

Approved by Committee on 21 July 2020

Information Governance Committee
Monday 17 February 2020 at 10 am
Room 1, Eglinton House, Ailsa Hospital, Ayr

Present: Miss Lisa Tennant, Non-Executive Board Member (Chair)
Mr Michael Breen, Non-Executive Board Member
Mrs Margaret Anderson, Non-Executive Board Member
Mr John Rainey, Non-Executive Board Member

Ex-officio: Mrs Lesley Bowie, Interim Board Chair
Dr Alison Graham, Joint Medical Director
Mr Derek Lindsay, Senior Information Risk Owner
Mrs Jillian Neilson, Head of Information Governance and Data Protection Officer

In attendance: Mr John Burns, Chief Executive
Mr Andy Grayer, Assistant Director, Digital Services
Ms Natali Higgins, Information Governance Manager (Corporate Records)
Mrs Angela O'Mahony, Committee Secretary (minutes)

1. Welcome and Apologies for absence

Miss Tennant welcomed everyone to the meeting, in particular, Ms Natali Higgins, Information Governance Manager, who was attending to observe the meeting.

Apologies were noted from Cllr Joe Cullinane and Mr John Wright.

2. Declaration of any Conflicts of Interest

There were no conflicts of interest declared.

3. Draft Minute of the Meeting held on 4 November 2019

The Minute of the meeting held on 4 November 2019 was approved as an accurate record of the discussion.

4. Action Log

4.1 The action log had previously been circulated to members and the following areas were highlighted:

Item 9.1.2, Information Security Breach – Mrs Neilson had contacted Information Governance (IG) Leads in other Board areas and advised that no other Board had been able to agree a data processing agreement (DPA) with Landauer. Board continued to use the company's services, one of only two providers used by Scottish Boards, however, the volume of staff personal information being

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processed by the company had reduced significantly. The Chief Executive emphasised the need for a Once for Scotland approach to agree a DPA, led by Central Legal Office. He requested details of Boards using the company's services and he would seek an update on the current position.

JN/JB

Item 5.2, IG update – Mrs Neilson advised that this had been added to the IG work plan as part of wider work to embed IG training across the organisation. Mrs Neilson had arranged to meet HR colleagues to discuss the inclusion of IG training into corporate induction and increasing the frequency of IG mandatory and statutory (MAST) training.

5. For Assurance

5.1 Public Records (Scotland) Act 2011

The Head of Information Governance, Mrs Jillian Neilson, presented the Public Records (Scotland) Act (PRSA) 2011 update report. Mrs Neilson advised that the report was in a new format to reflect the Once for Scotland approach to corporate governance.

Mrs Neilson advised that NHS Ayrshire & Arran had submitted an update on the progress of the Records Management Plan (RMP) to the Keeper of the Records of Scotland in January 2020 and feedback was awaited.

Committee members were informed that a follow-up report detailing progress on corporate records paper storage arrangements had been presented to Corporate Management Team (CMT) on 16 December and the report's recommendations had been approved. Ms Higgins highlighted that while positive improvements had been made in the management of paper corporate records, there was still considerable work required to ensure that all paper storage areas were fit for purpose. Ms Higgins explained, in response to a question from a member, that discussion was ongoing with fire safety officers on paper storage areas and this had resulted in fire doors being installed and some files being moved to a temporary area.

Mrs Neilson advised that a first draft of the file plan guideline had been circulated to Corporate Records Management (CRM) champions and feedback would be used to amend the guideline as required and the guideline submitted to the next CRM group meeting for approval. The Employee Records Guideline was at a final stage and once approved by the short life working group, it would be shared with managers across the organisation.

Mrs Neilson provided an update on progress in the implementation of Office 365 (O365) and development of a national Business Classification Scheme, which would inform O365 file structures. Mrs Neilson explained that NHS Mail would cease to exist in September 2020 and email management guidelines were being developed and training workshops organised to support staff to reduce

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mailbox size and manage emails more effectively, prior to the migration to O365.

Outcome: Committee members discussed and noted the Public Records (Scotland) Act (PRSA) 2011 update report. Committee members were encouraged by the good work being done and progress to implement the RMP and improve corporate records paper storage arrangements.

5.2 Information Governance update

The Head of Information Governance, Mrs Jillian Neilson, provided an update on the IG work programme 2020-2022, which included outstanding actions from the Phase 2 General Data Protection Regulation/Data Protection Act 2018 Action Plan and the wider remit of the IG team.

Mrs Neilson highlighted activities being undertaken in regard to uptake of IG LearnPro training, progress in the completion of Information Asset Registers, Subject Access Requests and Data Protection Impact Assessments.

Mrs Neilson advised that Joint Controller arrangements between the Board and GP contractors had been considered at the GP Sub Committee and GPs would now be asked to sign up to these arrangements, or indicate should they wish to opt out and make their own arrangements.

