- Clear that the measures most institutions have put in place are able to cope with the current *symptoms* caused by information governance legislation
- But perhaps we haven't yet addressed the *cause*
- Addressing that cause could lead to institutional benefits
 - Leveraging the value from the information we hold
 - Reduced overheads
 - Efficiency gains – doing more for less
 - Managing risk
 - Maximising the benefits of new technology

Resources

- Full results of the 2006 and 2005 survey
 - <http://www.jiscinfonet.ac.uk/foi-survey/2006/results>
- FOI Staff Development Pack
 - <http://www.jiscinfonet.ac.uk/publications>
- Records Management infoKit
 - http://www.jiscinfonet.ac.uk/InfoKits/records-management/index_html
- Business Classification Scheme & Records Retention Schedule
 - <http://www.jiscinfonet.ac.uk/partnerships/records-retention-he>
- JISC Information Governance Gateway
 - Due later this year
- Managing your information to make life easier: a practical guide for administrators
 - Due April 2007
- Data Protection Code of Practice
 - Due later this year

Thank you

Questions?

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