IG Policies, Procedures and Best Practice advice for Dudley CCG staff and all other 3rd Party staff members who have access to Dudley CCG information and systems
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INTRODUCTION

This handbook is designed to provide a single point of reference for all staff to access the Information Governance Procedures they are required to work to in order to ensure compliance with Information Governance legislation and national and local guidance.

SCOPE

This handbook covers all aspects of information within the organisation, including but not limited to personal information and organisational information. The handbook should be used by all staff when using, handling, processing and storing information. This includes all staff working for or on behalf of the organisation, e.g. temporary staff, contractors, students and permanent staff.

MONITORING

The organisation will monitor the handbook through the Information Governance Steering Group. Staff compliance with the handbook will be monitored through regular staff compliance checks, incident reports and the information risk assurance work programme. Failure to comply with the handbook will be dealt with as a serious breach of policy and could lead to disciplinary action being taken.

All staff have a responsibility to ensure that if they are unable to comply with any part of the handbook that they notify the Information Governance Team immediately.
WHAT IS INFORMATION GOVERNANCE?

Information Governance provides a framework to bring together all of the legal rules, guidance and best practice that apply to the handling of information, allowing:

✓ Implementation of central advice and guidance;
✓ Compliance with the law;
✓ Year on year improvement plans.

At its heart, Information Governance is about setting a high standard for the handling of information and giving organisations the tools to achieve that standard. The ultimate aim is to demonstrate that an organisation can be trusted to maintain the confidentiality and security of personal information, by helping individuals to practice good information governance and to be consistent in the way they handle personal and corporate information.

Information is a vital asset to the organisation but it also poses one of our greatest risks. It is therefore essential that information is handled in accordance with this handbook. This will ensure that all relevant legislative requirements are met.

Good professional practice goes hand in hand with Information Governance.
POLICY AWARENESS AND COMPLIANCE

The organisation has a responsibility to ensure that all staff are aware of the expectations placed upon them regarding how they use the information they come in to contact with as part of their work for the organisation.

This may be information which identifies individuals, or which is “commercially sensitive” and would be detrimental to the organisation if its confidentiality was breached.

Therefore, the organisation has an IG policy to be used alongside this handbook which covers all aspects of Information Governance and will provide guidance and direction on how staff are expected to work with confidential information, and in doing so, ensure compliance with all relevant legislation.

These documents are available to all staff on the internet: http://www.dudleyccg.nhs.uk/data-protection-records-management-calidcott-guardian

It is particularly important that every effort is made to follow this guidance as the Information Commissioner’s Office (the body who regulate compliance with the Data Protection Act and Freedom of Information Act in England) has the power to fine both organisations up to £500,000 and individuals up to £5,000 if a serious enough breach of the Data Protection Act occurs.

In addition to this, at an organisational level, breaches of the IG policy or Handbook may result in disciplinary procedures

Change to Data Protection Law for 2018

General Data Protection Regulations come into force on the 25th May 2018 which will replace the current Data Protection Act of 1998 law for the handling of Personal Identifiable Data. The majority of the new law will have the Data Protection Act 1998 at its core but there are other changes, in particular the broadening of the term ‘personal’ information to include IP address, Cookies and DNA. One significant change is the increase of Monetary penalty to a maximum of £17 million or 4% of an organisations global turnover. Individuals who unlawfully access information without the Data Controllers knowledge will remain a Serious Criminal Offence and prosecution to be carried out at Crown Court. Revision of this IG Handbook is scheduled for April 2018 to reflect these changes to Data Protection law.


The government has responded to the National Data Guardian, Dame Fiona Caldicott report on recommendations for Data Security, Consent and Opt-out for patients on the sharing of their information. As well as the CQCs report on Data Security. Please see additions to the Training section, and the National Data Guardian and CQC reviews section in this Handbook.
THE LEGAL FRAMEWORK

The organisation has a responsibility to ensure that all staff are aware of the legislation and best practice that governs the use of personal confidential data (PCD).

Change to Data Protection Law for 2018

General Data Protection Regulations come into force on the 25th May 2018 which will replace the current Data Protection Act of 1998 law for the handling of Personal Identifiable Data. The majority of the new law will have the Data Protection Act 1998 at its core but there are other changes, in particular the broadening of the term ‘personal’ information to include IP address, Cookies and DNA. One significant change is the increase of Monetary penalty to a maximum of £17 million or 4% of an organisations global turnover. Individuals who unlawfully access information without the Data Controllers knowledge will remain a Serious Criminal Offence that is tried at Crown Court level, if found to be guilty left with a criminal record and a fine determined by the court. Revision of this IG Handbook is scheduled for April 2018 to reflect these changes to Data Protection law.

THE DATA PROTECTION ACT 1998

The Data Protection Act 1998 regulates the processing of information about living individuals including the obtaining, use and disclosure of information and sets out the rights and responsibilities of data subjects and data users. It covers all paper and computer records.

The Data Protection Act states that anyone who processes personal data must comply with the 8 principles contained in Section 1 of the Act. Processing means any use of personal information – including, but not limited to, collecting, storing, sharing, viewing and destroying it. The following summary sets out the implications for all staff.

Principle 1: Personal data shall be processed fairly and lawfully

The aim of this principle is to ensure that personal data is processed fairly and lawfully and in accordance with a relevant condition from the schedules of the Act. Information given in confidence must not be disclosed without the consent of the giver of that information.

Compliance will be achieved by implementing the following measures:

- Personal data will only be processed where there is a legal basis to do so. The organisation has mechanisms in place to ensure that this is monitored and checked – please see the section “Information Risk Assessment and Management Programme” for further details.

- All staff will have a confidentiality clause in their contract of employment. A “contract, temporary and work placement staff confidentiality and compliance agreement” is included in Appendix C of this handbook which all staff who are not employed on a substantive basis must be asked to sign upon commencing work with the organisation.

- Informing staff, patients/service users how their data will be processed through the provision of Fair Processing Notices which explain why the organisation may process their data and their rights in relation to the data held about them.
Principle 2: Personal data shall be obtained for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes

If personal data has been lawfully collected for a specific purpose, that data cannot then be used for an additional or new purpose without establishing a legal basis to do so, e.g. gain further consent from the data subjects concerned.

Principle 3: Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed.

It must be ensured that whenever gathering personal data, it is relevant, adequate and not excessive for the intended purpose.

The organisation will ensure that all systems and processes ensure only relevant information is captured and processed. The organisation will implement ‘need to know’ access controls and will conduct routine audits as part of good data management practice. Please refer to the section “Confidentiality Audits” for further information.

Principle 4: Personal data shall be accurate and, where necessary, kept up to date.

All staff who record personal data are responsible for its quality. The data must be Complete, Accurate, Relevant, Accessible and Timely.

This also applies to staff data so it is the responsibility of each member of staff to notify the organisation of any changes in their personal circumstances, for example, change of address.

Principle 5: Personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes.

Records containing personal data must be retained and disposed of in line with NHS guidance. For further detail of this please refer to the “Records Management” section of this handbook.

Principle 6: Personal data shall be processed in accordance with the rights of data subjects under this Act.

Under the Data Protection Act, individuals have the following rights:

- Right of subject access
- Right to prevent processing likely to cause harm or distress
- Right to prevent processing for the purposes of direct marketing
• Right in relation to automated decision taking
• Right to take action for compensation if the individual suffers damage
• Right to take action to rectify, block, erase or destroy inaccurate data
• Right to make a request to the Information Commissioner for an assessment to be made as to whether any provision of the Act has been contravened

**Principle 7: Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data**

The organisation will ensure that both physical and technical security measures and procedures are in place to protect current and archived records. These measures are subject to continual review and risk assessment through the Information Risk Assessment and Management Programme detailed in this handbook.

The organisation will ensure that the sharing of personal identifiable information, data and software exchange

**Principle 8: Personal data shall not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data**

As countries outside of the EEA may not have comparable Data Protection legislation and controls to the UK, should there be a need to transfer personal data to another country, please contact your Information Governance Support Officer for guidance.

**Further information about the Data Protection Act can be found on the ICO website:** [www.ico.org.uk](http://www.ico.org.uk)

**Exemptions to the Data Protection Act 1998**

Personal information must not be disclosed to third parties without the data subject’s informed consent, except in very limited circumstances. This could include:

1. Sharing is in the vital interests of the data subject
2. Statutory obligation, e.g. a court order
3. Legislation, e.g. Children’s Act 2004, Mental Capacity Act 2005
4. The receiver holds a section 251 approval which allows them to collect PCD without requiring any further consent
If in doubt, staff must seek guidance from the Information Governance team and the Caldicott Guardian. In complex cases the organisation will seek expert guidance from legal advisers.
CALDICOTT PRINCIPLES

All staff must be aware of, and comply with the following Caldicott Principles for handling person confidential data (PCD):

- **Principle 1: Justify the purpose(s)**
  
  Every proposed use or transfer of PCD within or external to the organisation should be clearly defined and scrutinised, with continuing uses regularly reviewed by the Caldicott Guardian.

- **Principle 2: Don’t use patient identifiable information unless absolutely necessary**
  
  PCD should only be used if there is no alternative.

- **Principle 3: Use the minimum necessary patient identifiable information**
  
  Where use of PCD is considered to be essential - use only that information necessary to achieve the purpose.

- **Principle 4: Access to patient identifiable information should be on a need to know basis**
  
  Only those individuals who need to access PCD should have access to it, and they should only have access to the information items they need to see.

- **Principle 5: Everyone should be aware of their responsibilities**
  
  Action should be taken to ensure that those handling PCD are aware of their responsibilities and obligations to respect patient confidentiality.

- **Principle 6: Understand and comply with the law**
  
  Every use of PCD must be lawful

- **Principle 7: The duty to share information can be as important as the duty to protect patient confidentiality**
  
  Health and social care professionals should have the confidence to share information in the best interests of their patients within the framework set out by these principles. They should be supported by the policies of their employers, regulators and professional bodies.
NHS CODES OF PRACTICE

There are many “Codes of Practice” which explain how information should be used in the NHS, including:

- The ‘Confidentiality: NHS Code of Practice’

The ‘Confidentiality: NHS Code of Practice’ sets out the required standards of practice concerning confidentiality and patients' consent to use their health records.

It is a guide for those who work within or under contract to NHS organisations and is based on legal requirements and best practice.


- The ‘Information Security Management: NHS Code of Practice’

The 'Information Security Management: NHS Code of Practice' is a guide to the methods and required standards of practice in the management of information security, for those who work within or under contract to, or in business partnership with NHS organisations in England.

http://systems.hscic.gov.uk/infogov/codes/securitycode.pdf

- The ‘Records Management: NHS Code of Practice’

The ‘Records Management: NHS Code of Practice’ sets out standards required for the management of NHS records and applies to hard copy and digital records


NHS CARE RECORD GUARANTEE FOR ENGLAND

The NHS Care Record Guarantee for England sets out the rules that govern how patient information is used in the NHS and what control the patient can have over this.

It covers people's access to their own records; controls on others' access; how access will be monitored and policed; options people have to further limit access; access in an emergency; and what happens when someone cannot make decisions for themselves.

Everyone who works for the NHS, or for organisations delivering services under contract to the NHS, has to comply with this guarantee.

http://systems.hscic.gov.uk/rasmartcards/strategy/nhscrg
Organisations that handle confidential health and social care information have to ensure that it is held securely and shared appropriately.

A number of laws, principles and obligations govern how organisations should handle this information. They have grown increasingly complicated to understand and this has sometimes made it hard for staff to make clear decisions about when they should and should not share confidential information.

The Health and Social Care Information Centre have produced a guide to confidentiality in health and social care which explains the various rules about the use and sharing of confidential information. It has been designed to be easily accessible and to aid good decision making. It also explains the responsibility organisations have to keep confidential information secure.

The guide is supported by a references document which provides more detailed information for organisations and examples of good practice.

http://systems.hscic.gov.uk/infogov/confidentiality

NHS CONSTITUTION

The constitution sets out rights for patients, public and staff. It outlines NHS commitments to patients and staff, and the responsibilities that the public, patients and staff owe to one another to ensure that the NHS operates fairly and effectively. All NHS bodies and private and third sector providers supplying NHS services are required by law to take account of this constitution in their decisions and actions.

KEY ROLES IN INFORMATION GOVERNANCE

SENIOR INFORMATION RISK OWNER – MATTHEW HARTLAND

The Senior Information Risk Owner (SIRO) is an Executive Director of the Dudley CCG Board. The SIRO is expected to understand how the strategic business goals of the Governing Body may be impacted by information risks. The SIRO will act as an advocate for information risk on the Governing Body and in internal discussions, and will provide written advice to the Accountable Officer on the content of their Annual Governance statement in regard to information risk.

The SIRO will provide an essential role in ensuring that identified information security threats are followed up and incidents managed. They will also ensure that the Governing Body and the Accountable Officer are kept up to date on all information risk issues. The role will be supported by the Information Governance team and the Caldicott Guardian, although ownership of the Information Risk programme will remain with the SIRO.

The SIRO will be supported through a network of Information Asset Owners and Administrators who have been identified and trained throughout the organisation.

CALDICOTT GUARDIAN – DR JONATHAN DARBY

The Caldicott Guardian has particular responsibility for reflecting patients’ interests regarding the use of patient identifiable information and to ensure that the arrangements for the use and sharing of information comply with the Caldicott principles. The Caldicott Guardian, supported by the IG team, will advise on lawful and ethical processing of information and enable information sharing. They will ensure that confidentiality requirements and issues are represented at Governing Body level and within the overall governance framework.

DATA PROTECTION OFFICER – TBC IN 2018

General Data Protection Regulations come into force on the 25th May 2018 which will replace the current Data Protection Act of 1998 law for the handling of Personal Identifiable Data. The majority of the new law will have the Data Protection Act 1998 at its core but there are other changes, in particular the appointment by each Public Authority of a Data Protection Officer.

Revision of this IG Handbook is scheduled for April 2018 to reflect these changes to Data Protection law

INFORMATION ASSET OWNERS AND INFORMATION ASSET ADMINISTRATORS

As part of the SIRO framework, individuals across the organisation will be nominated to perform the roles of either Information Asset Owner (IAO) or Information Asset Administrator (IAA). These individuals will be identified initially by their department leads with further nominations being made by IAOs as required.

The IAO role must be an accepted part of any departmental management structure in much the same way as a budget holder. IAOs are senior individuals involved in running the relevant team. Their role is to understand
and address risks to the information assets they ‘own’ and provide assurance to the SIRO on the security and use of these assets.

The IAA role is to provide support to each IAO and to ensure that information asset registers are populated accurately and maintained regularly.

To find out who the IAO/IAA for your work area is please contact your IG Support Officer for details.
Information Governance knowledge and awareness should be at the core of the organisation’s objectives, embedded amongst other governance initiatives and should offer a stable foundation for the workforce. Without this knowledge, the ability of an organisation to meet legal and policy requirements will be severely impaired.

To ensure organisational compliance with the law and central guidelines relating to Information Governance, staff must complete appropriate training. Therefore, IG training is mandatory for all staff and staff IG training needs should be routinely assessed, monitored and adequately provided for.

Therefore, to meet these requirements the organisation has established a clear plan for IG training which is outlined below.

### INFORMATION GOVERNANCE INDUCTION

It is vitally important that all new staff are made aware of the organisation’s Information Governance requirements at the earliest opportunity and clear guidance is given about their own individual responsibilities for compliance. Particular emphasis must be placed on how IG requirements affect their day to day work practices. It is equally imperative that IG remains embedded with each individual throughout their daily working practices.

- Line Managers should provide new starters with an initial brief IG induction on their first day of employment using the checklist which can be found at Appendix A of this handbook.
- New staff will also receive a more detailed IG induction with the Information Governance Team member using the checklist at Appendix B; this should be completed within 2 weeks of the start of employment. This training should be carried out alongside the Governance Team induction training. Please contact the Governance Support Manager, Emma Smith, Emma.Smith72@nhs.net who can advise on the arrangements for this session. (Please allocate 45-60 minutes for to complete this session)
- In addition to the face to face inductions, it is mandatory for all NHS staff (including locums, temporary, student and contract staff) to undertake the “Data Security Awareness Level 1” training using the online IG Training Tool within one month of commencing employment.

The IG Training Tool can be accessed at Link to Bluestream or eHealth for Learning ????

### ANNUAL MANDATORY INFORMATION GOVERNANCE TRAINING

Following the initial training completed during the first month of employment, subsequent refresher training will be delivered through a face to face training session and completion of the required Online module with comprehensive test.

These sessions will be provided each fiscal year and it is the responsibility of every individual to attend one of the training sessions. These sessions ensure that staff are fully informed of organisation specific working practices, the IG Trainer delivering the session will evaluate staff understanding and compliance. This will
allow any further training needs to be identified and if any follow up advice or session is required for a specific teams e.g. subject access request processing training.