Mrs Neilson explained, in response to a question from a member, that Board and GP practices had joint responsibility for data protection, however, GP practices would be responsible for activity undertaken on their own behalf. The DPO would conduct audits to ensure GP practices were complying with DP Legislation. The Senior Information Risk Owner, Mr Derek Lindsay, advised that consideration was being given to future arrangements for storage of GP medical records, to maximise space available for teams working in GP practices.

Mrs Neilson advised that a deputy Data Protection Officer (DPO) had been recruited but would not take up post until later in the year. Interviews for an IG analyst had taken place and the successful candidate should be in post by April 2020. Mrs Neilson advised that there were plans in place to proactively upskill IG team members to ensure they had all of the skills required to deliver the IG work programme.

Outcome: Committee members discussed and noted the Information Governance update.

6. Information Security Policy Framework

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- 6.1 The Head of Information Governance, Mrs Jillian Neilson, advised that as an internal audit of the Framework was ongoing, submission of this report had been delayed until the draft audit report was available. A more detailed report should be available for the next Committee meeting on 11 May.

The Assistant Director, Digital Services, Mr Andy Grayer, gave assurance that Board continued to work through the Framework. Board would be audited by Scottish Government at the end of May 2020. Mr Grayer advised that he was working with eHealth Leads across Scottish Boards and any learning from audits would be shared.

Outcome: Committee members noted this update on the Information Security Policy Framework and looked forward to receiving a more detailed report at the next meeting.

7. Risk

- 7.1 Committee members did not have any new areas of risk to report to the Risk and Resilience Scrutiny and Assurance Group.

8. For Awareness

8.1 Information Security Breach report

The Head of Information Governance, Mrs Jillian Neilson, presented a report on information security breaches that had occurred within NHS Ayrshire & Arran during the quarter October to December 2019. The report also provided a summary of activity between Board and the Information Commissioner's Office (ICO) and an overview of potential breaches highlighted by the FairWarning system.

Mrs Neilson reported that there were a total of 22 information security breaches during the reporting period, mainly due to information being sent to the wrong recipient via email or letter. Mrs Neilson gave assurance that Board had robust processes in place to manage information security breaches.

Mrs Neilson advised that NHS Ayrshire & Arran had reported one information security breach to the ICO. This breach had involved viewing patient records without legitimate reason. Mrs Neilson advised that NHS A&A as Data Controller for the information has reported the breach to the ICO. Board had informed the individuals concerned that their personal information had been breached and the Joint Medical Director, Dr Alison Graham, had offered to meet the individuals affected. Dr Graham advised that ICO had been satisfied with the actions taken by Board and had now closed the case with no further action required. Mrs Neilson gave assurance, in response to a question from a member, that Board had robust IG mechanisms in place to prevent inappropriate access to records and when this breach had been looked into, the level of access that the individual had was deemed appropriate.

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Outcome: Committee members discussed and noted the Information Security Breach report.

8.2 Freedom of Information

The Head of Information Governance, Mrs Jillian Neilson, presented the Freedom of Information annual report 2019-20 and action plan.

Mrs Neilson highlighted that 95.3% of requests received between September and December 2019 were responded to within the statutory timescale and this rated as excellent performance using the Office of the Scottish Information Commissioner's Effective Performance matrix. 174 requests were received (two withdrawn and one no clarification provided), a 25% decrease on the same period in 2018. One internal review was still with the ICO awaiting a decision following an appeal.

Outcome: Committee members discussed and noted the Freedom of Information and Environmental Information Regulations activity report. Committee members commended all staff involved for their significant efforts to achieve this excellent performance.

9. Integration

9.1 The Head of Information Governance, Mrs Jillian Neilson, advised that there was no progress to report in regard to re-establishment of Data Sharing Partnerships (DSPs). Mrs Neilson gave assurance that the Information Governance Pan-Ayrshire Group considered issues across the Board and three Local Authorities. The Chief Executive requested that Mrs Neilson seek confirmation from the Health and Social Care Director for South Ayrshire, Mr Tim Eltringham, that DSPs were no longer required and request details of data sharing governance arrangements.

JN

Outcome: Committee members discussed and noted the Integration update. Committee members requested that a report be provided at the next meeting clarifying data sharing governance arrangements.

10. For Information

10.1 Information Governance Pan Ayrshire Group

Committee members noted the draft minutes of the meeting held on 11 December 2019.

10.2 Information Governance Operational Delivery Group

There were no minutes available.

11. Key issues to report to NHS Board

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11.1 Committee members agreed that the following key issues be reported to the NHS Board meeting on 30 March 2020:

- FOI annual report and excellent performance in responding to FOI requests.
- PRSA update – progress in the management of corporate records paper storage. Email management guidelines and training prior to migration to O365.
- IG update - plans to proactively upskill IG team to ensure they have skills required to deliver the IG work programme.

12. Any Other Competent Business

12.1 There was no other business.

13. Date and Time of Next Meeting

Monday 11 May 2020 at 10am, Room 1, Eglinton House, Ailsa Hospital, Ayr

Signed (Chair) Date