

Meeting of
Lanarkshire NHS Board
September 2008

Lanarkshire NHS Board
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SUBJECT: Information Governance

1. PURPOSE

To appraise the NHS Board on actions being undertaken in response to the need to enhance Information Governance related activities.

2. CONTENT/SUMMARY OF KEY ISSUES

The Information Governance Policies and Procedures in place across NHSL, along with the actions that emerge from them have been the subject of preliminary review and a need for a significant and focussed range of improvement has been identified. This focussed as much at culture and methods of operation as they are at IT related matters

The Information Governance Committee has been re-established under the auspices of the Health and Clinical Governance Committee. This committee comprises senior managerial and clinical representatives from the operating divisions and corporate departments. It will be critical that this committee is given full attention and support by senior managers, clinicians and the CMT.

Areas for early priority improvement have been identified and an initial Action Plan is in place to address these. Most of these initiatives are not resource intensive. However, a fully costed action plan will be presented to the CMT with a month.

The need for a sustainable culture shift, achieved through a process of raising awareness, targeted improvements and specific objectives is being developed

3. RECOMMEDATIONS

Board Members are asked to note the initial work undertaken to determine compliance with relevant statutory and regulatory frameworks and the actions being put in place rapidly to ensure significant improved levels of assurance .

4. FURTHER INFORMATION

Further information from Robin Wright, General Manager eHealth/IM&T,
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INFORMATION GOVERNANCE AND UPDATE STATUS REPORT

1. Introduction

This report to the NHS Board sets out the context for the need for general improvement in our approach to Information Governance and seeks to provide assurance to the Board that the necessary actions have been identified and are being delivered.

2. Legal and Regulatory Context

The Legal Environment related to Information Governance within which NHS bodies operate is well defined. Information Governance and related matters such as data protection, personal privacy, human rights and matters of commercial confidentiality are referenced in more than 50 Acts of Law. Primary amongst these are:

- Data Protection Act 1998
- Access to Health Records Act 1990
- Computer Misuse Act 1990, and
- Freedom of Information Act (Scotland) 2002

In addition, the Criminal Justice and Immigration Bill is currently subject to Royal Assent and will give the Information Commissioner power to impose substantial fines (up to £1 million) in circumstances where organisations 'recklessly commit serious breaches of the Data Protection Act'.

As well as the legal context, the regulatory environment within which Health Professionals operate imposes upon them a number of Professional Standards that set out their responsibilities to preserve the integrity, security and confidentiality of personal information.

3. The NHS Context

As a result of high profile breaches to information security in the wider Public Sector, the UK and Scottish Governments have given a renewed emphasis to the need for public bodies to review their current arrangements and to make improvements where necessary. From an NHS in Scotland perspective, a number of breaches have been reported including:

- Health Records being stored in a disused hospital in NHS Tayside
- Loss of Person Identifiable Data (PID) from a portable data storage device in NHS Lothian

- A residue of miscellaneous items of PID at Law Hospital,
- A number of lost personal computers containing PID reported across all NHS Boards

These reported incidents, together with a generally accepted view that there is a culture of 'under reporting' has prompted the Scottish Government to issue guidance that has reiterated:

- the responsibility and accountability framework – NHS Boards are both responsible and accountable
- existing requirements to demonstrate progress and improvement in relation to the NHS Scotland Information Governance Toolkit
- the need to put in place urgent contingencies against areas of identified vulnerability

4. Current status within NHS Lanarkshire

NHS Lanarkshire recognises the need for both general and specific improvement in areas related to Information Governance.

Governance

The Information Governance Committee has been re-established as a sub-committee of the Health and Clinical Governance Committee. The committee will be chaired by the Associate Medical Director, CHP North and will comprise senior management and clinician membership drawn from the operating divisions and corporate functions. Revised Terms of Reference have been drafted for the committee and these set out its remit, reporting arrangements and accountability framework. The Committee will assume responsibility for both Information Governance and Health Records Policy in recognition of the close alignment of these two issues.

The primary reference for the work of the Committee will be the NHS Scotland Information Governance Toolkit. Progress against milestones within the Toolkit is reportable on a 3 monthly basis to Scottish Government.

Areas for immediate improvement have been identified and are currently subject to implementation and an appropriately prioritised action plan with associated timescales and resource requirements to address the wider objectives of the Toolkit will be available by the end of September.

Initial Improvement Plan

A preliminary review of policies, procedures and the extent of compliance with best practice have resulted in a number of immediate actions being identified:

- ❖ A campaign of raising awareness through the inclusion of 'security tips' in the weekly staff bulletin has been in place over the past six months
- ❖ The process by which redundant computer equipment and electronic data media is disposed of has been revised to include 'witness testing' of the destruction process on NHS premises
- ❖ All laptop computers are being encrypted with 80% now complete. Guidance has been issued to all staff advising them that unencrypted laptops containing person identifiable data should be securely locked in NHS premises when not in use. Failure of staff to have their laptops encrypted by end September 2008 will result in withdrawal of the use of the laptop
- ❖ Service departments that store person identifiable data have been instructed to assess the security risk associated with current storage and retention arrangements and report vulnerabilities to the Head of Health Records
- ❖ A programme of work is underway to remove data from desktop computers and store it in a secure networked location – service departments have identified priority areas and the most vulnerable will be secured by end December 2008 – this is a resource intensive activity and the overall programme of work will be complete in mid 2009.
- ❖ A programme of work is underway to review the use of portable storage devices including CDs, memory sticks and handheld devices – it is planned to implement a policy of restricting the routine use of these devices and introducing encrypted devices only to those staff who have justified a need to have them. A clinical sub-group of the eHealth Clinical Delivery Group is devising draft policies for consideration by the Information Governance Committee with a view to implementation during October 2008.
- ❖ A need to raise and sustain a culture of awareness of the need to operate securely has been identified and the Information Governance Committee will be giving urgent priority to commissioning a campaign of awareness, education, training

and publicity to support this

- ❖ A review of internal and external mail arrangements will be conducted to ensure that the receipt and distribution of mail is done in as secure an environment as possible
- ❖ Consideration will be given to embedding specific responsibility for Information Governance in the performance planning arrangements for all managers

In addition to the above actions, NHS Lanarkshire is fully engaged in the networks that are in place across NHS in Scotland. This will ensure that we are aware of experience elsewhere and are able to respond appropriately when new threats become apparent, or when there are innovative approaches being taken to improvement elsewhere.

5. Further action

NHS Board members are asked to note actions that have been taken – further updates will be provided as the full programme of work in this area is implemented.

Robin Wright, General Manager, eHealth/IM&T, September 2008