Each financial year all members of staff will have to evidence compliance with the mandatory IG training by achieving a pass rate for a relevant Information Governance test. This is expected to be achieved by the National Data Security Awareness Level 1 training module that is devised by e-Learning for Health

Dudley CCG require staff to complete Online training with test, and attend the face to face training session that is offered either through the scheduled Staff development sessions or specific scheduled training session events that will be communicated to all staff e.g. circular email request. In addition, anyone who is unable to attend a face to face session will be required to evidence their compliance with organisation specific working practices, policies and procedures possibly through additional spot checks or follow up with an IG Team member.
SPECIALIST INFORMATION GOVERNANCE TRAINING

Through the results of spot checks, appraisals and other reviews of staff understanding and compliance with IG procedures, it may be identified that some staff groups or individuals require further training in order to fulfil their role as outlined in the matrix below:

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<th>Staff responsible for supporting the SAR process</th>
<th>Nominated Information Asset Owners/Administrators</th>
<th>Project Managers/Leads</th>
<th>Commissioning Managers/Leads</th>
<th>Governing Body/Lay Members</th>
<th>Directors</th>
<th>Nominated Senior Information Risk Owner</th>
<th>Nominated Caldicott Guardian</th>
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INFORMATION RISK

Adequate information security management and assurance arrangements are needed to ensure the organisation complies with its information security obligations and keeps the Governing Body informed of changes and performance issues which need to be considered and addressed. To achieve this, the organisation has implemented a Senior Information Risk Owner (SIRO) framework.

The individual nominated to act as Senior Information Risk Owner for the organisation will be required to successfully complete strategic information risk management training at least annually. COMING SOON: This should be achieved by their completion of the “NHS Information Risk for SIROs and IAOs” module which will be provided by e-Learning for Health by completing either Level 2 or Level 3 of the Data Security Awareness module. Further updates will be provided by the Information Governance team when these modules have been confirmed as active by NHS Digital who are the lead organisation on the implementation of these programmes.
The nominated Information Asset Owners and Information Asset Administrators will be required to attend Information Risk training provided by the Information Governance team when requested to do so. This training will ensure that attendees have a full understanding of:

- The background to the SIRO framework
- The importance of information risk management and the potential consequences if things go wrong
- What the roles of IAO and IAA mean and the expectations and responsibilities that are placed on individuals performing these roles
- How to complete Information Asset registers and Data Flow mapping using the Information Specific risk assessments forms

Information Risk Training or a 1:2:1 with the IG Team member should be undertaken at regular intervals to take into account changes that occur in any given time period in relation to Information Risk and the responsibilities of the role of SIRO and IAO/IAA.

Revision of this IG Handbook is scheduled for April 2018 to reflect changes to Data Protection law.

DATA PROTECTION IMPACT ASSESSMENT - TRAINING

The organisation must ensure that when new projects, processes, services or systems are introduced, or changes made to existing ones, the implementation does not breach information security, confidentiality or data protection requirements.

To assist with this, the Information Commissioners Office (ICO) has developed a framework called a Privacy Impact Assessment (PIA) for use when developing and introducing projects and processes that may have an impact on how we use patient and staff information. This process enables organisations to anticipate and address the likely risk of impact of new initiatives on an individual’s privacy and possible infringement of their rights under data protection, confidentiality and Human Rights law.

Any staff who may be involved in the management of new projects or processes for the organisation will be offered training on the Privacy Impact Assessment process. This training will be provided by the Information Governance team. This is a group training session which will cover:

- Why the DPIA process was introduced
- Identifying when a DPIA should be considered
- The stages of a DPIA: Screening Questions, full DPIA supported by IG Team, Identified Risks, Actions to lower Risk, Senior Management sign-off,
- What should be included when conducting a DPIA
- How to document the DPIA process

NB: this awareness training was offered in July 2017 please request a follow up with the IG Team if you have missed this training.
CALDICOTT & DATA PROTECTION TRAINING

Confidentiality and Data Protection is a key element of the Information Governance agenda. The recommendations of the Caldicott Committee (1997 Caldicott Report and 2013 Information Governance Review) defined the confidentiality agenda for Health and Social Care organisations. A key recommendation was the appointment in each NHS Health and Social Care organisation of a “Guardian” of patient identifiable information to oversee the arrangements for the use and sharing of patient information. Caldicott Guardians were mandated for the NHS in Health Service Circular 1999/012.

To enable them to fulfil their role of Caldicott Guardian, the nominated individual will be required to complete accredited training on a three yearly basis. This should be achieved by their completion of the “The Caldicott Guardian in the NHS and social care” module of the NHS IGTT or by an agreed external training organisation.

The organisation has assessed its confidentiality and data protection obligations and associated risks to determine the resources needed to establish and maintain the level of assurance required. It has been identified that as some areas of the organisation process person confidential information, Subject Access Leads will be appointed and trained to support the Caldicott Guardian in their function.

The Subject Access Leads will be required to complete training as part of their role. This will be achieved by face to face training sessions provided by the Information Governance team, which can be further reinforced by completing the following modules via the IG Training Tool:

2. Secure Transfers of Personal Data
3. Access to Information and Information sharing in the NHS

The Subject Access Leads should complete training every 3 years unless there is a significant change to legislation/guidance, in which case training should be brought forward.

General Data Protection Regulations come into force on the 25th May 2018 which will replace the current Data Protection Act of 1998 law for the handling of Personal Identifiable Data. The majority of the new law will have the Data Protection Act 1998 at its core but there are other changes, in particular changes to Subject Access Request. SAR Awareness training for all staff was completed in July 2017, if Subject Access Request Leads would like or require further guidance and training please make arrangements for this with the IG Team to provide an additional training session for all SARs leads and personnel who may in the course of their duties process a SAR.

ADDITIONAL TRAINING

It may be that none of the above specialist IG training is immediately applicable to your role. If you or your line manager feel that you require further IG training, please contact the Information Governance team for advice.

Equally if personnel in identified roles require support at any time please contact the IG Team who can identify if a need is required for either a 1:2:1 with you or if a role specific session can be provided for a group of staff carrying out a specific IG related role.
NETWORK AND CORPORATE SHARED DRIVE ACCESS

OBTAINING A NETWORK ACCOUNT

It is NHS policy that all staff should have access to email. To use email you require a network account. You also require an account to access the shared network drives.

Managers should complete a SARC request form which is submitted to the Primary Care IT Manager before being sent to Dudley Group IT for the work to be actioned.

It is the responsibility of line managers to notify the IT Service of changes in staff circumstances that may affect access to systems. These include job title, work location, maternity/sick leave. Managers should also notify the IT Service Desk of all leavers so that their network account can be disabled.

It is the user’s responsibility to chase the IT Service to ensure that their network account is created in a timely manner. Please note that under no circumstances should another person’s account be used in the interim if your account has not yet been set up.

ROLE BASED ACCESS

- Users will only be granted access to data and information that it is required as part of their job. Access is therefore granted on a ‘need to know’ basis.

- Access authorisation should be regularly reviewed, particularly when staff roles and responsibilities change. This is the responsibility of line managers.

- Staff must not access computer systems or data unless they have authority to do so. Access to files which are not in the course of the employee’s duty will be considered a disciplinary offence. For example, accessing a friend or relative’s manual or electronic file. This may also be deemed a breach of the Computer Misuse Act 1990 and the Data Protection Act 1998.

- Access should be requested via your line manager.

THIRD PARTY ACCESS TO NETWORK

Third parties will not be given access to the organisations systems or networks unless they have formal authorisation to do so. All non-NHS companies will be required to sign security and confidentiality agreements with the organisation.

Where the third party has access to NHS patients and/or to their information; is providing support services directly to an NHS organisation; and/or has access to national systems and services, including N3, Choose and Book etc. they are required to provide IG assurances via the IG Toolkit as part of business/service support
processes or contractual terms. That is, for these organisations annual IG Toolkit assessments are required for either or both of two purposes:

a. To provide IG assurances to the Department of Health or to NHS commissioners of services;

b. To provide IG assurances to HSCIC as part of the terms and conditions of using national systems and services including N3, Choose and Book etc.

Third parties found accessing elements of the system to which they are not authorised will be deemed to have caused a data breach and will be denied access to the network immediately. An incident will be recorded following the organisations incident reporting process and an investigation will take place to decide the outcome.

**PREVENTION OF MISUSE**

Any use of IT facilities for non-business or unauthorised uses without management approval will be regarded as inappropriate usage.

The Computer Misuse Act 1990 introduced three criminal offences. Staff must remember that the following offences can be enforced in a court of law:

- Unauthorised access
- Unauthorised access with intent to commit further serious offence
- Unauthorised modification of computer material

**SOFTWARE LICENSING PROCEDURE**

New software, which has not been properly developed and/or properly tested, is a threat to the security of existing data and systems. All software and hardware procurements shall take account of the security requirements recommended by the IG team. Contravention of the recommendations may be considered a disciplinary offence.

**UNAUTHORISED INSTALLATION OF SOFTWARE**

Unauthorised software poses a risk to your computer, other computers and the network as a whole from malicious code embedded within the software. The risk applies to all programs and games downloaded from the Internet, CD/DVD or any other storage media. Malicious code may be computer viruses and spyware, and the effects will vary depending on which has been downloaded.

A second and equally important reason why you should never use unauthorised software is because of licensing issues. The organisation is required to purchase licenses for the use of all software on its systems. If
you install software without authorisation this process is by-passed and you put the organisation at risk of legal action from the owner of the software. If you are installing so-called free software it could be an illegal copy, or it could be trial software with an expiry date. Even if neither of these things apply, the software is likely to be for single personal use and require a license for corporate use.

It is a breach of security to download files which disable the network or which have the purpose of compromising the integrity and security of the organisation’s networks and/or file servers. To intentionally introduce files which cause damage to computers may result in prosecution under the Computer Misuse Act 1990.

INDIVIDUAL RESPONSIBILITIES

Individuals must not install software onto an organisation’s provided desktop, laptop or other mobile device. Doing so constitutes a disciplinary offence. A request for installation should be made to the IT Service.

The IT Service audits all computer equipment including software. If unauthorised software is found on a system or if no license agreement has been purchased, IT Service staff are authorised to remove the software.

Should you suspect the presence of unauthorised software on your system you should report it to the IT Service, who can also advise on the procedure for purchasing software licenses.

It shall also be considered a disciplinary offence to connect any new hardware/equipment to the network without prior approval from your line manager and the IT Service.

DISPOSAL OF EQUIPMENT AND REUSE OF SURPLUS EQUIPMENT

Departments should follow a general policy of internal cascading of any surplus equipment within their own area.

Should it not be possible to reuse equipment internally within the organisation, once all information has been removed from any hardware and backed up where necessary, users must request that all hard disks within the hardware are destroyed by the IT service.

This is to ensure that the organisation:

- Complies with obligations under European Environmental Legislation;
- Fulfils its commitment to the Waste Reduction Policy 1996 and Sustainability Policy 2000;
- Meets software license obligations, and;
- Reduces the risk of sensitive data being made available to unauthorised persons.
PASSWORD MANAGEMENT

Passwords are the front line of protection for user accounts. A lack of user responsibility towards IT system passwords may result in the organisation's entire computer network being compromised and along with any national systems/applications accessed via the network.

All staff working for, or on behalf of the organisation, e.g. temporary staff, contractors, students and permanent staff are responsible for taking appropriate steps to select and secure their passwords.

Login and passwords are granted based on the requirements of the post. Staff do not have inherent rights to access the organisation's network or applications.

Any deviation from, or abuse of access privilege or rules contained in this section will be deemed a serious breach of policy. Formal disciplinary procedures may result.

You must ensure that the following guidelines are followed to ensure appropriate password management:

- Sharing of logins and passwords is strictly forbidden.
- Passwords should consist of a mixture of upper and lower case, numbers and in some cases special characters.
- Passwords must not be written down and placed on view to others.
- Passwords need to be changed on a regular basis, and especially if a suspected or actual password breach occurs.
- In the event of forgetting your password, please contact IT Services and they can then authorise a reset of your password should it be required.

Any member of staff who is either sharing their password or logging someone else onto the network with their user name is breaching the organisation's policy and handbook and may be subject to disciplinary action.
INTERNET & INTRANET

PERMISSIBLE ACCESS

Access to the internet is primarily for work or for professional development and training.

Reasonable personal use is permitted during your own time (for example, during your lunch break), provided that this does not interfere with the performance of your duties. Personal access to the internet can be limited or denied by your manager. Staff must act in accordance with their manager’s local guidelines. The organisation has the final decision on deciding what constitutes excessive use.

The internet must never be assumed to be secure. Confidential information or data must never be transmitted over the internet unless the data or information is encrypted. Information obtained through the internet may not be accurate, and users must check the accuracy, adequacy or completeness of any such information.

NON-PERMISSIBLE ACCESS

No member of staff is permitted to access, display or download from internet sites that hold offensive material. To do so may constitute a serious breach of the organisation’s security and could result in disciplinary action, dismissal and/or criminal prosecution. Offensive material includes hostile text or images relating to gender, ethnicity, race, sex, sexual orientation, religious or political convictions and disability. Users must not create, store or distribute any material that is libellous, blasphemous or defamatory. This list is not exhaustive. Other than instances which demand criminal prosecution, the organisation is the final arbiter on what is or is not offensive material, or what is or is not permissible access to the Internet.

If a web page cannot be accessed it is possible that the site has been banned and access to the website has been blocked. Sites that are added to this list include ones which contain offensive content i.e. pornographic, terrorist, racist etc. If you require access to a blocked site permission must be gained from your line manager and IT.

MONITORING

You should be aware that a range of monitoring is conducted on internet usage. This indicates time spent on the internet and list of visited websites. Logs of internet usage are used to investigate allegations of misuse.

UNINTENTIONAL BREACHES OF SECURITY

If you unintentionally find yourself connected to a site that contains offensive material, you must disconnect from the site immediately and inform your line manager and the IT Service Desk.
ACCEPTABLE USE OF SOCIAL MEDIA & SOCIAL NETWORKS

NHS organisations of all types are now making increased use of social media and social networks to engage with their patients, other stakeholders, and to deliver key messages for good healthcare and patient services generally. These online digital interactions are encouraged and their use is likely to be further extended as new communications channels become available. Social media has great potential to help the NHS reach patients and service users that do not engage using traditional communications and engagement channels. However, the inappropriate or ill-considered use of social media also has the potential to damage both individual’s and the NHS’ reputation. It is therefore important that staff are aware that there are a number of legal implications associated with the inappropriate use of social media. Liability can arise under the laws of defamation, copyright, discrimination, contract, human rights, protection from harassment, criminal justice act etc. This list is however non-exhaustive.

Social media describes the online tools, websites and services that people use to share content, profiles, opinions, insights, experiences, perspectives and media itself. These tools include social networks, blogs, message boards, podcasts, microblogs, image sharing, social bookmarking, wikis, and vblogs. Internal SharePoint sites also provide social networking capabilities and are included in this procedure. The feature that all these tools, websites and services have in common is that they facilitate conversations and online interactions between groups of people.

It is important that all staff and contractors have a general awareness of the information risks and good practices associated with the protection of sensitive information in social media and other social interaction scenarios.

External social media sites must not be used to exchange any work related information between colleagues or organisations, for example in place of using email.

The organisation has the right to manage its reputation on all levels, including any employee interaction on social networking sites that could possibly reflect an opinion upon the organisation.

PERSONAL USE OF SOCIAL MEDIA AT THE WORKPLACE AND AT HOME

This section of the procedure provides guidance on the use of social media tools by NHS employees in a personal capacity. For example, this includes a personal profile on Facebook or use of Twitter in a personal capacity by NHS employees.

It is important to remember that adherence to the expectations set out in this handbook applies equally whilst not at work when any inference is made to work, either specifically or indirectly.

All policies apply equally inside and outside of work hours when work related.

Staff or contractors must be aware of their association with the organisation when using social media. If they identify themselves as an employee of a specific NHS organisation, they should ensure that their profile and any related content is consistent with how they would wish to present themselves with colleagues, patients and service users.
Staff or contractors who may not directly identify themselves as an NHS employee when using social media for personal purposes at home, should be aware that content they post on social media websites could still be construed as relevant to their employment at the organisation. For example, employees should not write or report on conversations, meetings or matters that are meant to be private or internal to the organisation.

Unauthorised disclosure of confidential information would constitute misconduct/gross-misconduct in accordance with the organisation’s disciplinary policy. **Employees must not cite or reference patients, service users, partners or providers without their written approval.**

The organisation will not accept liability for any consequences arising out of employee’s personal use of social networking sites.

**USING SOCIAL MEDIA FOR PROFESSIONAL PURPOSES**

This relates to the use of social media tools by NHS employees in the course of carrying out their normal duties in delivering NHS services. For example this would include using a Facebook page to promote NHS activities and initiatives.

**SETTING UP A UNIQUE SOCIAL MEDIA PRESENCE FOR SPECIFIC SERVICE / CAMPAIGN**

This can be used to:

- enhance engagement with a target audience. This is likely to work best for specific campaigns or issues (e.g. Quit smoking – through privileged access to content and information for ‘Facebook friends’; information re: prize draw winners; uploading event photos, etc.)
- allow service users to share experiences
- promote specific events via invites and newsfeeds
- drive traffic to the official website where more information is available
- send information/support directly to service users mobiles (e.g. via Twitter)

**INTERACTING WITH EXISTING EXTERNAL SOCIAL MEDIA SITES**

This can be used to:

- engage with other service providers – creating a virtual network of relevant professionals to share and disseminate information and good practice and to act as a hub on relevant topics
- monitor what’s being said online about the organisation and its services, and give an authorised user the right-to-reply
• drive traffic to the organisation’s website and social media pages

**DEPARTMENTS CONSIDERING USING SOCIAL MEDIA**

Certain considerations must be made when scoping the use of Social Media.

