

Approved by Committee on 9 November 2020
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Information Governance Committee

Tuesday 21 July 2020 at 1pm

MS Teams meeting

- Present: Miss Lisa Tennant, Non-Executive Board Member (Chair)
 Cllr Joe Cullinane, Non-Executive Board Member (Vice Chair)
 Mr Michael Breen, Non-Executive Board Member
 Dr Sukhomoy Das, Non-Executive Board Member
 Mr John Rainey, Non-Executive Board Member
- Ex-officio: Mrs Lesley Bowie, Chair, NHS Ayrshire & Arran
 Ms Nicola Graham, Director Infrastructure and Support Services
 Mr Derek Lindsay, Senior Information Risk Owner
 Dr Crawford McGuffie, Medical Director
 Mrs Jillian Neilson, Head of Information Governance and Data Protection Officer (DPO)
- In attendance: Mr John Burns, Chief Executive
 Mr Andy Grayer, Assistant Director, eHealth and Information Services
 Mrs Angela O'Mahony, Committee Secretary (minutes)

1. Apologies for absence

There were no apologies for absence.

2. Declaration of any Conflicts of Interest

There were no conflicts of interest declared.

3. Draft Minute of the Meeting held on 17 February 2020

The Minute of the meeting held on 17 February 2020 was approved as an accurate record of the discussion.

4. Matters Arising

- 4.1 The action log had previously been circulated to members and all progress was noted. Mrs Neilson provided an update on the following actions:

Item 9.1.2, Information Security Breach – Mrs Neilson will provide details of NHS Boards using Landauer's services to the Chief Executive to raise at the national Chief Executives' meeting.

JN/JGB

Item 6.5.1, Data Sharing Partnership (DSP) – An update report will come to the next Committee meeting on 31 August 2020.

Item 6.1, Information Security Policy Framework – The audit scheduled

for August 2019 had been cancelled due to Covid-19. A limited scope audit will commence on 3 August 2020 and an update report will be provided to the Committee on 31 August 2020.

5. Decision/Approval

5.1 Information Governance Committee Annual Report 2019/20

Committee members discussed the draft Information Governance Committee Annual Report for 2019/20. Miss Tennant highlighted that the report included the Board's response to Covid-19, mobilisation planning and new ways of working, including greater use of digital technology and the impact on information governance. A priority for 2020/21 will be to ensure compliance with Data Protection legislation whilst continuing to respond flexibly to manage service demands and pressures during the Covid-19 pandemic.

Committee members commended the performance measures reported during the year, in particular, the Board's excellent performance in relation to Freedom of Information activity.

Outcome: Committee members approved the Information Governance Committee Annual Report 2019/20 and the updated Terms of Reference for onward submission to the NHS Board for approval.

5.2 Information Governance Committee Work Plan 2020/21

The Head of Information Governance and DPO, Mrs Jillian Neilson, outlined the IGC work plan for 2020/21. Mrs Neilson highlighted that an internal audit report on Cyber Security will be presented at the next meeting on 31 August 2020.

Committee members discussed the work plan in the context of digital enablement and the positive new ways of working and data sharing in response to the Covid-19 emergency situation. The Chief Executive emphasised that digital will be a key enabler in progressing mobilisation and recovery planning and the Committee will have an important role. Dr McGuffie, Ms Graham and Mrs Neilson will consider the Committee's information governance role and remit in progressing mobilisation and recovery planning and digital/data sharing and provide a report for discussion at the next meeting on 31 August 2020.

**CMcG/JN/
NG**

Committee members requested that details of IGC risk reporting arrangements for 2020/21 be included in the work plan.

CMcG/AO

Outcome: Committee members discussed the Information Governance Committee work plan and looked forward to receiving regular updates on key elements of the Information Governance Work Programme for 2020/22.

6. For Assurance

6.1 Use of Mobile Messaging Applications during COVID-19

The Head of Information Governance and DPO, Mrs Jillian Neilson, highlighted that a report had been presented to the Integrated Governance Committee (IntGC) on 21 April 2020 relating to information governance and the extension of the Emergency Care Summary (ECS) to community pharmacy, pharmacy technicians and later community optometry and community dental services, to enable them to provide emergency care as part of their Covid-19 response. The Chief Executive had written to independent contractor colleagues to advise them of their obligations in relation to patient confidentiality and appropriate access to information. Practices were advised to display patient information notices within their premises.

Mrs Neilson advised that while uptake in accessing ECS had been relatively low, it was expected that this would increase in the coming months as lockdown restrictions eased. Mrs Neilson gave assurance that whilst access had been extended at an accelerated pace in response to the Covid-19 emergency, the intention was to have more robust information sharing arrangements in place with independent contractors, including mechanisms to proactively audit access to ECS, and discussion was ongoing at the national ECS audit group.

