

1. Summary

In exercising its functions, Social Work England processes the personal data of:

- members of the public,
- social workers,
- those working for education and training providers,
- those working for third parties such as businesses that provide services under contract,
- external stakeholders, and
- members of staff.

This report summarises the organisation's key activities in relation to the protection of personal data, and compliance with data protection law. It pertains to the period from 1 April 2021 to 31 March 2022.

Social Work England is registered as a data controller with the Information Commissioner's Office. Its ICO registration number is ZA498223.

2. Activities and approach

The organisation's activities during 2021/22 have continued to be delivered to a large extent remotely. This was due to the legal restrictions placed on movement and contact in response to the Covid-19 pandemic, and the general shift in working arrangements that accompanied this. The organisation's data protection-related activities included, amongst other things:

- Migration to a case management system for managing information rights requests
- Management of international data transfer risks pending and after decisions from the EU regarding the adequacy of the protection of personal data in the UK
- Development of bespoke data protection and information governance training for employees, partners, and board members
- Implementation of an annual check on data protection compliance/performance by third party providers
- Publication of a data retention schedule on the Social Work England website
- Organisation-wide updates to records of data processing activities and the register of information assets
- Introduction of an annual check to confirm the application of data retention periods
- Commencement of the development of an internal policy on email security

- Retention of data in preparation for any input which may be required into the forthcoming Covid-19 inquiry
- Migration to a new survey tool to improve internal access control to survey responses
- Establishment of new data sharing agreements with other organisations.

3. Individual data rights requests

Social Work England received 629 individual data rights requests for which a response was due within the reporting period. 614 of these were subject access requests (SARs) (2 of which were requests for an internal review of the response provided). The remainder comprised other requests such as for the erasure of personal data. All of these requests were responded to within the statutory timeframe, which is usually no later than one month from the date of receipt of the request.

In 2020/21, the number of individual data rights requests, for which a response was due within that reporting period (1 April 2020 to 31 March 2021), was 258. 629 represents a marked increase year-on-year. In this reporting period, the month with the highest number of requests for which a response was due was November 2021, in which the deadline applied to 90 requests (86 of which were SARs). The number from that point was circa 50 per month on average. This followed the introduction of a new online form designed to guide members of the public as to what information we hold. We receive a significant number of requests from people looking for social care records. Social Work England does not hold such records, unless they are relevant to a fitness to practise case. The new online form guides requestors as to where they are most likely to be able to find the information they are seeking.

4. Data incidents

90 data incidents were reported to, and investigated by, the organisation.

This figure includes 62 data breaches, 20 'near misses' and 8 non-Social Work England data incidents.¹

Social Work England has adopted an internal response system for data incidents, based on the degree of risk to the rights and freedoms of the data subject(s) and the number of data subjects affected. None of the data incidents have been assessed as being *likely* to result in a risk to those *rights and freedoms*, for example, damage to reputation, or an adverse effect on private and family life.

¹ A near miss is defined for these purposes as a data incident that had the potential to cause or amount to a data breach but did not do so; there was no access to personal data outside of the organisation. 'Non-Social Work England data incidents' include, for example, where Social Work England has been sent personal data in error, or a member of staff has found personal data left on the premises. Such incidents are logged so that, if necessary, the organisation can demonstrate how it dealt with the situation.

The types of incidents have involved, for example, emails being sent to the wrong email address, and template-based documents containing details for the wrong person being attached to emails.

The Information Governance Steering Group² (IGSG), the Senior Leadership Team and the Executive Leadership Team review data incidents on a regular basis, and the Audit, Risk and Assurance Committee is also routinely briefed on significant incidents and incident trends generally.

No incidents have been deemed to meet the threshold of risk which would require them to be reported to the ICO.

5. Training

Employees have been asked to complete data protection training. This was done by 97% of employees (224 out of 230) since 1 April 2021. A change to a new e-learning provider at the beginning of this reporting period made it necessary to develop new bespoke data protection training, and meant that e-learning based data protection training could not be provided to Partners and Social Work England Board Members during this period. The new training will be rolled out to Partners and Social Work England Board Members early in the 2022/23 financial year.