• Moderating the site must be done on a 365 day basis, in order that any malicious or malevolent comments are removed as soon as possible. This must be undertaken within the department.

• Disclaimers on social media sites do not remove the organisation’s obligations to accuracy and implications.

• Comments made to a social network site belonging to the organisation can be disclosed under the Freedom of Information Act 2000.

• When the organisation (or department within the organisation) creates an account on a social networking site such as Twitter or Facebook, the Information Commissioner has dictated that the organisation must be in a position to receive a Freedom of Information/Environmental Information Request via that medium.

• If an FOI or EIR request is received via this medium, you must notify and forward it to the FOI team immediately.

**APPROVAL PROCESS FOR ACCESS TO SOCIAL MEDIA**

Any staff member wishing to set up a social media presence OR interact with existing external sites where they are identified as an organisation employee MUST follow the following procedure:

1. Obtain approval from relevant Line Manager and Director

2. For communications on behalf of the organisation, any other NHS services, or a partnership of which the organisation is a member, a business case should be made which will be considered and referred to directors with recommendations. The Information Governance, Human Resources and Communications team should be consulted during this process.

3. For staff or contractors wishing to use an NHS or other professional website or social media tool during working hours to share best practice or seek advice and feedback from other colleagues as part of their role, they should gain the appropriate authorisation from their line manager before proceeding. Line managers unsure of which sites, forums or tools are acceptable for use should speak to the Information Governance team for advice.

**GENERAL USAGE GUIDANCE**
When using social media, employees should respect their audience. As a general rule, employees should be mindful of any detrimental comments made about colleagues whilst using social media. Any conduct which breaches the employee code of conduct such as failing to show dignity at work (harassment), discriminatory language, personal insults, obscenity, and disclosure of confidential information will be considered a disciplinary matter. These examples are not exhaustive.

Staff and contractors should also show proper consideration for others’ privacy and for topics that may be considered sensitive or controversial.

Staff and contractors are encouraged not to divulge who their employers are within their personal profile page (e.g. in accordance with RCN guidelines, “RCN Legal Advice on using the internet”). However, those that do divulge their employer should state that they are tweeting/blogging etc. in a personal capacity.

Staff and contractors must not share details of the organisation’s implemented security or risk management arrangements. These details are confidential, may be misused and could lead to a serious breach of security.

Staff and contractors are ultimately responsible for their own online behaviour. They must take care to avoid online content or actions that are inaccurate, libellous, defamatory, harassment, threatening or may otherwise be illegal. It is possible for staff or contractors to be subject to civil proceedings or criminal prosecution. Remember; once something is put on a social networking site even if you delete it, there may be a record of it kept indefinitely.

**Note:** These guidelines apply to all methods of accessing social networks. This includes organisation-owned or personal computers, any mobile devices, etc.
EMAIL RETENTION

There is occasionally a misconception that email messages constitute a short-lived form of communication. All email messages are subject to Data Protection and Freedom of Information legislation and can form part of the corporate record. Emails should be retained in line with the retention schedule set out in the Records Management: NHS Code of Practice with the retention period being determined by the content/subject of the email.


Emails should not routinely be saved to shared drives or other shared storage areas unless there is a genuine need for the content to be accessible to others, for example if the email contains guidance or instructions that are applicable to a whole team.

DOS AND DON’TS OF EMAIL

Users may not use the organisation’s email systems:

- To breach copyright or intellectual property rights of a third party.
- To view, store, download, send, forward or copy inappropriate material. Examples include but are not limited to; obscene or pornographic material, discriminatory material or anything of a criminal nature.
- To send defamatory or libellous messages.
- To breach the Data Protection Act 1998.
- To forward chain or junk email.

In addition, the use of a non-NHS email account (personal or web mail) is not permitted for the purpose of the organisation’s business under any circumstances.

Personal use of the organisation’s email system is not permitted where it substitutes for a webmail system such as Gmail.

The organisation considers email as an important means of communication and recognises the importance of appropriate email content and prompt replies in conveying a professional image and delivering good customer service.

The organisation requires all users to adhere to the following guidelines:

- Write well-structured e-mails;
• Use short, descriptive subjects;

• Do not send unnecessary attachments;

• Before opening email attachments, ensure that you are satisfied of the validity of the sender and the attachment;

• Ensure that the purpose and content of the e-mail message is clearly explained;

• Do not write emails in capitals. This can be considered rude and aggressive;

• Use a spell checker before emails are sent;

• If you require a response by a particular date, make the recipient aware of this deadline;

• Only mark emails as important or high priority if there is a genuine need to;

• Ensure emails are only sent to people who need to see them and only use the reply to all button when absolutely necessary;

• Email should be treated like any other correspondence and should be answered as quickly as possible;

• When on annual leave or away from the office for over one day, the Out of Office facility should be used;

• Ensure that the content is verifiable, evidence based and capable of being subjected to public scrutiny, including applications made under the Freedom of Information Act 2000 and the Data Protection Act 1998;

• Be responsible about your use of email; be aware that the email you send may be forwarded without your prior knowledge or consent, or you may be sending to a recipient who has shared access to their inbox with another member of staff, for example their PA;

• Make a clear distinction between opinion and fact;

• Always check the recipients email address is correct before sending.

SENDING EMAILS TO MAILING/DISTRIBUTION LISTS

If an email is to be sent to a number of people or to the members of a mailing/distribution list, it may be that the recipients do not (or should not) know who else the email has been sent to, particularly if the recipients include members of the public. Therefore the “BCC” field should be used rather than the “To” or “CC” field to allows the email addresses of the other recipients to be concealed.

This means that the recipient list of the email cannot be reused and it reduces the chances that the recipients will receive spam or viruses as a result of having shared their email address with many others.
Alternatively, it may be advisable to set up a distribution list and use the alias rather than including individual names or email addresses in the headers.

**RECALLING EMAILS**

If an email has been sent in error, for example to an incorrect recipient or an attachment has been missed off, it may be possible to recall the email. However, please note that messages must be recalled as soon as possible because this function will not work if the recipient has already read the email. Also, the recipient of the email that you want to recall must also be using an Exchange account, not a webmail account such as gmail or the recall won’t work.

To do this, open the sent email that is to be recalled and select “Recall This Message” from the “Actions” menu. You will then have the option to either delete the message or replace it with a new one.

![Image of email actions]

**MONITORING**

At the request of the Accountable Officer the IT service may carry out investigations into email usage.

All external emails are routinely virus scanned and where viruses are detected the email is quarantined until clean. If this is impossible then the email administrator will contact the recipient.

Formal complaints about the misuse of email will be investigated and managed according to the organisation’s existing grievance and disciplinary policies. Inappropriate emails will be automatically blocked for the protection of the organisation and individuals (e.g. spam and adult content).

The Regulation of Investigatory Powers Act 2000 (RIPA) came into force in October 2000 and provides employers with the ability to legally open and view communications without consent of the sender and recipient if it is for one of the following specified purposes:

1. to establish the existence of facts;
2. to ascertain compliance with applicable regulatory or self-regulatory practices or procedures;
3. to ascertain or demonstrate effective system operation technically and by users;
4. national security/crime prevention or detection;
5. confidential counselling/support services;
6. investigating or detecting unauthorised use of the system; or
7. monitoring communications for the purpose of determining whether they are communications relevant to the business.

Due to this Act, should there be a necessity for an employee to use their work email for personal emails, it is recommended that they put 'PERSONAL' in the subject line of the email, for example, or create rules in Outlook that moves all incoming personal messages to a separate folder, therefore meaning that should their emails need to be accessed, for example while they are on leave or off sick, then work emails can be distinguished from personal without actually opening the message.

If work email accounts are used for personal emails, then once the email is on the organisations network, it becomes the responsibility of the organisation to protect it under the Data Protection Act.

For this reason, a process has been put in place to ensure that access to staff emails is suitably protected so that the messages can be accessed only with a valid reason. Appendix E of this handbook contains a form that can be used to request IG approval for access to another user’s emails prior to the access being requested from the IT Service.

**LONG TERM ABSENCE**

If a staff member is on long term absence (more than four weeks), their line manager should, with the help of the IT Service, redirect their email account to someone else within the department to manage the account. The justification of redirecting the messages should be clearly established prior to redirection. The duty of confidentiality should be impressed upon the member of staff who receives the redirected mail.

It must also be ensured that an out of office message is added to the account at the earliest opportunity. It is recommended that it is set up so that an automated response is sent to every email, rather than just the initial email received from a sender.

**SHARED EMAIL ACCESS**

There may be circumstances where there is a requirement, for example, for a PA to access a Director’s email account.

Under no circumstances should this be facilitated by the Director sharing their network account password with their PA. Doing so is a breach of policy and must be reported as an incident via the incident reporting process.

Microsoft Outlook provides the facility for a user to share their inbox with other users in the same way as a calendar can be shared. Other items such as contacts or tasks can also be shared in this way.

It should be noted that where access is granted to another user, that user may have access to any private, confidential or sensitive materials associated with the respective user account. As a result, access should ONLY be authorised where this is absolutely necessary for operational purposes (and preferably with the
individual’s consent). Access can be “tailored” by applying rules within your inbox. For example, a rule could be set up which moves any items received which are marked as confidential to a subfolder rather than leaving them in your main inbox. Please refer to the above section “Monitoring”.

Any person, who is granted access to another user’s inbox to fulfil the requirements of their role, should only view the information required to allow them to do so. Users accessing inboxes of other staff are required to treat all material viewed as confidential and not to act upon it or disclose it to any other person except those directly associated with the operational requirement for which the access was granted. They must preserve the confidentiality of any private or personal data that they may view inadvertently whilst undertaking operational matters.

If you need to share your complete inbox, including any sub folders, with another user then this needs to be facilitated by the IT Service and so a call must be logged with your IT Helpdesk. When doing so, please be mindful that this will mean that ALL emails will therefore be accessible to the user with whom you share your inbox.

**HOW TO SHARE YOUR INBOX (BASED ON MICROSOFT OUTLOOK 2010):**

If you just wish to share your main inbox (and not sub folders) then you can facilitate this yourself by following these steps:

From the File menu in Outlook:

Click on Account Settings:

and then Delegate Access:
Click on Add:

Find the person with whom you wish to share your inbox in the global address list that appears then double click on their name.

The following pop up will then appear:

Use the drop down lists and check boxes to set the access permissions you require and then click on OK.

You will then be able to see the person you have just added in your list of delegates.
HOW TO ACCESS AN INBOX WHICH HAS BEEN SHARED WITH YOU (BASED ON MICROSOFT OUTLOOK 2010):

From the File menu in Outlook:

Click on “Open” on the left hand side of the screen:

Click on “Other User’s Folder”:

In the pop up that appears, click on “Name”. This will open the global address list. Find the name of the person who has shared their inbox with you and double click on it.

Click on OK.

The other user’s inbox will then be opened.

If IT have facilitated your access to another users full inbox (including subfolders) then the inbox should be displayed as a folder in the left hand side of your Outlook.

ACCESSING ANOTHER USERS INBOX VIA THE IT SERVICE

If it is not possible or appropriate to request a user share their inbox with you, for example because they are absent from work, have left the organisation or the access is required for a HR investigation, then a request must be made to the IT Service, via the IG team, using the form provided in Appendix E.
CLEAR SCREEN & CLEAR DESK

CLEAR SCREEN

- Laptops, PCs and mobile devices should be locked when they are not in use regardless of how long they will be left unattended (i.e. to go to the toilet or to speak to a colleague at their desk, etc.). For Windows based systems, this can be completed by pressing Ctrl – Alt – Delete and then ENTER or holding the windows key and pressing L.

- On the occasions when there is a genuine mistake and screens are not locked, the password protected screensaver will launch after 10 minutes idle time. This should however only be used as a 'back up' for when the screen is not locked.

- You should always shut down your PC/laptop when leaving the office for the day. This enables any security and system updates to be rolled out and installed when the device is restarted.

- Computer and laptop screens should always be angled away from the view of unauthorised persons, being mindful of where they are positioned in relation to walkways and windows.

CLEAR DESK

- Where practically possible all confidential papers and removable media, including laptops etc. should be stored in suitable locked cabinets or other forms of security furniture when they are not in use, especially outside of working hours.

- Staff who are required to attend meetings or leave their desks unoccupied for any amount of time should remove any confidential information from their desks.

- Where lockable filing cabinets, drawers, cupboards etc. are not available, office/room doors must be locked if left unattended. At the end of each day all sensitive information should be removed from the workplace and stored in a locked area. This includes all person identifiable information, as well as business confidential information such as salaries and contracts.

- Staff should also be aware that information left on desks is more likely to be damaged or destroyed in a disaster such as fire, flood, etc.

Any visitor, appointment or message books should be stored in a locked area when they are not in use.
SAFE HAVEN PROCEDURES - SENDING PERSON CONFIDENTIAL DATA OR COMMERCIAL SENSITIVE DATA

Safe Haven is a term used to describe either a secure physical location or the agreed set of administrative arrangements that are in place within the organisation to ensure person confidential data (PCD) or commercially sensitive information is communicated safely and securely. It is a safeguard for confidential information which enters or leaves the organisation whether this is by post, fax or other means.

If such information needs to be sent inside or outside of the organisation by post or fax, the Safe Haven procedures outlined in this document must be followed.

The principles can equally be applied to ensure the secure transfer of business confidential information.

Any members of staff handling confidential information, whether paper based or electronic, must adhere to the safe haven principles.

Before sending any PCD or commercially sensitive information, it should be considered whether it would be sufficient to send anonymised or pseudonymised information instead.

Information that is ‘lost’ or ‘missing in transit’ in any format should be reported as an incident as detailed in the “Information Governance Incidents” section of this handbook.

SAFE HAVEN EMAIL PROCEDURES

When sending emails containing PCD or commercially sensitive information, the email must be sent to and from an nhs.net account* or other nhs.net compatible account such as:

- .cjsm.net (Criminal and Justice)
- .gcsx.gov.uk (Local Government/Social Services)
- .gse.gov.uk (Central Government)
- .gsx.gov.uk (Central Government)
- .gsi.gov.uk (Central Government including Department of Health)
- .mod.uk (Military)
- .hscic.gov.uk (The Health and Social Care Information Centre)
- .nhs.net (NHSmail)
- .scn.gov.uk (Criminal and Justice)
- .pnn.police.uk (Police)

Check with your IG Support Officer if you are unsure whether an account is secure if not covered above.

*Please note this does not apply when sending emails from @dudleyccg.nhs.uk email accounts.
NHS.net users can securely share sensitive information with non-accredited or non-secure email services, for example those ending in .nhs.uk, Hotmail, Gmail and Yahoo.

The new NHS.net encryption feature means that health and social care staff now benefit from a secure service which allows them to communicate across organisation boundaries and industry sectors.

NOTE: It is not possible for anyone other than an NHS.net user to initiate an encrypted email exchange using the NHS mail encryption feature, however by replying to an encrypted email received from an NHS.net email address, the encryption is maintained.

If you have a contact that uses a non-accredited or non-secure email service (e.g. ending .nhs.uk) with whom you need to exchange sensitive information, you will need to send the initial encrypted email that they can then open, read and reply to securely. Guidance on how to do so has been published by HSCIC and can be found at http://systems.hscic.gov.uk/nhsmail/secure/senders.pdf

SAFE HAVEN POST PROCEDURES

Important points to note when sending PCD or commercially sensitive information by post:

- **Never** use internal envelopes or previously used envelopes.
- Whether being sent internally or externally, the information must always be tracked. When sending externally, it is advised that the information be sent by a tracked delivery method (e.g. recorded delivery or special delivery)

This can be done by using either a tracking system or post book. The following information must be included as a minimum:

- Date the information is being sent
- Method of sending, i.e. internal, recorded delivery, 1st class, etc.
- What information is being sent
- Where the information is being sent to
- Initials of the person responsible for sending the information.
- Request that the recipient confirms receipt.

INTERNAL POST PROCEDURES

When sending PCD or commercially sensitive information in the internal post system the following procedures must be followed at all times:
Secure Bag**:

✓ Log all items which are being sent, stating where it is going to, date sent; secure bag number and the signature of the person packaging the information.

✓ Ensure that the secure bag is numbered and the information is placed inside along with a compliments slip or memo, requesting that the recipient calls to confirm receipt.

✓ Ensure that the contents of the bag are correct before sealing.

✓ Seal the bag, using an appropriate seal.

✓ Address the bag to a named individual only (specific job title where not possible), including full postal address. Also include a return address.

✓ Place into the internal mail ready for sending.

✓ Request that the recipient confirms receipt.

**Secure bags are the recommended way to send PCD in the internal mail. The secure bags are far more cost effective than standard envelopes and every effort should be made to use this method.

Standard Envelope:

✓ Log all items which are being sent, stating where it is going to, date sent, and the signature of the person packaging the information.

✓ Place in a new envelope and mark clearly “Private and Confidential”.

✓ Address the envelope to a named individual only (specific job title where not possible) including full postal address. Also include a return address.

✓ Ensure that the contents of the envelope are correct before sealing.

✓ Seal the envelope and place sellotape over the seal. Sign or initial diagonally over the sellotape so that the writing can be seen either side of the tape was it to be removed.

✓ Request that the recipient confirms receipt of the letter, either by enclosing a compliments slip or covering note.