Dr McGuffie emphasised that these were unprecedented times and the clinical community and Area Clinical Forum unanimously supported the extension of ECS. Dr McGuffie gave assurance that the Board was doing everything possible to ensure appropriate information governance.

Mrs Neilson reported that a further paper had been presented to IntGC on 21 April 2020 on working from home and the use of mobile messaging applications. Mrs Neilson explained that the Board had to mobilise a high number of staff to enable them to work from home following Scottish Government guidelines, including the use of non-approved applications if appropriate in some circumstances. NHS Ayrshire & Arran had since reviewed the position and communications had been sent to staff to advise that MS Teams was the approved communication tool for staff and Attend Anywhere and Near Me for patient contact. MS Teams training had been rolled out across the organisation.

Mrs Neilson reported that there had been a security breach relating to a laptop and printed papers being stolen from a staff member's car boot, having been left there overnight. The staff member was aware that they had not followed information governance guidelines and the breach had been reported to the Information Commissioner's office.

Committee members discussed the digital enablement that had rapidly been put in place in response to the Covid-19 emergency and it was agreed that there was a need for a balanced risk approach in continuing to embed the positive progress made whilst assuring that appropriate information governance arrangements were in place and being followed by staff.

Dr McGuffie gave assurance that he and the Head of Information Governance were working hard to ensure that staff were aware of information governance guidelines and appropriate tools and mitigations had been put in place to enable staff to safely and effectively carry out their roles during the pandemic.

The Chief Executive gave further assurance that as digital developments progressed, discussion was taking place with the Area Clinical Forum and the Area Partnership Forum to ensure they were supported by staff across the organisation and appropriate policies and procedures put in place to safely manage personal information.

Outcome: Committee members discussed the update on digital developments in response to the Covid-19 emergency situation and were assured by the arrangements and processes in place to manage information governance risks. The Committee will continue to monitor the position going forward.

6.2 Freedom of Information Scotland Act 2002 (FOISA) report

The Head of Information Governance, Mrs Jillian Neilson, presented the routine activity report on Freedom of Information activity.

Mrs Neilson highlighted that a report had been submitted to the Integrated Governance Committee on 21 July to advise of temporary changes to extend the timescale for responding to FOI requests from 20 to 60 working days. The statutory response time had reverted to 20 working days on 27 May 2020. Requests that had not been responded to by 27 May and were out with the 20 working days were considered to be late responses. Mrs Neilson gave assurance that 75% of the 36 FOI requests received during the temporarily extended period had been responded to within the required timescale, with nine late requests having received responses between 24 and 39 days. Mrs Neilson explained that while the number of FOI requests received in April and May had fallen, activity had increased since June 2020 and she expected this trend to continue.

In response to a question from a Committee member, Mrs Neilson agreed to check activity levels relating to subject access requests with the Head of Medical Records. **JN**

Outcome: Committee members discussed the Freedom of Information report and were assured by the work being done to ensure compliance with the requirements of the Freedom of Information (Scotland) Act 2002.

7. Governance

7.1 Integrated Governance Committee update

Committee members noted the approved minutes of the meetings held

on 21 April and 15 May 2020.

Miss Tennant highlighted key areas discussed at the meeting held on 11 June 2020 relevant to the Information Governance Committee. There had been discussion in regard to working from home, use of mobile messaging, security and retaining the benefits of new ways of working going forward. All non-essential training had been paused due to Covid-19. Mrs Neilson advised that Information Governance essentials, email management and MS Teams training had continued to be delivered through MS Teams and this had been well received.

Miss Tennant advised that the additional Integrated Governance Committee meetings held in recent months had been very useful as most Governance Committees had been paused during this period due to the Covid-19 emergency response.

Outcome: Committee members noted the approved minutes of the Integrated Governance Committee meetings held on 21 April 2020 and 15 May 2020 and the key issues discussed at the meeting on 11 June 2020.

7.2 Risk issues to report to Risk and Resilience Scrutiny and Assurance Group (RRSAG)

Committee members agreed that the Chief Executive would ask RRSAG to consider progress in digital enablement, data sharing and new ways of working in the context of information governance and wider risk management arrangements.

JB

7.3 Points to feed back to NHS Board

Committee members agreed that the following areas should be highlighted at the NHS Board meeting on 17 August 2020:

- Freedom of Information – while there had been a decrease in activity, this was expected to increase in the coming months.
- New ways of working, home working and mobile messaging – Committee members emphasised the need to strike a balance in taking forward new ways of working whilst meeting information governance requirements. Members received robust assurance on the approach being taken and the position will continue to be monitored.
- IG and email training – This training has continued during the pandemic and has been well received.

8. Any Other Competent Business

8.1 There was no other business.

9. Date and Time of Next Meeting Monday 31 August 2020 at 10am, MS Teams

Signed Date