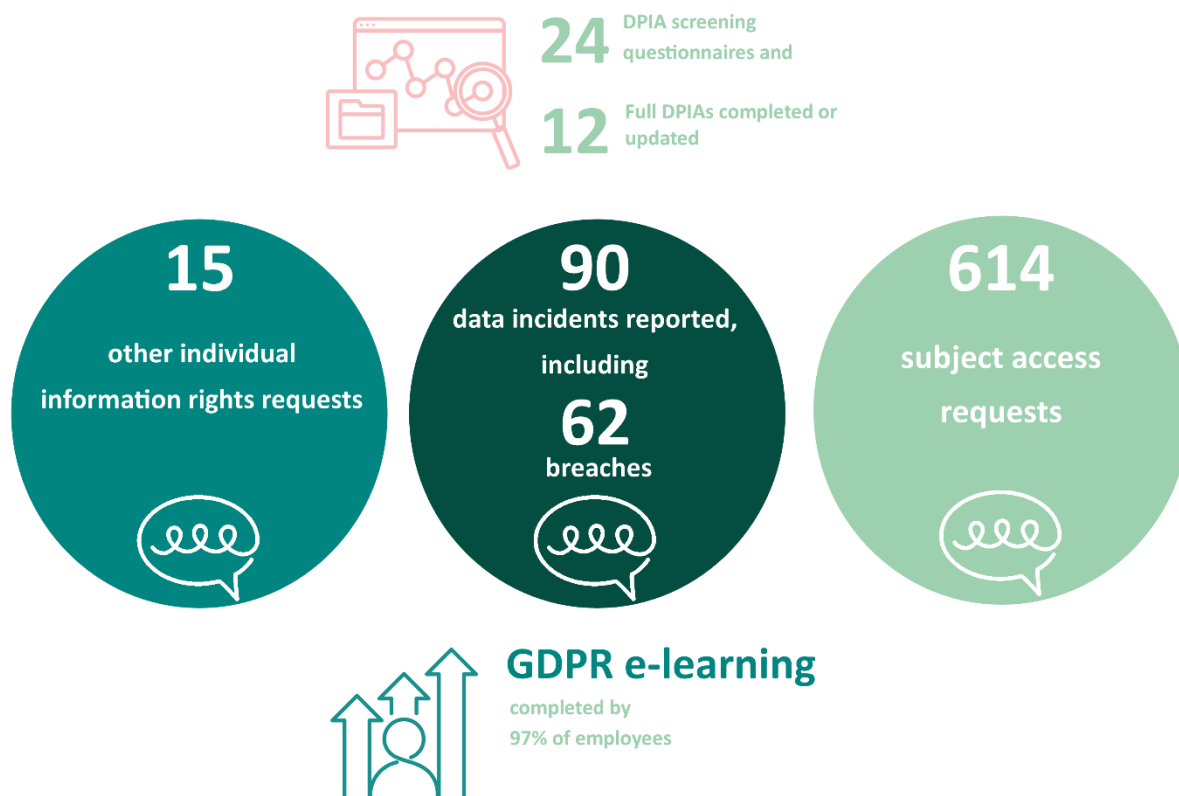
6. Data Protection Impact Assessments (DPIAs)

A DPIA screening questionnaire is used to help identify the need for a full DPIA, which involves more extensive consideration of the data protection risks and how these can be mitigated.

24 DPIA screening questionnaires and 12 full DPIAs were completed or updated in the period up to 31 March 2022. The full DPIAs covered significant activities such as becoming a Prescribed Person for the purposes of public interest disclosure legislation.

² The IGSG is a committee accountable to the Executive Leadership Team. It comprises senior stakeholders with accountability for information governance. Its purpose is to support and drive the broader information governance agenda and provide Social Work England's Executive and Board with the assurance that robust information governance is in place within the organisation.

7. The year in numbers – at a glance



8. Areas of risk and looking to the future

The organisation has made good progress in developing the maturity of its information governance framework, as outlined above under 'Activities and Approach'.

Areas where further work will be needed in the next twelve months, include:

- Improvements to the information provided about cookies operating on our website, to ensure legal requirements are met; not all cookies operating on the website are listed on the website Cookies page, and the functionality of the cookie banner needs improvement (for example, to ensure that it is as easy to withdraw consent as it is to give it).
- Ensuring a contractual commitment to confidentiality from existing staff. New staff (since April 2020) have a contractual duty of confidentiality. As at 7 September 2021, there were 160 employees whose contract does not include a confidentiality clause; this number had fallen, by 31 March 2022, to 119 employees.
- Updating the privacy notice in registered social workers' online accounts. This was last updated in August 2020. An update requires external development time from IT contractors.
- A review of contracts containing standard contractual clauses for international transfers, subject to parliamentary approval of the international data transfer agreement (IDTA), developed by the Information Commissioner's Office.

- A review of data protection impact assessments (DPIAs) completed since the inception of the organisation.
- The development of an electronic data incident management system.
- Technical measures to give effect to data retention periods in internal systems beyond Office 365, to ensure that data is kept where it is needed, but for no longer than necessary.

The likelihood and impact of these risks to data subjects is monitored by Social Work England. The Executive Leadership Team is fully aware of these risks.

Data sharing and disclosure powers

Data, and particularly personal data, underpins much of Social Work England's work to protect the public. However, Social Work England currently has limited data sharing or disclosure powers. Additional data sharing and disclosure powers would ensure that the organisation could lawfully share data, including personal data, in certain circumstances where it would help to protect the public. How to share information in circumstances where it could help protect the public, whilst balancing this with upholding the fundamental rights and freedoms of data subjects, is not an easy balance to strike. At the time of writing this report, the Department for Education is consulting on potential changes to The Social Workers Regulations 2018, including in respect of Social Work England's data sharing and disclosure powers. The powers as drafted are broad, and could facilitate disclosure for a broader range of purposes and in a broader range of circumstances than those in which Social Work England currently envisages that the power will be used.

The circumstances in which any data sharing or disclosure is done, and if so the nature and extent of such sharing or disclosure, will be fundamental to maintaining trust and confidence in Social Work England's approach to data protection.

Any feedback in relation to the proposed powers will need to be considered in the coming months. I have some reservations about their breadth. Whatever powers come into force, if any, it is likely that data subjects will need assurances about how they are used.

9. Final thoughts

Since its inception, Social Work England has sought to earn the trust of those whose personal data it holds, and to meet and often exceed what's expected or required by law. We strive to ensure people are well informed, and that we only use their data in ways they would expect. We give proper consideration to each information rights request we receive, and when we can't provide people with the response or information they're hoping for, we endeavour to explain our reasons fully, within our response.

As regards data incidents, inevitably we don't always get everything right. However, when we don't, we seek to learn, and reduce the risk of an issue being repeated. This process has happened effectively throughout this reporting period.

There are some challenges to address in the coming year, and there remains more to do to address the identified risks. However, the board should be encouraged by the overall approach the organisation has taken to data protection during this period, with some significant enhancements to the data protection framework and improved governance having developed.

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