EXTERNAL POST PROCEDURES

When sending PCD or commercially sensitive information in the external post, the above “Standard Envelope” procedures must be followed at all times. However, it is strongly advised that Tamperproof Envelopes be used rather than a standard envelope.
SAFE HAVEN FAX PROCEDURES

When sending PCD or commercially sensitive information by fax, the following procedures must be adhered to at all times:

- Contact the recipient by telephone to notify them that you are sending a confidential fax and double check the fax number.
- Ask the recipient to confirm receipt of the fax by return telephone call. If no phone call is received, this must be followed up immediately to confirm whether the fax has been successfully received or not.
- Always use a fax cover sheet and make sure that it states who the information is for, the number of pages being sent (including the cover sheet) and mark it “Private and Confidential”.
- Where possible, personal details (e.g. names and addresses) should be faxed separately from clinical details. Both faxes must be accompanied by the NHS number to allow them to be linked.
- Fax machines used to receive faxes sent by safe haven procedures should be locked using a pin number, which is only available to staff who are authorised to access the fax machine.
- The fax machine should be switched off when not in use and outside of working hours, to ensure faxes are not received when there is nobody available to collect them.
- Where possible, speed dials should be used when sending faxes. A list of all programmed speed dials should be kept with the fax machine, and this list must be kept accurate and current.

Please contact the Information Governance team for advice on whether a fax can be designated as a Safe Haven.

SAFE HAVEN TELEPHONE PROCEDURES

When sharing PCD or commercially sensitive information over the telephone, the following procedures must be adhered to at all times:

When receiving calls requesting personal information in particular:

- Verify the identity of the caller
- Ask the reason for the request
- Ensure that the caller is entitled to the information that they are requesting – if in doubt, take advice from your manager or the Information Governance Team.
If speaking to a service user, ask questions that require them to provide information, rather than giving them details which they need to confirm, e.g. ask them for their address, rather than telling them what is on their record and asking if it is correct.

If you need to pause the call for any reason, remember to use “hold” to ensure the caller can’t overhear other confidential conversations that may be going on in the background.

When calling back, call the main switchboard and ask to be put through. Do not call back to direct numbers or mobile phones.

Ensure that you cannot be overheard when providing personal information.

Ensure that you do not leave any person identifiable information on answer machines/voicemail.

SAFE HAVEN ROOM REQUIREMENTS

If confidential information is to be received in a specific location:

- It should be to a room/area that is lockable or accessible via a coded key pad known only to authorised staff. The code should be changed regularly or in the case of a suspected or actual breach.

- The room/area should be sited in such a way that only authorised staff can enter that location i.e. it is not an area which is readily accessible to all members of staff working in the same building or office, or to visitors.

- If the room/area is on the ground floor, any windows should have locks on them.

- The room/area should conform to health and safety requirements in terms of fire, flood, theft or environmental damage.

- Manual paper records containing personal information should be stored in locked cabinets when not in use.

- Computers should not be left on view or accessible to unauthorised staff and should have a secure screen saver function and be switched off when not in use.

- Equipment such as fax machines should have a code password and be turned off out of office hours (if possible).

Please contact the Information Governance team for advice on whether a room can be designated as a Safe Haven.

SAFE HAVEN ROOM PROCEDURES
• A list of staff authorised to enter the Safe Haven room must be maintained. Those staff listed will need to be authorised by the Caldicott Guardian for the organisation.

• Only staff named on the above list should be provided with either the key code, swipe card or key to the Safe Haven room.

• No-one who is not listed should be provided with access to the Safe Haven room, under any circumstances.

• Should anyone be required to have access to the room for either data quality or audit purposes etc., those people should also be approved and included on the list of authorised staff.

• The door to the Safe Haven room should be kept locked at all times, even when the room is in use.

• No person identifiable information should be left in trays or on desks when not in use and should be locked away in suitable storage.

• Any computers within the Safe Haven room should be positioned facing away from the door or any windows. Computer screens should be locked immediately and not wait until the screensaver appears.
The eighth principle of the Data Protection Act (1998) states that:

“Personal data shall not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.”

If you need to send PCD in any format to countries outside of the EEA you must discuss this with the Information Governance team as the levels of protection for the information may not be as comprehensive as those in the UK. You may also need to check with software suppliers to ensure that their servers are located within the UK or EEA and that they conduct any development and bug fixes etc. within the UK or EEA.
INFORMATION RISK ASSESSMENT AND MANAGEMENT PROGRAMME

Information and information systems are important corporate assets and it is essential to take all the necessary steps to ensure that they are at all times protected, available and accurate to support the operation and continued success of the organisation.

There needs to be a comprehensive programme of activity across the organisation to identify information risks and manage them effectively. From the outset this needs to be recognised as an on-going activity. A number of key activities in the Information Governance toolkit form the basis of building an information risk framework, namely:

- Mapping flows of information
- Identifying and maintaining a register of all information assets
- Setting out continuity plans for periods of information unavailability

MANAGING INFORMATION ASSETS

Information assets are identifiable and definable assets owned or contracted by an organisation which are ‘valuable’ to the business of that organisation, such as:

- databases
- data files
- contracts and agreements
- system documentation
- research information
- user manuals
- training materials
- operational/support procedures
- business continuity plans
- back up plans
- audit trails
- archived information

*Please note that this list is not exhaustive.*

Information assets could be kept in a variety of formats and on a variety of media, e.g. paper, on a shared drive, on removable media (e.g. USB memory sticks, CD-ROM).

Examples of paper assets include:
- patient records
- personnel files
- letters
- referrals
- annual leave sheets
- sickness absence returns
- expenses
- papers for meetings

Examples of electronic assets include:
- spreadsheet
- annual leave/sickness records
- local databases
- scanned documents
- electronic copies of letters
INFORMATION ASSET REGISTER

Information assets may or may not contain **person identifiable** or **commercially sensitive** information.

An Information Risk Management Programme has been developed which, with the support of the Information Governance team, Information Asset Administrators (IAAs) and Information Asset Owners (IAOs) can identify information assets and record details of their content, the security arrangements in place to protect them, and what business continuity arrangements are in place. The Risk assessment documents have been specifically designed for the purpose of assessing risk to Organisation Information Assets. The risk assessment documents use a standard 5x5 Matrix risk score method to ensure consistency of risk assessments scoring across the organisation.

Further to this, IAOs are required to assess the worst case scenario of the possible effects the loss of confidentiality, integrity and availability of each information asset would have to the business, including financial, adverse publicity, relationship with patients or NHS and the risks associated with non-compliance with legislation. This process will assess the business criticality of the asset to allow the organisation’s critical assets to be identified, providing the basis of this component of departmental and organisational business continuity plans.

All organisations are subject to change brought about by modifications to the operational and technical environments. These in turn change the information assets held by the organisation and the risks associated with them, resulting in a requirement to review any previously recorded information assets and risk assessments. Consequently, the information asset register should be subject to regular maintenance by IAOs and IAAs, with formal review conducted at least annually. It is essential that whenever new information assets are created, the relevant IAA or IAO is informed, to allow them to create an entry in the Information Asset Register.

This formal review of assets and risk assessments will be conducted at least annually.

PERSON IDENTIFIABLE DATA FLOW MAPPING

In the NHS, numerous transfers of data take place each day. It has long been recognised that this information is more vulnerable to loss or compromise when outside the organisation, i.e. being carried around or sent/copied from one location to another. The requirement to map information flows has been included in organisational confidentiality audits since 2008/09 (version 6 of the IG toolkit. 2017/18 is version 14.1)

To ensure all transfers are identified, the organisation must determine where, why, how and with whom it exchanges information. This is known as Data Flow Mapping and the comprehensive register provided by this exercise identifies the higher risk areas of information transfers requiring effective management. It also allows any Information Sharing Agreements or contracts that should be in place to be identified.

To adequately protect transfers/flows of information, the organisation must identify the transfers, risk assess the transfer methods and consider the sensitivity of the information being transferred. Transfers of all information (including personal information) must comply with the organisations Safe Haven Procedures and relevant legislation (e.g. Principle 7 of the Data Protection Act 1998 which requires appropriate technical and organisational measures to be taken against unauthorised or unlawful processing of, and accidental loss or destruction of, or damage to, personal data).
The loss of personal information will result in adverse incident reports which will not only affect the reputation of the organisation but, in the case of disclosing personal information intentionally or recklessly, is also a criminal offence. With effect from April 2010 fines of up to £500,000 may be imposed by the Information Commissioner’s Office on organisations (£5000 for individuals) that do not take reasonable steps to avoid the most serious breaches of the Data Protection Act.

The information recorded in the Information Asset Register allows the identification of all assets of which part or all of their content are sent or received either internally or externally to the organisation. For those assets which are identified as moving in this way, a further module is completed within the Information Risk Management System by the IAA so further information is collected about how and where the information is transferred. This information is then risk assessed to identify areas of high risk and any areas of non-compliance with the organisation’s safe haven procedures.

Through this process, the organisation will actively identify and review where person confidential data (PCD) is held, processed or shared to ensure a legal basis for doing so is identified. Where no legal basis can be found an IG breach will be reported and investigated.

As with the Information Asset Register, data flows are subject to change and should therefore be reviewed regularly. A formal review will be conducted annually.
INFORMATION SHARING

Whenever personal confidential data (PCD) is shared, the sharing must be fair, transparent and in line with the rights and expectations of the people whose information is being shared.

Sharing can take the form of:

- a reciprocal exchange of data;
- one or more organisations providing data to a third party or parties;
- several organisations pooling information and making it available to each other;
- several organisations pooling information and making it available to a third party or parties;
- exceptional, one-off disclosures of data in unexpected or emergency situations; or
- different parts of the same organisation making data available to each other.

If you are unsure what constitutes personal data, please contact the Information Governance team for guidance.

If a request is made for PCD to be shared, the first thing to be considered must always be whether data actually needs to be shared in an identifiable form. It could be possible for the aims of the sharing to be effectively achieved by sharing data in a non-identifiable form either to anonymise or pseudonymise the data.

It is vital that in every instance where PCD is to be shared, a legal basis for the sharing is established. This could be one of the following:

1. The data is to be shared to enable direct care (must be able to evidence a medical intervention for the patient at the end of the process)
2. Explicit consent has been provided by the individual about whom the data is to be shared
3. Statutory obligation, e.g. a court order
4. Legislation, e.g. Children’s Act 2004, Mental Capacity Act 2005
5. The receiver holds a section 251 approval which allows them to collect PCD without requiring any further consent

Once this legal basis has been identified, the sharing must be documented in some way. At its simplest, for example for a direct care purpose or for a statutory obligation, this could be by making a note in the file being shared. However, in most cases a formal agreement should be put in place.
There are 3 types of agreements to be considered:

<table>
<thead>
<tr>
<th>Agreement</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Information Sharing Agreement</td>
<td>For use when sharing PCD with any other party who will use the information for its own purpose.</td>
</tr>
<tr>
<td>Data Processor Agreement</td>
<td>For use when sharing PCD with any other party who will process the data on the organisations behalf and then return the data to the organisation without using it for their own purpose.</td>
</tr>
<tr>
<td>Contracts</td>
<td>Whenever information is to be shared with any other party it is preferable for a contract to be put in place which includes adequate IG clauses to govern their use of any information that is shared with them, <strong>whether it is PCD or not</strong>. A contract could be put in place in conjunction with an Information Sharing or Data Processor Agreement.</td>
</tr>
</tbody>
</table>

The organisation must consider how its role as a commissioner of services sometimes necessitates the sharing of PCD as part of a service, although the organisation itself may not be a party to the data sharing. In such circumstances, the organisation has a responsibility to work with the data controller(s) to ensure that appropriate agreements are put in place.

The Information Governance team can advise on which type of agreement is required and will review any proposed sharing agreements or contracts against a checklist included within the U_Assure system to ensure that they adequately cover all requirements.
DATA PROTECTION IMPACT ASSESSMENTS

All new projects, processes and systems (including software and hardware) which are introduced must comply with confidentiality, privacy and data protection requirements. Data protection impact assessments (DPIAs) is a tool which can identify the proposed risks involved in processing of identifiable data and give time for relevant actions to be carried out to reduce this risk before the commencement of processing of identifiable data takes place. DPIAs are the most effective way for the organisation to remain compliant with all considerations that need to be made when the use of identifiable data is required for the business function of the CCG. DPIAs are an integral part of taking a ‘privacy by design’ approach that is a legal requirement to do so from May 2018 onwards under the new law GDPR.

The use of DPIAs (previously PIA) is also mandated in Health and Social Care through its inclusion as a requirement set out in the NHD Digital Information Governance Toolkit (Req. 237)

DPIA Outcomes

A DPIA can ensure that privacy risks are minimised while allowing the aims of the project to be met whenever possible. Risks can be identified and addressed at an early stage by analysing how the proposed uses of personal information and technology will work in practice. This analysis can be tested by consulting with people who will be working on, or affected by, the project.

These can be risks to the individuals affected, in terms of the potential for damage or distress. There will also be corporate risks to the organisation carrying out the project, such as the financial and reputational impact of a data breach. Projects with higher risk levels and which are more intrusive are likely to have a higher impact on privacy.

PIAs are concerned primarily with informational privacy which can be defined as:

the ability of a person to control, edit, manage and delete information about themselves and to decide how and to what extent such information is communicated to others.

Intrusion can come in the form of collection of excessive personal information, disclosure of personal information without consent and misuse of such information. It can include the collection of information through the surveillance or monitoring of how people act in public or private spaces and through the monitoring of communications whether by post, phone or online and extends to monitoring the records of senders and recipients as well as the content of messages.

Request DPIA documents and IG Team Support

The first stage in identifying whether there is a need for a DPIA is to complete a screening checklist, the results of which will then identify if a full DPIA is required for the significant change to current or the start of new processing of Identifiable data.

Please request the relevant documentation to carry out a DPIA and the support of the IG Team on the considerations that need to be made at the start of the process that is about to be carried out.
Please contact the Governance Team: Emma.smith72@nhs.net for the relevant documents to complete

Alternatively contact the Arden & GEM CSU IG Team on IG.Central@ardengemcsu.nhs.uk

**DPIA CCG Approval**

Once you have submitted your completed DPIA to the IG Team who will assess the risk involved (after full consultation with the DPIA Author) the document will be sent to the organisations Caldicott Guardian and/or Senior Information Risk Owner who will give final approval for the processing to take place

All approved DPIA carried out by service and project leads are submitted to the Audit and Governance Committee (CG and SIRO Membership) for any further discussion if required on particular projects and information on any DPIAs that have been approved

If you have any queries on carrying out of a DPIA, please contact the Information Governance team at IG.Central@ardengemcsu.nhs.uk

**Projects which might require a DPIA**

- A new IT system for storing and accessing personal data
- A data sharing initiative where two or more organisations seek to pool or link sets of personal data
- A proposal to identify people in a particular group or demographic and initiate a course of action
- Using existing data for a new and unexpected or more intrusive purpose
- A new surveillance system (especially one which monitors members of the public) or the application of new technology to an existing system (for example adding Automatic number plate recognition capabilities to existing CCTV)
- A new database which consolidates information held by separate parts of an organisation
- Legislation, policy or strategies which will impact on privacy through the collection of use of information, or through surveillance or other monitoring

**Change to Data Protection Law for 2018**

General Data Protection Regulations come into force on the 25th May 2018 which will replace the current Data Protection Act of 1998 law for the handling of Personal Identifiable Data. The majority of the new law will have the Data Protection Act 1998 at its core but there are other changes, one of these is that it will be law for a Data Protection Impact Assessment to have been carried out for any significant change to current or new processing of identifiable data. If any issues where to arise from a current or new processing of identifiable data that is carried out or connected to the CCG then the Investigating authority (ICO) will request the DPIA that must have been carried out at the beginning of the either significant change to current processing or the introduction of new processing taking place. Revision of this IG Handbook is scheduled for April 2018 to reflect these changes to Data Protection law.
The collection and use of person confidential data (PCD) is governed by the principles of the Data Protection Act 1998 and, in the case of information pertaining to patients or service users, also the principles arising from the Caldicott Committee (1997 Caldicott Report) and subsequent Information Governance Review in April 2013 (known as Caldicott 2).

All staff working for the organisation (including contractors, temporary staff and students/work placement) are bound by a legal duty of confidence to protect PCD they may come into contact with during the course of their work.

All staff are responsible for maintaining the confidentiality of information gained during their employment by the organisation. This also extends after they have left the employment of the organisation.

This is not just a requirement of their contractual responsibilities but also a requirement within the Data Protection Act 1998 and, in addition, for health and other professionals through their own professions’ Code(s) of Conduct.

This means that staff are obliged to keep any PCD strictly confidential. It should be noted that non-person identifiable information that may be classed as commercial in confidence should also be treated with the same degree of care as PCD.

No employee shall breach their legal duty of confidentiality, allow others to do so, or attempt to breach any of the organisation’s security systems or controls in order to do so.

Change to Data Protection Law for 2018

General Data Protection Regulations come into force on the 25th May 2018 which will replace the current Data Protection Act of 1998 law for the handling of Personal Identifiable Data. The majority of the new law will have the Data Protection Act 1998 at its core but there are other changes, in particular the broadening of the term ‘personal’ information to include IP address, Cookies and DNA. One significant change is the increase of Monetary penalty to a maximum of £17 million or 4% of an organisations global turnover. Individuals who unlawfully access information without the Data Controllers knowledge will remain a Serious Criminal Offence and prosecution to be carried out at Crown Court. Revision of this IG Handbook is scheduled for April 2018 to reflect these changes to Data Protection law.

DEFINITIONS

Confidential Information can be anything that relates to patients, staff, their family or friends, or the business of the organisation, however stored.

For example, information may be held on paper, computer files or printouts, video, photograph or even heard by word of mouth. They may also be stored on portable devices such as laptops, tablets, USB pens, mobile/smart phones, digital cameras and CDs. This list is not exhaustive.

It can take many forms including medical notes, audits, employee records, occupational health records etc. It also includes any company confidential information.
The following types of information are classed as confidential. This list is not exhaustive:

**Person confidential information** is anything that contains the means to identify a person, e.g.

- Name
- Surname
- Address
- Postcode
- Date of birth
- NHS Number
- National Insurance number

Even a visual image (e.g. photograph) is sufficient to identify an individual. Any data or combination of data and other information, which can indirectly identify the person, will also fall into this definition.

**Sensitive personal information** as defined by the Data Protection Act 1998 refers to personal information about:

- Race or ethnic origin
- Political opinions
- Religious or similar beliefs
- Gender identity
- Trade union membership
- Physical or mental health conditions
- Sexual orientation
- Commission or alleged commission of any offence, or any proceedings for any offence committed or alleged to have been committed, the disposal of such proceedings or the sentence of any court in such proceedings

For this type of information even more stringent measures must be employed to ensure that data remains secure. During your work you should consider all personal information to be sensitive. The same standards should be applied to all personal information you come into contact with.

**NB: Revision of this IG Handbook is scheduled for April 2018 to reflect changes to Data Protection law**

**Non-person-identifiable information** can also be classed as confidential such as confidential business information e.g. financial reports; commercially sensitive information e.g. contracts, trade secrets, procurement information, which should also be treated with the same degree of care.

**ABUSE OF PRIVILEGE**

The CCG does not permit employees to deliberately access any information relating to themselves, family, friends or acquaintances without the authorisation of the Data Controller and can evidence a legitimate reason to do so. If you are at all in doubt please discuss with your Line Manager and have further discussion if necessary with the IG Team to clarify. CCG staff and anyone carrying out work for or on behalf of the CCG have been found to of breached a person’s confidentiality then the CCG may decide to carry out disciplinary action.
Information that you have gained in connection to your role for the CCG should not be disclosed further to others either in writing or in conversation. In particular be vigilant when conversing in a public place as you may be overheard by the public, patients/clients, other organisation staff, or even CCG staff who would not normally have access to this information in the course of their duties.

**CONTRACTS OF EMPLOYMENT**

All staff contracts of employment include data protection and confidentiality clauses. Temporary, agency and contract staff must also sign confidentiality clauses before commencing work in the organisation. An agreement that should be used for this purpose is included at Appendix C.

**PROVIDING ADVICE AND RESPONDING TO INDIVIDUALS ABOUT THE USE OF THEIR INFORMATION**

The organisation will provide general information to the public regarding how the organisation uses any person confidential data it may hold through the provision of a Fair Processing Notice [Appendix G]. This notice is also made available on the organisation’s public facing website and in any areas of the organisation’s buildings to which the public may have access (e.g. reception areas).

The organisation will inform individuals if their information is to be used for another purpose or disclosed to a person or organisation that the individuals would not have anticipated.

The Data Protection Act gives the ‘data subject’ the right to contact the organisation about a number of issues relating to use of their personal information, this may include:

- Objections to how their personal information is processed
- Requests for certain possible disclosures of their information to be restricted
- Requests for detailed information about how their information is used by the organisation

Advice must be sought from the Caldicott Guardian and/or the Information Governance Team to ensure satisfactory responses and actions are taken.

Significant proposed changes in the use of personal information may require the completion of a Data Protection Impact Assessment (DPIA).
CONFIDENTIALITY AUDITS

The organisation has control mechanisms in place to manage and safeguard confidentiality, including mechanisms for reporting incidents. The Information Governance toolkit requires that documented procedures are implemented to ensure these controls are monitored and audited.

The organisation also has processes to highlight actual or potential confidentiality breaches in their systems, particularly where personal confidential data (PCD) is held and procedures in place to evaluate the effectiveness of the controls within the systems.

Failure to ensure that adequate controls to manage and safeguard confidentiality are implemented may result in a higher risk of a breach of confidentiality occurring, which can result in contravening the requirements of the Caldicott Reports, the Data Protection Act, the Human Rights Act and the Common Law Duty of Confidentiality.

SCOPE

All work areas within the organisation which process confidential information will be subject Confidentiality Audit. These work areas have been identified through population of the Information Asset Register and Data Flow Mapping Register. Confidentiality audits will focus on controls within electronic systems. Hard copy records will be the subject of separate Information Security Audits to examine the physical security measures in place to prevent their unauthorised access.

OBJECTIVES

- To establish an approach to monitor access to confidential information within the organisation
- To provide assurance that the necessary controls are in place for accessing confidential information
- To discover whether confidentiality may be breached or put at risk through misuse of systems, or as a result of poorly applied controls

MONITORING AND AUDITING ACCESS TO CONFIDENTIAL INFORMATION

In order to provide assurance that access to confidential information is gained only by those individuals that have a legitimate right of access, it is necessary to ensure appropriate monitoring is undertaken on a regular basis.

Confidentiality audits will focus on controls within electronic records management systems; the purpose being to discover whether confidentiality has been breached, or put at risk through deliberate misuse of systems, or as a result of weak, non-existent or poorly applied controls.

Actual or potential breaches of confidentiality will be reported as incidents, in order that action can be taken to prevent further breaches taking place.

The Information Governance Team responsible for security to systems will work with System Owners and the IT Provider to ensure that audits of systems and access controls are conducted in order to provide an assurance that the controls in place are working effectively.
Audits will cover:

- Failed attempts to access confidential information;
- Repeated attempts to access confidential information;
- Access of confidential information by unauthorised persons;
- Evidence of shared login sessions/passwords;
- Previous confidentiality incidents and actions arising from such incidents;
- Appropriate use of smartcards;
- Appropriate allocation of access rights to systems which contain confidential information;

**AUDIT METHODS AND FACILITIES TO BE UTILISED**

- Audit reports generated from systems identified as being within the scope of this audit;
- IT Service reports regarding central IT systems;
- Registration Authority (smartcard usage) enhanced reporting facilities;
- Investigation of reported incidents reports;
- Monitoring of Caldicott log.

**MONITORING ACCESS TO CONFIDENTIAL OR BUSINESS SENSITIVE INFORMATION**

All staff should be aware that electronic systems that access, process or transfer personal sensitive information are monitored on a continuous basis. Any breach of security or infringement of confidentiality may be regarded as serious misconduct, which would lead to disciplinary action or dismissal in accordance with the organisation’s disciplinary procedures. In addition, unauthorised disclosure of personal information is an offence and could lead to prosecution of individuals and/or the organisation.

**REPORTING**

Once the audit has been completed a formal report should be produced detailing the outcome of the audit. It will include a summary of the findings of the audit, together with observations of non-compliance and recommendations which have been made.

Where non-compliance is observed, this should be recorded as soon as possible, be sufficiently detailed, including all the facts and referring to any relevant evidence. The detail recorded should include an outline of what was observed, where it was observed, who was involved, the date of the observation and why it was considered non-compliant. Each non-compliance observed will be referenced to the section of the relevant organisational Policy or handbook to highlight where there may be an issue with the implementation of a procedure that the organisation has approved, and will have an associated recommendation which should be discussed and agreed with the head of department and other staff as appropriate. Each recommendation will
also include a target date for completion and a named individual who will be responsible for ensuring that the recommendation is implemented.

Non-compliance can fall into one of two categories:

**Major Non-compliance**: this would indicate that the non-compliance has occurred on a regular basis and could potentially have serious consequences.

**Minor Non-compliance**: these could include one-off occurrences of non-compliance; there are likely to be only minor consequences.

Where a number of minor instances of non-compliance are observed in the same functional area or department, this may indicate a more serious problem within that area. If this is the case, these instances of non-compliance should be combined into a Major non-compliance.

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**AUDIT REPORT FOLLOW-UP**

Reports on audit outcomes including progress on any recommendations made will be considered by the IG Lead for the CCG and taken to the Audit and Governance Committee that takes responsibility for Information Governance and can monitor progress on actions identified if any are to be made.

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**AUDIT REPORT CLOSURE**

The Audit Report will be delivered by the Information Governance Team and submitted to the IG Lead for the CCG as well as presented to the Audit and Governance Committee (CG and SIRO Membership) who will make any further recommendations or state that the report has been received and verified for the current financial year.
INFORMATION SECURITY AUDITS AND SPOT CHECKS

It is essential that all staff comply with the procedures put in place by the organisation to ensure information security. This helps minimise the potential risks to themselves and others, as well as reducing the financial costs arising from the loss of data, equipment and personal possessions.

Potential security issues and risks should be identified and mitigated by implementing effective controls and solutions. The organisation’s main security objectives are:

- The protection of property against fraud, theft and malicious damage.
- The protection of all records and personal information, regardless of how these are held (electronic or paper records).
- The smooth and uninterrupted delivery of services.

In practice, this is applied through three cornerstones - Confidentiality, Integrity and Availability

- Information must be secured against unauthorised access – Confidentiality
- Information must be safeguarded against unauthorised modification – Integrity
- Information must be accessible to authorised users at times when they require it – Availability

SCOPE

All work areas within the organisation will be subject to Information Security audits and spot checks. The security measures of each building and office will be reviewed and their implementation will be tested. General working practices will be inspected through observations and interviews to ensure compliance with the security procedures and Information Governance guidelines.

OBJECTIVES

- To establish an approach to monitor the security of the organisation’s Information Assets and physical assets such as IT equipment.
- To provide assurance that the necessary controls are in place to maintain the security of the organisation’s Information Assets and physical assets.
- To identify areas where confidentiality or security procedures may be breached and assets put at risk as a result of poorly applied controls.

INFORMATION SECURITY SPOT CHECKS

Information Security Spot Checks will be unscheduled checks by the organisation’s Information Governance Team member to review compliance with the organisation’s procedures and whether staff are adhering to information security policy.
The checks will consider:

- Physical security provisions of the building and offices
- Security applied to manual files e.g. storage in locked cabinets/locked rooms
- IT Security Processes e.g. screens locked when not in use
- Security of IT equipment and portable media when not in use
- Security of post handling areas
- Security of confidential fax handling
- Clear desk policy
- Clear screen policy
- Security of offsite storage boxes prior to removal to storage
- Evidence of secure waste disposal
- Use of whiteboards for confidential information

The spot checks will take place during the working day and early morning/late evening to provide a view of compliance both inside and outside of working hours. The focus of the checks may therefore vary dependent upon the time of the audit as some aspects, such as clear screen, may not be applicable outside of working hours.

INFORMATION SECURITY AUDITS

In addition to the Information Security Spot Checks, audits will be carried out which, rather than being a general appraisal of compliance, will focus on specific information assets to verify and test the security measures specified as being in place in the assets entry in the Information Asset Register, including the methods of transmission for any associated data flows where possible (for example examination of emails to ensure they are encrypted would be beyond the scope of the audit). The audit would also consider arrangements for recording access to manual files where applicable, e.g. tracking cards, access requests under the Data Protection Act.

REPORTING

Once the spot check/audit has been completed a formal report should be produced detailing the outcome. It will include a summary of the findings of the audit, together with observations of non-compliance and recommendations which have been made.

Where non-compliance is observed, this should be recorded as soon as possible, be sufficiently detailed, including all the facts and referring to any relevant evidence. The detail recorded should include an outline of what was observed, where it was observed, who was involved, the date of the observation and why it was considered non-compliant. Each non-compliance observed will be referenced to the section of the relevant
organisation Policy or handbook to highlight where there may be an issue with the implementation of a procedure that the organisation has approved, and will have an associated recommendation which should be discussed and agreed with the head of department and other staff as appropriate. Each recommendation will also include a target date for completion and a named individual who will be responsible for ensuring that the recommendation is implemented.

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### AUDIT REPORT FOLLOW-UP

Reports on audit outcomes including progress on any recommendations made will be considered by the IG Lead for the CCG and taken to the Audit and Governance Committee that takes responsibility for Information Governance and can monitor progress on actions identified if any are to be made.

### AUDIT REPORT CLOSURE

The Audit Report will be delivered by the Information Governance Team and submitted to the IG Lead for the CCG as well as presented to the Audit and Governance Committee (CG and SIRO Membership) who will make any further recommendations or state that the report has been received and verified for the current financial year.
PREMISES SECURITY

ID BADGES

All staff should wear their ID badge at all times whilst on the organisations premises or when representing the organisation. ID badges are personal to the user and should not be passed to unauthorised personnel or loaned to other members of staff.

Managers should ensure that any member of staff, whether permanent or temporary, hand in their ID badge on their last day of employment.

The loss of an ID badge should be reported immediately to your line manager and an incident logged, although please note that this would not be an IG breach as it is not a breach of data protection or confidentiality.

ACCESS CONTROL

It is essential that access is tightly controlled throughout the organisations premises. Where possible all access to work areas should be restricted.

Visitors should be asked to report to a reception where they will be asked to sign the visitors book recording their name, business, the person they are visiting, time of arrival and departure and then be met by the person who has invited them. Where at all possible, visitors should make appointments in advance and "cold calling" should be strongly discouraged. At the end of the meeting, the visitor will be escorted back to the reception area to sign out prior to departure.

Members of staff who require access through any door which is controlled via digital door locks or proximity access systems, will be issued with the appropriate code numbers or personal fobs/cards to ensure the security of the area is maintained at the highest level. Code numbers must be kept secure and must never be given to visitors. Such doors should never be latched or wedged open.

Staff should not release any door with controlled access without first checking the identity of the person seeking entry.

Where entry to a working area is by coded access, these codes must be changed on a regular basis or whenever it is felt that the code may have become compromised.

Staff should also be aware of other persons “tailgating”, i.e. attempting to gain access to a controlled access area by closely following them as they enter. If the person is not recognised as a member of staff, or authorised visitor, he/she should be asked to:

- Wait at the door or in a designated waiting area;
- Give details of the person, with whom they have an appointment;
- Await the arrival of an identified member of staff to escort them into the controlled access area;
• At the end of the appointment / meeting the visitor should be escorted out of the controlled access area.

Staff are expected to challenge anyone found in non-public areas not displaying a name badge, firstly to ensure that they have a legitimate reason for being there and secondly to remind them of the organisation's expectations with regard to use of identity badges.
SMARTCARD SECURITY

Employees are personally responsible for ensuring patient/staff information is protected and only used for specified and lawful purposes. Your Smartcard provides you with the level of access to information you require as part of your role. Smartcards are issued to individual members of staff and must only be used by the person whose name is on the card.

Accessing information using another person’s Smartcard is against the law, even if you are authorised to have access to the information. Users of Smartcards must follow the terms and conditions of use – these can be found on the Smartcard application form (RA01).

Care must be taken by everyone issued with a Smartcard to keep it secure and protect their pin against discovery, and cards should be treated with care and protected to prevent any loss or damage.

It is easiest to think of a Smartcard in the same way as you would a credit card and afford it the same protection!

STAFF MUST NOT SHARE SMARTCARDS OR PIN NUMBERS

Smartcard pin numbers must not be divulged, and must only be known to the card holder. Not even RA personnel are allowed to know user pin numbers. Cardholders are not permitted to have more than one card and Smartcards must never be shared or allocated to anyone other than the intended recipient. If staff become aware of an instance where Smartcards/pin numbers have been shared, they must report this immediately to their line manager and an incident must be reported.

Users who have forgotten their pin number should contact the Registration Authority Agent or designated sponsor in order to have their pin number reset.

STAFF MUST NOT LEAVE SMARTCARDS IN COMPUTERS

Smartcards should never be left unattended. Staff must take all reasonable steps to ensure that workstation’s are always left secure when not in use by removing Smartcards however briefly the workstation is left unattended. Never leave your Smartcard in the Smartcard reader when you are not actively using it.

STAFF MUST NOT COVER THE PICTURE ON THEIR SMARTCARD WITH THEIR PIN NUMBER

Under no circumstances should pin numbers be written on or attached to Smartcards. Smartcards should not be altered or tampered with in any way.

ANY LOST OR STOLEN CARDS SHOULD BE REPORTED IMMEDIATELY TO YOUR SPONSOR AND REGISTRATION AUTHORITY AGENT SO THEY CAN CANCEL YOUR CARD AND REPLACE IT AS SOON AS POSSIBLE.
Please note that the terms and conditions of smartcard usage is monitored and when an employee signs up to the terms and conditions laid out on the RA01 form, the following condition is agreed to:

_By signing the declaration set out in the RA01 Short Form, I, the applicant:_

_acknowledge that my Smartcard may be revoked or my access profiles changed at any time without notice if I breach this Agreement; if I breach any guidance or instructions notified to me for the use of the NHS Care Records Service applications or if such revocation or change is necessary as a security precaution. I acknowledge that if I breach this Agreement this may be brought to the attention of my employer (or governing body in relation to independent contractors) who may then take appropriate action (including disciplinary proceedings and/or criminal prosecution);_

Therefore, any breaches of these terms and conditions will be treated as a disciplinary offence under the organisations disciplinary procedure.
MOBILE MEDIA AND PORTABLE DEVICES

For the purpose of this IG Handbook, a portable device is defined as any device that may synchronise with another computer, for example:

- Laptop and notebook computers
- Tablets
- Smart phones, mobile phones and any other mobile system that may fall into this category
- USB memory sticks, (only for temporary storage of information that can in no way be considered confidential, information to be transferred to secure server as soon as practicable and deleted from USB stick)
- MP3/4 players (must not be used at any time for storing person confidential data or commercial information)
- CDs, DVDs
- Any other item that may be utilised to store or transport data.

This list is not to be considered exhaustive.

Any portable device used in connection with the organisation must be encrypted to a minimum of AES-256 bit encryption. There are no exceptions.

CORPORATE MOBILE DEVICES

ASSET MANAGEMENT

- All mobile devices issued by the organisation are issued on a one device to one person basis only and must not be shared or used by anyone who is not recorded as the asset owner; this is for audit purposes and to comply with the Data Protection Act 1998.

- Transfer of any device between staff members must only be done via the IT Department.

- Any business related software applications on mobile media devices must be approved and appropriately licenced and recorded on the organisations licence asset register. The IT Department will maintain a software application asset list to ensure licencing conditions are not breached.

MIDLANDS AREA

NEW STARTERS:

To request a mobile phone or iPad for a new starter, the new starter request form needs to be completed and authorised by the their Line Manager before being submitted to Dudley Group.

The order must be approved by the budget holder and the 24 month line rental charges are accepted.

When the device is delivered to user, the delivery form will need to be completed and signed which is then returned to IT.
REASSIGNING MOBILE DEVICES:

When a staff member moves to a different team or leaves the organisation, a mobile reassignment form must be completed. It is important that the user removes their iCloud account from their device. If this is not completed, the device cannot be unlocked and reassigned.

Before the device is reassigned, a new SIM card may be required to ensure the new user is on the most competitive tariff available at the time.

SECURITY OF DEVICES

- Any apps downloaded that affect the function of the device will be deleted by IT and not reloaded.
- Do not connect any equipment via the USB port unless it is approved by the organisation.
- Connect to the network regularly as this will automatically update and ensure antivirus software is up to date.
- You are responsible for the security of the mobile media device at all times whether this is on NHS premises, the premises of other organisations, in the car, on public transport or at home.

If your device is lost or stolen you must report it immediately to the IT service desk and the Information Governance team. You must also complete an incident report immediately.

Passwords

- Each device provided by the organisation will require a password to access it. You are not permitted to give that password to anyone else under any circumstances. Each device has a different protocol for passwords.
- You will be required to change your network password regularly and within a maximum of every 40 days ensuring you use a strong password.
- Devices connected to the network such as iPhones and iPads must have a 4 digit PIN enabled to lock the device and screen when not in use.

GUIDANCE AND FREQUENTLY ASKED QUESTIONS

How will I connect to the internet?

The IT Service desk must set this up for you to ensure it is securely connected using a Virtual Private Network (VPN)
How do I set up security for my corporate device?

The IT Service will set this up for you.

‘Jailbreaking’ is strictly prohibited. A Jailbroken device allows users to download unlicensed, uncontrolled and pirated applications, extensions and themes that are not otherwise available, resulting in an increased risk to data stored on the device.

Can I set up an Apple account?

Yes, you will need to do this using your own personal details to be able to download apps at your own expense.

Can I use any Apps for work?

Apps must not be used for storing or transferring any information that belongs to the organisation as they may not be deemed to be secure as per ICO guidelines. This is because some apps hold data in other countries which are not covered by the Data Protection Act or equivalent legislation and therefore security of the data cannot be guaranteed.

For this reason, apps such as Dropbox MUST NOT be used.

If a breach were to occur because this data is misused or lost or stolen then we would be held legally responsible as the Data Controller of the data and subject to penalties. This applies to individuals and to the organisation.

Can I download Apps for personal use?

You may download apps for personal use at your own expense.

You need to be aware that use of apps on corporate devices may significantly increase costs to the organisation because data downloads will be increased. Usage will be monitored and re-charges to staff may apply.

How do I access my work emails?

The IT Service will provide you with instructions on how to set up your email account using Microsoft Exchange. Alternatively, you can access your nhs.net email by logging in using your internet browser and following the guidance provided by NHS.net.

Can I access websites for personal use?

Yes, but note that if using a corporate device that the organisations guidelines on Email and Internet usage will still apply.

Can I use social media such as Twitter or Facebook for work purposes?

You can use these sites as per the organisations Social Networking guidelines, included in this handbook.

Can I personalise my corporate device?
Yes, but please do not use inappropriate material as a screensaver, background or ringtone which may cause offence.

**Can I take my device abroad?**

Devices should not be taken outside of the UK because the security cannot be verified once outside the country and therefore data will be at risk.

**How can I keep my information safe on my mobile device?**

- Do not leave the equipment unattended in a public area.
- Do not allow information to be seen by individuals who do not need to see it.
- Use the minimum information necessary when sending/transferring – removing as much identifying data as possible.
- Do not copy information containing private confidential data or commercial data from the organisations servers/network to an unsecure area or App on your mobile device. If you are unsure please ask the IT Service how to store information safely.
- When transporting the equipment in the car it should be stored correctly and out of site i.e. a mobile media device such as a laptop should be placed in its case and stored in the locked boot.
- You must not leave any mobile media device in a vehicle overnight. It must be stored securely in the house or in a locked drawer in a secure office.

**What should I do with my mobile device upon leaving the organisation?**

- Corporate devices must be handed back to IT via your line manager
- Personal devices must be taken to IT for them to safely remove any corporate data, apps, software etc.

**MIDLANDS AREA:**

If a staff member is leaving the organisation, it is the responsibility of the line manager to complete the Leavers and Movers Checklist (Appendix D) as well as the Leavers SARC IT Notification Form. IT must be informed so that access can be removed from the devices and reassigned if necessary. Access to the network and NHS.net mail will also be removed upon receipt of the form by IT.

For all queries relating to IT matters in the Central Midlands area, please contact the Dudley IT.

**What should I do if I think that my mobile device has been compromised in anyway? e.g. hacked or infected with a virus**

Report any incidents or concerns immediately to the IT Service Desk and the Information Governance Team for them to investigate and resolve.
For the purposes of this Handbook, Mobile Working is defined as working from premises belonging to the organisation or another NHS organisation that is not the employees usual work location. Please note that this does not cover working from home which is described in this Handbook in the Home Working section.

The organisation understands that staff are often required to work away from their usual work location (“working remotely”). For this reason the following procedures and principles have been developed and must be adhered to at all times:

- No person identifiable or commercially sensitive information should be worked on remotely unless connected securely via the VPN (see bullet points below).

- Users should connect to the network via the organisations virtual private network (VPN). A VPN is a computer network that uses the Internet to provide individual users with secure access to their organisations network. The VPN provides a secure communication between organisation owned hardware (i.e. laptops) connected to non NHS networks and the organisations network. The capability to utilise VPN is automatically included in the build of all the organisations laptops and is comparable to utilising a PC to access information, therefore authorisation to use this facility is not required beyond the initial authorisation for the purchase/use of the laptop.

- Staff must use hardware provided by the organisation when working remotely.

- No information should be saved to the hard drive of a laptop, to a USB stick or to any other removable media for the purpose of remote working. This is not an authorised procedure and this practice should cease with immediate effect.

- Emailing work as attachments to either personal accounts or work account is not an approved method of working remotely and must not take place.

- Accessing information belonging to the organisation in public accessible areas is discouraged, due to the threats of “overlooking” and theft of equipment. Staff are responsible for ensuring that unauthorised individuals are not able to see information or access systems.

- Computer equipment should never be left unattended when logged in and switched on and must be securely locked away when not in use.

- Records and equipment must always be transported in a secure way e.g. in a sealed container, briefcase, kept in the boot of the car and not visible to the general public. Records must be securely locked as soon as practicable and should not be left in the boot of the car overnight.

- If physical records are taken from their base location to enable mobile working, they should be tracked to ensure their location can be identified.
HOME WORKING

For the purposes of this Handbook, Home Working is defined as working outside of the boundaries of the organisations premises or those of another NHS organisation.

To enable staff to securely work away from the organisations premises, the organisation expects that they will comply with the procedures and principles outlined in the Mobile Working section of this Handbook.

No person confidential data (PCD) should be worked on from home or anywhere else away from the organisations premises. Caution should be taken when working on commercially sensitive information away from the organisations premises and this should be avoided or minimised where possible.
VIDEO AND TELECONFERENCING

Video and teleconferencing is becoming a powerful way for colleagues to communicate and collaborate, but can be open to abuse both deliberate and accidental as systems are designed to be easy to use with the ensuing security relying more and more on end users than on restrictions built into the software/hardware.

The use of such equipment will also contribute to the organisation’s ability to reduce the need for travel.

As this form of communication is two-way technology, equipment should be located and used where there is the least risk of private activities being accidently seen or overheard.

When arranging the meeting, and sending out invites, this guidance should be included to ensure that all participants are aware of and signed up to the following:

1. All participants must identify themselves at the beginning of the meeting and when speaking, to ensure that the other participants are aware of the speaker.

2. No recording outside of that organised by the Chair shall be made.

3. No participants shall be expected to invite others to take part in the meeting/session without the express consent of the Chair.

4. Headsets should be worn for all meetings/sessions where participants may be overheard by others, and webcams should be used where they cannot be overseen by others outside of the invited participants.

5. Where a participant enters/leaves the session, whilst it is in progress, the Chair must ensure that all participants are aware of the fact, with participants announcing their arrival/leaving with their name and job role etc.

6. At the end of the session the Chair must make sure that all participants are aware that the session has concluded, and if a recording is being made that the recording is stopped at this time.

RESPONSIBILITIES

Chair of Meeting/Session

The Chair is responsible for the overall running of the meeting/session. They must ensure that all participants are introduced at the beginning of the meeting/session, and that they are all able to see and hear each other. The Chair will be responsible for ensuring that reasonable adjustments are put in place where a participant has an access need.

They will be responsible for the facility itself for the duration of the meeting/session, from ensuring all is in order before the meeting, co-ordinating with IT Technical Staff if required, and ensuring all is in order at the end of the meeting. They are also required to ensure that all participants have signed a “Compliance” statement form before each meeting/session begins.
All participants invited to the meeting/session should be aware as to whether the meeting/session is being recorded or not. They should also ensure that no additional recordings are made by participants themselves.

If the session is recorded, the Chair is responsible for ensuring that all participants have given their consent and that there is a verbatim copy available for all participants if requested.

**Meeting/Session Participants**

All participants are expected to adhere to this guidance, and return the signed “Compliance” forms that they are given, either at a training session or before their first video or teleconferencing meeting/session.

No additional recordings are to be made without the express permission of the Chair before the meeting/session commences.

They must wear headsets to ensure that other staff may not overhear the conversations, and any webcams used should not be overseen by others where possible.

**Training & Implementation**

Training on the use of the software/equipment will be provided. Contact can be made via the local IT Service.

All users will need to familiarise themselves with this guidance before access to the systems.
A record is any “recorded information (regardless of form or medium) created, received and maintained by an organisation in pursuance of its legal obligations or in the transaction of business”.

Records are a valuable resource because of the information they contain, however, the information is only useable if it is correctly recorded in the first place, is stored appropriately, is regularly updated and is easily accessible when it is required.

Information Lifecycle Management ensures that as an organisation we manage information through every phase of its existence – from creation, through use and storage, to disposal.

It is important that the organisation knows what information it holds, how it is stored and accessed so that it can fulfil its legal requirements as well as being efficient and effective in its day to day activities.

Appropriate Records Management applies to records regardless of the format in which they are held (e.g. print, electronic, audio, etc.). The Data Protection Act (1998) places legal requirements on the organisation’s records management, as it states that personal information contained in records should be:

- Adequate, relevant and not excessive in relation to the specified purpose(s)
- Accurate and kept up to date
- Not kept for longer than necessary for the specified purpose(s)
- Protected against unauthorised or unlawful processing and against accidental loss, destruction or damage

Information contained within corporate records may be required to meet the requirements of legislation such as the Freedom of Information Act (2000) and The Environmental Information Regulations (2004)and as such must be accessible to ensure that the specific time limits set out within the legislation is met.

Clinical records and other personal data may be required to meet the requirements of legislation such as the Access to Health Records Act (1990) and Data Protection Act (1998) to fulfil subject access requests.

The organisation appoints Information Asset Owners and Information Asset Administrators to maintain a register of the organisation’s Information Assets and record how the information is used, to ensure that any associated risks can be managed. However it is the responsibility of all staff to ensure that they comply with the organisations Records Management procedures.
IDENTIFICATION/NAMING OF RECORDS

All records should be clearly identifiable from the file name or from the file cover. It should include an accurate title or description of the information contained and where appropriate the department or service to which it relates.

NAMING OF ELECTRONIC RECORDS

File Names are the names that are listed in the computer’s file directory and that are allocated to new files as they are saved for the first time. By naming records consistently, this will enable staff to distinguish similar records at a glance.

Naming records according to an agreed convention will make naming easier for staff as a “re-think” process will not be required on every occasion.

A file title should be:

- descriptive- it says what the document is about and accurately reflects the contents;
- helpful- it distinguishes the document from others on the same/ similar topic;
- consistent – it follows the conventions set down by the organisation.

Documents should always contain the following elements:

- date
- subject
- document type
- version or status

NAMING CONVENTIONS

- Keep file names short but meaningful- avoid use of personal names (e.g. Staff names should not be used as file names i.e. BOB SMITH or BOBS FOLDER) and abbreviations and codes that are not commonly understood or may not be in the future;

- Make sure documents can be identified on their own without the folder in which they are saved, e.g. Audits\2013-14\2015-09-20 Audit report on……;

- When including a number in a file name always give it as a two digit number, i.e. 01-99 (unless it is a number with more than two digits);

- Dates should always follow the BS ISO 8601:2004 format, YYYY-MM-DD, to ensure documents are stored in chronological order;

- When adding personal names, always put the Surname first (e.g. Smith B);
• Avoid using common words such as ‘drafts’ or ‘letters’ at the start of file names unless it will assist with record retrieval;

• Make sure elements in the file title are ordered in the most appropriate way to retrieve the record. This will depend on the audience e.g. minutes may be retrieved by date so the date element will appear first, whereas policies might be retrieved by the description so this will come before the date.

• A folder name should not be replicated to subfolders within the file (i.e. Audits\ 2010-2011 rather than Audits\ Audits 2010-2011\);

• Correspondence record titles should always include the following elements: name of correspondent, subject description (if not already in folder name), date of letter, email etc. and ‘rcvd’ if incoming correspondence.

• Avoid use of non-alphanumeric characters in file names (i.e. * : / \ < > " ! + = £ $ & ).

• Do not use the document creator’s name in the title unless this information genuinely adds to a description of the content (e.g. in correspondence). This information can be added directly in the document or accessed in the document or folder’s Properties.

• It is better to use a job title rather than the name of the person in the title of a folder or file and it is best to provide the job title in full rather than use an acronym;

• Include a version to the file name for documents which are subject to changes being made e.g. policies and procedure, (see Version Control section below for more information).

NAMING OF PAPER RECORDS

The organisation will follow the advice and recommendations issued by The National Archives, i.e.:

• Give a unique name to each record;

• Give a meaningful name which closely reflects the record content:

• Express elements of the name in a structured and predictable order;

• Locate the most specific information at the beginning of the documentation name and the most general information at the end;

• Give a similarly structured and worded name to records which are or can be linked (e.g. an earlier or later version);

• Include a version in the title of records which are subject to changes being made e.g. policies and procedures (see Version Control section below for more information).
**VERSION CONTROL**

For all records created, version control is important as documents undergo revision and updating on a regular basis. Version control should be used to manage revisions of a document, enabling the reader to differentiate one version of a document from another. It is particularly important as version control should also be used to clearly identify a final version of a document, which will then assist with referencing and, when required, off-site storage.

Most documentation will require the use of simple version control techniques such as the use of naming conventions and version numbering to distinguish one version from another. It is recommended that this practice is used for all documentation where more than one version exists.

Use of numbering within version control should be used to reflect major changes from minor (i.e. whilst in development, version control should be version 0.1, each subsequent set of amendments to the document after that should increase the last digit by 1 - e.g. 0.1 then 0.2, 0.3 etc. The file name could also reflect its ‘draft’ status.

Once there is a final approved version, this will be named 1.0, and any subsequent draft amendments should be saved as version 1.1, 1.2 etc. If further approval is required, it will become version 2.0 and so on). The version number and date should be clearly visible within the document, such as the front cover with the version number being contained within the footer of the document to ensure that it is visible on every page. Final versions could include the word ‘final’ as part of the file name.

**CLASSIFICATION**

Both electronic and paper records and documentation may require classification. Records can be classified into categories. All NHS documents will be classified as OFFICIAL with the sub categories of OFFICIAL-SENSITIVE: COMMERCIAL and OFFICIAL-SENSITIVE: PERSONAL. If one of the two OFFICIAL-SENSITIVE categories is appropriate, consideration must be made in relation to the retention, storage and dissemination of this information. Staff must also be aware that records classified as OFFICIAL-SENSITIVE within the organisation may also on occasion be accessible to the public under legislation such as the Freedom of Information Act 2000.
STORAGE OF RECORDS

ELECTRONIC RECORDS STORAGE

Electronic documents that contain information that supports a decision-making process of any description, undertaken by any directorate/department or service must be managed to the same standards expected of paper records and for this reason, they must be retained on a corporate shared drive or appropriate intranet site.

All work-related files (documents, spreadsheets, etc.) must be stored on the shared network and data that is for your personal use only is stored on your personal drive (you may know this as “My Documents”, U Drive, I Drive etc.).

The disk capacity for the storage of files is limited. It is not permitted to save music files or digital images from personal cameras to the network. The IT Service reserves the right to delete such files without notice.

Access to folders on the shared drive should be restricted, based upon the user’s employment position and requirement under that post to access information.

The organisation should use a clear and logical filing structure for electronic records to support the retrieval and retention of the records. This may reflect the way in which paper records are stored where appropriate to ensure consistency. Alternatively, the names allocated to files and folders should be done in a way that allows intuitive filing.

PAPER RECORDS STORAGE

Good quality documentation standards are essential to provide accurate records of the organisation’s activities.

FILING

Records and documentation contained within a paper file or filing system should be securely fastened using treasury tags and folder ties appropriate to the record type. Loose papers and plastic wallets should be securely fastened as loose documentation even if placed in a plastic wallet can be easily lost, misplaced or damaged. The use of sellotape and staples to secure paper and documents into files is not recommended (staples can be used to staple a document together, but not as a method as a secure file fastening.)

STORAGE REQUIREMENTS

Records should be retained in facilities appropriate to the record type (i.e. confidential information should not be retained on open shelves in open office areas), environmental considerations such as excessive lighting, damp or flooding must also be considered when decisions are made for the housing of records in the work area. Record storage facilities should not be overcrowded and should allow for easy retrieval and return of records.
The papers and documentation contained within records should be arranged and retained in a logical manner, which has structure and is ordered by chronology.

Duplicate documentation should be removed where possible. When a file becomes too large or excessive a second volume should be created and indexing and version control used.

Directorates, Departments and Service Areas should record all record types on the Information Asset Register. This will be used by the organisation as a file plan which will be used for the auditing of records.

Records should be stored securely and not left unattended or accessible to staff who are not authorised to access them. Where records are removed from the work area a tracking system should be used. (See section below- Tracking and Tracing of Paper records for more information.)

**INDEXING**

An index (or register) should be used primarily to signpost staff to the location where paper records are retained (i.e. the relevant folder or file within a filing cabinet), however, it can also be used by staff to identify the information contained within those records. An index should be developed to be a user-friendly structure to aid staff in the easy location and retrieval of records and documentation. (It is not recommended that staff file or retain records in desk drawers as this limits accessibility and may lead to issues with version control as well as record naming and indexing or continuity of patient care). It is requested that all records are retained in central filing systems ensuring accessibility to all appropriate staff as and when required.
ACCESS

Access to the shared drive should be managed to ensure that access to the information contained electronically is controlled in the same way as paper documents. This should be done by restricting folders to staff groups and not by password protecting individual documents as this may make them inaccessible in the future should the password be forgotten. Even the IT Service will be unable to remove passwords from Microsoft documents.

Tracking should also take place to ensure that the cross-referencing of electronic records with their paper counterparts can take place and be relied upon that version control is maintained both electronically and in paper format.

TRACKING AND TRACING OF PAPER RECORDS

Records are created and captured in order to be used; therefore record keeping systems must include effective mechanisms for tracking and tracing their whereabouts and use. Effective procedures must be in place to ensure swift retrieval, an audit trail of use and for their accurate return.

A comprehensive tracking system should include:

- Effective aides to identify documents and records and provide the location details and highlight any restrictions appropriate to it.
- The use of tracer cards and a register to track records that have been accessed and relocated.

Depending on the nature of the document/record, authorisation for access may be required. Where most records are available to the public an authorisation procedure is not necessary. However, where records are sensitive due to data protection, commercial confidentiality or security issues, these documents and records will need to be tracked and monitored to ensure that appropriate authorisation processes are in place to approve staff access.

Effective tracking will ensure that records can always be located when required and that records remain controlled and secure, thus enhancing their reliability and authenticity.

As a minimum, a tracking system should include:

- The record reference or unique identifier
- Title or description of the record
- The individual (including job title, telephone number and e-mail address), department and location accessing the record
- Date and signature confirming removal and return of record
Tracking systems ensure records are appropriately tracked when records are sent between staff/departments. However, if a record is being permanently transferred, please contact the IG team for this document.
RETENTION AND DISPOSAL OF RECORDS

Disposal is the implementation of a review process and the term should not be confused with destruction. A review decision may result in the destruction of records but may also result in the transfer of custody of records, or movement of records from one system to another.

Records should not be kept longer than is necessary and should be disposed of at the right time. Unnecessary retention of records consumes time, space and equipment use, therefore disposal will aid efficiency. Staff members must regularly refer to the NHS England’s Records Management NHS Code of Practice Part 2 – please see the section on retention periods below for more information.

Retaining records unnecessarily may also incur liabilities in respect of the Freedom of Information Act 2000 and the Data Protection Act (1998). If the organisation continues to hold information which they do not have a need to keep, they would be liable to disclose it upon request. The Data Protection Act (1998) also advises that we should not retain personal data longer than is necessary.

Staff members are recommended to seek specialist advice from the Information Governance team when considering destruction of the organisation’s records through a commercial third party.

Staff members are also recommended to seek specialist advice from the Information Governance Team when considering off-site storage of the organisation’s records with a commercial third party.

Short-lived documents such as telephone messages, notes on pads, post-its, e-mail messages etc. do not need to be kept as records. If they are business critical they should be transferred to a more formal document which should be saved as a record.

RETENTION PERIODS

All records that are created have an associated retention period. The length of the retention period depends on the type of record and its importance to the business of the organisation and the legal requirements.

All documents and records should be reviewed on an annual basis to ensure that appropriate storage and retention is maintained.


NHS England have also published guidance which may be more relevant to commissioning organisations that can be used in conjunction with the Records Management NHS Code of Practice. The NHS England Corporate Records Retention – Disposal Schedule and Guidance can be found at http://www.england.nhs.uk/ourwork/tdg/ig/ig-resources/

DISPOSAL
Once records have reached their minimum retention period deadline, they should be reviewed to establish whether there is any justification for keeping them longer e.g. for historical purposes, new episode of care, research needs etc.

If records need to be kept, a decision should be taken whether to keep them as a current record, archive them off site or store them permanently with the National Archives.

For records that have reached their minimum retention period and there is no justification for continuing to hold them, they should be disposed of appropriately.

Paper records of a sensitive, confidential nature should either be shredded using a cross shredder to DIN standard 4 or put in confidential waste that is appropriately destroyed by a company contracted to the organisation. Confidential waste bins should be kept locked and not over filled to ensure information cannot be retrieved from them. Confidential waste bags should be kept in a locked room until collected for disposal.

Electronic records must be deleted from the device and not simply moved into the Trash folder, known as double deleting. De-commissioning of electronic devices such as computers, laptops, notepads, mobile phones etc. should be undertaken according to procedures outlined so that they are completed wiped before being disposed of/destroyed to avoid data being retrievable in the future.
The digital recording of meetings as an aide-memoire to the minute taker is often required. If the meeting is to be recorded for this purpose please follow the guidance below:

- There would need to be agreement by all members to audio record the meeting, explaining that this recording would be used purely as an aide-memoire for the minute-taker to ensure an accurate transcript of the meeting.
- Written consent should be obtained from all members agreeing for the meeting to be recorded.
- New Terms of Reference would be required identifying agreement to record the meeting, the reason for recording the meeting, where/who will have the only copy of the audio recording and when the recording will be destroyed.
- The Chair of the meeting has discretion to stop or suspend recording if, in their opinion, continuing to do so would prejudice proceedings at the meeting.
- Prior to the meeting, communications should be sent notifying members that the meeting will be digitally recorded. This should also be identified on the formal agenda.
- All panel members should be advised that the digital recording will be held for:
  - The same retention as the written transcription for high/board level meetings, i.e. 3 months
  - A minimum of 3 months after the written transcript has been ratified by all members for lower level meetings

The recording should then be destroyed once the above stated retention period has been met.

Once the ratification process of Meeting minutes has been completed and a reasonable time (3 months) has elapsed further storage of a contradictory record of these meeting minutes should not be held for longer than is necessary.

As the audio recording would be a record for the above agreed time, it is important to record the destruction of this record to assist in any audit required to be carried out.

**FREEDOM OF INFORMATION ACT 2000**

The Freedom of Information Act (FOI) came into force on the 1st January 2005. The Act is designed to promote openness and transparency within public authorities.

**Who can make a Request?**

- Anyone can make a Freedom of information request – they do not have to be UK citizens or resident in the UK.
- Freedom of Information requests can also be made by organisations, for example a newspaper, a campaign group or a company.
Employees of a public authority can make requests to their own employer, although good internal communications and staff relations will normally avoid the need for this.

**What information is covered by the Act?**

The Act covers all recorded information held by a public authority. It is not limited to official documents and it covers, for example, drafts, emails, notes, recordings of telephone conversations and CCTV recordings. Nor is it limited to information you create, so it also covers, for example, letters you receive from members of the public, although there may be a good reason not to release them.

Requests are sometimes made for less obvious sources of recorded information, such as the author and date of drafting, found in the properties of a document (sometimes called meta-data). This information is recorded so is covered by the Act and you must consider it for release in the normal way.

If a member of the public asks for information, you only have to provide information you already have in recorded form. You do not have to create new information or find the answer to a question from staff who may happen to know it (i.e. it’s in their head).

The Act covers information that is held on behalf of a public authority even if it is not held on the authority’s premises. For example, you may keep certain records in off-site storage, or you may send out certain types of work to be processed by a contractor.

Where you subcontract public services to a private company, that company may then hold information on your behalf, depending on the type of information and your contract with them. Some of the information held by the external company may be covered by the Act if you receive a freedom of information request.

**What are the organisations obligations under the Act?**

As an organisation, there are two main obligations under the Act. You must:

- publish certain information proactively.
- respond to requests for information where the information is not proactively published.

Making information available is only valuable to the public if they know they can access it, and what is available. You should:

- publicise your commitment to proactive publication and the details of what is available.
- publicise the fact that people can make freedom of information requests to you;
- provide contact details for making a request, including a named contact and phone number for any enquiries about the Act; and
- You should communicate with the public in a range of ways. This is likely to include websites, noticeboards, leaflets, or posters in places where people access your services.

**Recognising an FOI Request**
Where any of the following points below apply, the request should be treated as an FOI Request:

- Have you received the request in writing? (either email/fax/handwritten)
- Have they provided a contact name?
- Is the request for information that is not readily available in a published document that the organisation produces? (for example; Public leaflet, brochure of services etc.)
- Is the request for information that you do not have available to you in your day to day duties?

**Processing an FOI Request**

- All requests should be forwarded to FOI@Dudleyccg.nhs.uk immediately. The organisation has 20 working days to respond to requests
- The clock starts the next working day after you receive the request
- If the request is not clear enough and requires further clarity, speak to the FOI team immediately. They can ask the requester to clarify their request
- On contacting the applicant for further clarification the clock stops until they reply.
- On receipt of the clarification you should re-commence the clock from the point at which it stopped (it does not restart).

**Remember:** As there is a statutory timeframe for the organisation to respond to FOI requests, it is therefore imperative that requests are dealt with quickly and treated as high priority items
Patients and employees have a right under the Data Protection Act 1998 to access personal data about themselves which is held in either electronic or manual form by the organisation. The Data Protection Act 1998 supersedes the Access to Health Records Act 1990 (except for records relating to deceased patients). This type of request is known as a Subject Access Request.

All Subject Access Requests must be made in writing. Within all applications for access to records the applicant will need to prove their identity.

As per the Department of Health’s “Guidance for Access To Health Records Requests” (http://systems.hscic.gov.uk/infogov/links/dhaccessrecs.pdf): “Although the DPA states 40 days to comply, a Government commitment requires that for health records requests should normally be handled within 21 days.”

The administration of requests for access to records (subject access requests) will be undertaken by a trained Subject Access Lead. Clinically trained leads will review records prior to release under the Data Protection and Access to Records Acts. The Information Governance team are responsible for training Subject Access Leads and will provide advice, guidance and procedures on all aspects of Data Protection and Access to Records Acts. Additional guidance can also be provided by the Caldicott Guardian.

All Subject Access Requests will be dealt with following standard operating procedures set out in the organisation’s Standard Operating Procedure for the Management of Subject Access Requests which can be found at http://www.dudleyccg.nhs.uk/data-protection-records-management-caldicott-guardian/.

If you receive a request for access to records, or any queries regarding access to records, the request/query should be immediately forwarded to the Subject Access Lead Sue.johnson@dudleyccg.nhs.net or foi@dudleyccg.nhs.net who will ensure that the request is processed and responded to within the time frame specified by the relevant Act.

General Data Protection Regulations come into force on the 25th May 2018 which will replace the current Data Protection Act of 1998 law for the handling of Personal Identifiable Data. The majority of the new law will have the Data Protection Act 1998 at its core but there are other changes, in particular Subject Access Requests.

Revision of this IG Handbook is scheduled for April 2018 to reflect these changes to Data Protection law.
REPORTING AN INFORMATION GOVERNANCE INCIDENT

All employees have a responsibility to raise events and incidents that they identify.

All staff have a responsibility to raise anything they believe may be an incident, even if it transpires to be a near miss, rather than not raise it at all. What may at first appear to be of minor importance may, on further investigation, be found to be serious and vice versa.

Report to your Line Manager in the first instance asap or within 24 hours of being aware of the Potential IG incident occurring. Your Line Manager will raise the issue with the Information Governance Team.

And/or (if the Line Manager is not available contact IG Direct)

Report to your IG Support Team ig.central@ardengemcsu.nhs.uk

Line Manager/Incident reporter: In the initial contact please give the IG team as much detail as possible on the incident that has occurred

- Information disclosed: Personal, Personal Sensitive Data
- How many Persons information was disclosed
- How many Persons have received the information that shouldn’t have
- How have you tried to recover the information – contacted the recipient to delete and to not disclose further? Do not rely on ‘Recall’ email only

These are some of the actions you can take in the first instance but are not exhaustive, trying to recover or remove the information should be your main objective once you are aware of the error

What happens next

The IG Team will determine the level of the Incident

Near Miss

Level 1

Level 2 What is an Information Governance related Serious Incident Requiring Investigation (IG SIRI)?

As a guide, any incident involving the actual or potential loss of personal information that could lead to identity fraud or cause other significant impact to individuals should be considered as serious. This includes any incident which involves actual or potential failure to meet the requirements of the Data Protection Act 1998 and/or the Common Law Duty of Confidentiality would be considered an IG SIRI. It does not matter what type of media is involved, so includes information held electronically and paper records.

Examples of IG SIRIs include:

- Unlawful access, disclosure or misuse of confidential data, whether deliberate or in error, even if the information itself hasn’t actually been accessed.
• The loss of data in any format, whether whilst in transit from one business area to another location or not.

• Recording or sharing of inaccurate data

• Information security breaches and inappropriate invasion of people’s privacy

• Failure to dispose of information (electronic and paper) containing personal data to an appropriate technical and organisational standard.

• Technical security failing (including hacking)

• Corruption or inability to recover electronic data

**WHAT ISN’T AN IG SIRI?**

Loss or theft of encrypted removable media (laptops, CDs, USB memory sticks, media cards, PDAs) is not a IG SIRI unless you have reason to believe that the protection applied to the device has been breached and personal data accessed inappropriately. However, the loss of such media should still be reported as a “near miss” in terms of IG. Another example of a “near miss” would be the loss of a smartcard (no actual data loss, just the potential for unauthorised access to data).

If the organisation receives data in error, for example a fax or email is sent to the organisation which was intended to go to another organisation, unless there is a requirement in the organisations contract with the sender organisation, then the organisation is not responsible for reporting the incident. Instead, the organisation must ensure that the sender is informed of the error and request that the incident is reported through the sender organisations incident recording procedures. If the information is received by fax, a template form which can be used to advise the sender is included in Appendix F of this handbook. The should provide assurance to the sender that the information has been disposed of securely, unless the sender requests that the information is returned, for example if it is an original record that has been received.

**HOW SHOULD IG SIRIS BE REPORTED?**

IG SIRIs should be reported in the same way as any other incident.

In the first instance report the incident to your line manager who will notify the IG Support Officer, who will support you in reporting the incident.

It is vital that any incidents or near misses, even if they have not yet been confirmed, are reported as soon as practically possible (and no later than 24 hours of the incident occurring or being identified during the working week). The organisation is required to report any incidents with a severity level of 2 (please see below for explanation) within 24 hours of their occurrence so it is imperative that any potential incidents are reported and their severity level assessed within this timescale.

Early information, no matter how brief, is better than full information that is too late. If there is any doubt as to whether or not an incident has occurred, the Information Governance team should be contacted for advice.

**WHAT IS THE INFORMATION GOVERNANCE INCIDENT REPORTING TOOL?**
Alongside the local incident reporting procedures, there is also a national IG incident reporting tool included within the IG toolkit.

The Information Governance Incident Reporting Tool is an online tool hosted on the secure Information Governance Toolkit website.

- It is the Department of Health (DH) and Information Commissioner’s Office agreed solution for reporting personal data security breaches.

- From June 2013 all Organisations processing health and adult social care personal data are required to use the IG Toolkit Incident Reporting Tool to report level 2 IG SIRIs to the DH, ICO and other regulators.

- If the outcome of the severity is Level 2 (reportable) an email notification will be generated by the system and sent to the HSCIC External IG Delivery Team, DH, ICO and escalated to regulators, as appropriate.

- Organisations can only see incidents recorded against their organisation code. They cannot view other incidents until information is published on the Information Governance Toolkit website.

The IG Support Officer has access to the Information Governance Incident Reporting Tool and will be responsible for recording incidents on the tool, although access can be granted to other members of staff as required by the organisation.

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**ASSESSING THE SEVERITY OF AN IG SIRI**

When notified of an IG SIRI, the IG Support Officer will undertake an assessment by using the Health and Social Care Information Centre checklist guidance to determine the severity of the incident. The Information Security Manager will verify the IG Support Officers assessment.

There are three severity levels at which an IG Incident can be assessed:

0. Near miss/non-event

1. Confirmed IG SIRI but no need to report to ICO, DH and other central bodies.

2. Confirmed IG SIRI that must be reported to ICO, DH and other central bodies.

To allow the severity of the incident to be assessed, along with details of what has happened, why and how, the following information must be provided as part of the incident report:

1. No. of individuals to whom the data relates

2. Description of the content of the data – what identifiers were included, was there any clinical information and if so, what level of detail, are there any sensitivity factors such as mental health info, safeguarding info.

3. Format of the data (paper, electronic), if electronic was the data encrypted or password protected
When the severity level has been determined, the local incident report must be updated to include the severity level and the incident will be reported on the IG toolkit if it has been assessed as a Level 2 incident.

The IG Support Officer will keep a record of all incident severity assessments, a summary of which will be reported to the Audit Committee and in the SIRO report, along with any outcomes of the incidents/near misses.

If an incident is assessed as a Level 2, the Information Security and IG Manager, SIRO, Caldicott Guardian and Accountable Officer must be notified immediately, and the incident must be recorded on the IG toolkit within 24 hours of the incidents occurrence.

**IG SIRI INVESTIGATIONS – LEVEL 0 AND LEVEL 1**

In the case of level 0 or level 1 IG SIRIs, the IG Support Officer, with the support of the Information Security Manager will undertake a brief investigation to determine:

- What happened?
- How and why did it happen?
- What can be done to avoid/reduce the likelihood of this happening again?

The outcomes of this investigation will need to be included within the details of the record created for the incident in the incident reporting tool. They will also be notified to the Information Security and IG Managers, SIRO and Caldicott Guardian as appropriate depending upon the nature of the incident.

**IG SIRI INVESTIGATIONS – LEVEL 2**

Level 2 SIRIs (those which must be reported on the IG toolkit and are notified to the ICO and DH), must be subject to a Root Cause Analysis Investigation. This will be undertaken by an investigating officer who will be appointed by the organisation and will be supported by the IG Team. Tools to aid this process can be found at [http://www.nrls.npsa.nhs.uk/resources/?entryid45=59847](http://www.nrls.npsa.nhs.uk/resources/?entryid45=59847)

**INFORMING DATA SUBJECTS**

Consideration should always be given to informing data subjects when personal confidential data about them has been lost or inappropriately placed in the public domain. Following the 2013 Information Governance Review - Information: To Share or not to Share, “The Department (of Health) expects every organisation within the health and care system to explain and apologise for every data breach, with appropriate action agreed.” (point 4.6, [https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/251750/9731-2901141-TSO-Caldicott-Government_Response_ACCESSIBLE.PDF](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/251750/9731-2901141-TSO-Caldicott-Government_Response_ACCESSIBLE.PDF))

This decision should always be made by the organisation in consultation with their Caldicott Guardian and the Information Security Manager, taking into account the balance between transparency and potential distress/harm that may be caused to the data subjects.
What is an IG Cyber SIRI – SIRI reporting document published by DH on internet
It is now a requirement for Cyber SIRI’s reaching a level 2 to be reported on the IG Toolkit incident reporting tool.

“A Cyber-related incident is anything that could (or has) compromised information assets within Cyberspace. Cyberspace is an interactive domain made up of digital networks that is used to store, modify and communicate information. It includes the internet, but also the other information systems that support our businesses, infrastructure and services.”

These types of incidents could include:

- Denial of service attacks
- Phishing emails
- Social Media disclosures
- Cyber bullying
- Spoof website
- Website defacement
- Malicious Internal Damage
- Other
- Hacking

The reporting process for a Cyber SIRI should follow the same process as an IG SIRI, which is detailed in the section the above. A flow diagram is also included below.
IG SIRI AND CYBER SIRI REPORTING PROCESS

- Incident or near miss
  - Report incident to line manager
    - Notify IGSO
    - Report via local incident reporting tool
      - Alert to IGSO
        - IGSO to work with reporter to ensure adequate information is obtained
          - Information Security Manager verifies assessment of severity
            - IGSO assesses severity of incident using checklist
              - Severity level 0 or 1
                - IGSO to investigate incident/near miss
                  - Incident report updated with findings
              - Severity level 2
                - IGSO to notify IG Leads, SIRO, CG and AO
                  - Appoint investigating officer
                    - Investigation findings reported to leads
                      - Investigation including RCA
                        - Incident closed
## APPENDIX A - INFORMATION GOVERNANCE INDUCTION CHECKLIST – LINE MANAGER

To be completed by Line Manager on first day of employment.

<table>
<thead>
<tr>
<th>Name of New Employee:</th>
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<table>
<thead>
<tr>
<th>Job Title:</th>
<th>Date Started:</th>
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<table>
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<tr>
<th>Induction provided by</th>
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<table>
<thead>
<tr>
<th>Name:</th>
<th>Job Title:</th>
</tr>
</thead>
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### Network and Shared Drive Access

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<tr>
<th>Date</th>
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</thead>
</table>

- Network access has been requested from the IT Servicedesk
- Required access permissions (e.g. for shared drive) have been identified and requested

### Key Documents

I confirm that I have received a copy of, read and understood the following:

<table>
<thead>
<tr>
<th>Date</th>
<th>Signature</th>
</tr>
</thead>
</table>

- Information Governance Policy
- Information Governance Handbook
<table>
<thead>
<tr>
<th>Training</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>NHS IGTT Induction Module(s) completed successfully</td>
<td></td>
</tr>
<tr>
<td>Additional Information Governance training for job role has been identified:</td>
<td></td>
</tr>
<tr>
<td>Information Risk</td>
<td></td>
</tr>
<tr>
<td>Privacy Impact Assessments</td>
<td></td>
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<tr>
<td>Caldicott and Data Protection</td>
<td></td>
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<tr>
<td>Corporate Records Management</td>
<td></td>
</tr>
</tbody>
</table>

**Information Governance Team Contact Information**

mlcsu.ig@nhs.net

01254 282999/01782 298249
**APPENDIX B - INFORMATION GOVERNANCE INDUCTION CHECKLIST – INFORMATION GOVERNANCE SUPPORT OFFICER**

Name of New Employee: (please print)

Start date: Job Title:

Temp / Perm Site:

Name and Job Title of Manager: (please print)

This checklist is to be completed by the Information Governance Support Team member and the new employee within the first week of their employment.

On completion it must be fully signed and dated and then kept in the individual's personal file.

<table>
<thead>
<tr>
<th>Introduction to information Governance</th>
<th>Complete</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>What is Information Governance?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>How does IG affect staff, patients and the organisation?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Who is responsible for Information Governance?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Senior Information Risk Owner – Matthew Hartland, Chief Finance Officer</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Caldicott Guardian – Dr Jonathan Darby, Clinical Lead</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- IG Lead – Sue Johnson, Deputy Chief Finance Officer</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- All Staff - You</td>
<td></td>
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Staff Handbook

- Please read and Sign? Appendix H Declaration by: (1 month of induction date)

| What is Personal Confidential Data? | | |
|------------------------------------| | |
|   - Definition | | |

<table>
<thead>
<tr>
<th>IG Working Practice</th>
<th>Complete</th>
<th>Date</th>
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</thead>
</table>
### Password Security
- Do not Share
- Keep Secure
- Password Format Best Practice

### Always lock your PC
- How to do it?

### Screen Position
- Ensure no-one can overlook your screen

### Security of Information
- Ensuring information is routinely locked away
- Home/Remote Working
- Transporting Information
- Mobile Media

### Incident Reporting
- What is an IG Incident?
- What is the process for recording?

### Security ID Badges

### Security of Smart Cards

### Preparing to leave my desk
- Clear Desk Policy
- Locking Away Equipment

### What is a safe haven?

<table>
<thead>
<tr>
<th>Information Governance Team support</th>
<th>Complete</th>
<th>Date</th>
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<tbody>
<tr>
<td>Key Staff who will support all aspects of IG including Security of Information</td>
<td></td>
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<tr>
<td>- IG Officer</td>
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<td>- IG Manager</td>
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<td>- IG Consultant</td>
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<tr>
<td>- IT Department</td>
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### Contact Details
- Email:
<table>
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<tr>
<th>Training</th>
<th>Complete</th>
<th>Date</th>
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</thead>
<tbody>
<tr>
<td>How to log onto the E-Learning to complete Introduction to Information Governance</td>
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<td></td>
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</tbody>
</table>

I confirm that I have read, listened and understood all aspects that were discussed as part of my IG induction. I have been given sufficient opportunity to ask questions where processes may have not been clear and I know who to contact should I have any additional IG related questions.

To be completed by the New Employee:

Signed:  
Date Signed:  

To be completed by the line Manager:

Line Manager
Confirmation:  
Print Name:  

101
1. Confidentiality

1.1. In the course of your employment with Dudley CCG ("the CCG") you will receive and acquire confidential person/patient identifiable and commercially sensitive information that is the property of the CCG.

1.2. During and after your employment with the CCG you must take all reasonable steps to ensure the confidentiality of information that has been disclosed to or obtained by you is maintained.

1.3. You must not, either during or after your employment with the CCG:

- Disclose any person identifiable or confidential information relating to the business or affairs of the CCG, its service users or associated entities unless specifically authorised to do so in writing.

- Other than to the extent that is necessary to enable you to perform your duties:
  
  i. make extracts from, copy or duplicate confidential information;
  
  ii. make adaptations of confidential information;
  
  iii. make use of confidential information for private purposes, or in any manner which may, or is calculated to cause injury or loss to the CCG, its service users, customers or associated entities; and
  
  iv. other than for the benefit of the CCG make notes, documents, working papers or memorandum relating to any matter within scope of the business of the CCG or concerning any of its dealings or affairs.

1.4. Clauses 1.2 and 1.3 shall continue to apply despite the termination or cessation of your employment by either the CCG or you.

1.5. Without limiting the generality of the above, for the purpose of this clause, "confidential information" means and includes any information relating to the CCG its business and activity including but not limited to person and patient identifiable information and other sensitive information in whatever form but excluding any matter that has become public knowledge or part of the public domain and all other information provided to you which is either labelled or expressed to be confidential, or given to you in circumstances where one would expect the information to be confidential to the CCG.

2. Compliance

2.1. During your employment with the CCG it is a requirement that you comply with all relevant legislation. These shall include, but not be limited to:
a) The Data Protection Act 1998 or the EU General Data Protection Regulations from 25th May 2018 onwards

b) The Human Rights Act 1998

c) The Crime and Disorder Act 1998

d) Common Law Duty of Confidentiality

e) Freedom of Information Act 2000

2.2. In addition to the above mentioned legislation, consideration may also need to be given to the following when sharing personal information:

a) The Caldicott Committee Reports


c) Information Security Standard ISO 27001

2.3. You will ensure that you understand the relevant elements of the applicable legislation that applies to your role within the organisation and ensure that you comply with legislation when carrying out your role.

2.4. During your employment with the CCG you will be required to comply with all relevant policies that are currently in place that relate to the sharing of information and confidentiality.

2.5. You will undertake mandatory Information Governance e-learning, and any other training as required, within the timescales specified by the CCG for any new starters within the organisation.

3. Deletion of data on Cessation

3.1. Upon cessation of your employment, you are required to deliver to the CCG all copies of information, including person identifiable information that you have used in the course of your official duties and to undertake that you will not use any person identifiable information for any use having terminated your employment with the CCG. You must also return any associated removable media in your possession.

I undertake to comply with the above obligations and conditions as required by the CCG and as stated above to protect the organisations confidential information and all relevant compliance requirements.

Name: ________________________________________________________ (Please print)
Signature: ______________________________ Date: __________________________
APPENDIX D – LEAVERS AND MOVERS CHECK LIST

Request made to AMcGee if this is a duplicate of the HR leavers Checklist 19/07/2017

<table>
<thead>
<tr>
<th>Name of Employee:</th>
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<table>
<thead>
<tr>
<th>Job Title:</th>
<th>Leaving Date:</th>
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Checklist completed by:

<table>
<thead>
<tr>
<th>Name:</th>
<th>Job Title:</th>
<th>Date:</th>
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**IF USER IS LEAVING THE ORGANISATION**

<table>
<thead>
<tr>
<th>NETWORK ACCOUNT:</th>
<th>A call should be logged with the IT Service to advise of leaving date in order to have network account closed</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>NHS.NET:</th>
<th>A call should be logged with the IT Service to have their account marked as a leaver from your organisation</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>SMARTCARD:</th>
<th>RA02 should be completed to notify RA team of the roles to be removed</th>
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</thead>
</table>

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**IF USER IS MOVING WITHIN THE ORGANISATION**

<table>
<thead>
<tr>
<th>NETWORK ACCOUNT:</th>
<th>A call should be logged with the IT Service to advise of relevant changes to job title etc</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>SMARTCARD:</th>
<th>RA02 should be completed to notify RA team of the roles to be amended</th>
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</table>

<table>
<thead>
<tr>
<th>SHARED FOLDER ACCESS:</th>
<th>Review existing shared folder access and arrange to be</th>
</tr>
</thead>
</table>
APPENDIX F- FAX RECEIVED IN ERROR NOTIFICATION

To: [to] Fax No: [fax no]

From: [from] Date: [date]

***FAX RECEIVED IN ERROR***

This is to advise that a fax has been received in error:

Sender: [name and job title]

Date and time received: [date and time]

Subject of fax: [include subject but no further detail or identifiable information]

Please could we ask that in future fax numbers are checked by calling ahead prior to sending to ensure that this incident is not repeated and information is sent to the correct recipient.

We will not attempt to forward the fax received to the correct recipient and will destroy the fax in a confidential manner.

An internal incident has been logged and should this be a regular occurrence then the organisation will formally escalate this to gain a resolution.
Who we are

Dudley Clinical Commissioning Group (CCG) is responsible for securing, planning, designing and paying for your NHS services, including planned and emergency hospital care, mental health services, rehabilitation and community services. This is known as commissioning. We need to use information about you to enable us to do this effectively, efficiently and safely.

For further information please refer to the ‘who we are’ page. http://www.dudleyccg.nhs.uk/our-board/

What is this Fair Processing/Privacy Notice about?

This Fair Processing/Privacy Notice is part of our programme to make transparent the data processing activities we are carrying out in order to deliver on our commissioning activities.

This Fair Processing/Privacy Notice tells you about information we collect and hold about you, what we do with it, how we will look after it and who we might share it with.

It covers information we collect directly from you or receive from other individuals or organisations.

This notice does not exhaustive. However, we are happy to provide any additional information or explanation needed. Any requests for this should be sent by email to emma.smith@dudleyccg.nhs.uk or by post to: Governance Team, Brierley Hill Health & Social Care Centre, Venture Way, Brierley Hill, West Midlands, DY5 1 RU

Reviews of and Changes to our Fair Processing/Privacy Notice

We will keep our Fair Processing/Privacy Notice under regular review. This FPN was last reviewed in October 2016 Version 9

What confidential information are we legally able hold about you

In the circumstances where we are required to hold or receive personal information we will only do this if:

- The information is necessary for the direct healthcare of patients

- We have received explicit consent from individuals to be able to use their information for a specific purpose

- There is an overriding public interest in using the information e.g. in order to safeguard an individual, or to prevent a serious crime

- There is a legal requirement that will allow us to use or provide information (e.g. a formal court order or legislation)
• We have permission to do so from the Secretary of State for Health to use certain confidential patient information when it is necessary for our work and whilst changes are made to our systems that ensure de-identified information is used for all purposes other than direct care.

The Health and Social Care Information Centre (HSCIC) has published a guide to confidentiality in health and social care that explains the various laws and rules about the use and sharing of confidential information.

Primary and Secondary Care Data
The NHS provides a wide range of services which involve the collection and use of information. Different care settings are considered as either ‘primary care’ or ‘secondary care’. Primary care settings include GP practices, pharmacists, dentists and some specialised services such as including military health services. Secondary care settings include local hospitals, rehabilitative care, urgent and emergency care (including out of hours and NHS 111), community and mental health services.

Throughout this Privacy Notice you will see reference to an organisation called NHS Digital who are the national provider of information, data and IT systems for commissioners (such as the CCG), analysts and clinicians in health and social care. NHS Digital provide information based on identifiable information passed securely to them by Primary and Secondary Care Providers who are legally obliged to provide this information. The way in which NHS Digital collect and use your information can be found here:

Our Commitment to Data Privacy and Confidentiality Issues
We are committed to protecting your privacy and will only process personal confidential data in accordance with the Data Protection Act 1998, the Common Law Duty of Confidentiality and the Human Rights Act 1998.

Dudley CCG is a Data Controller under the terms of the Data Protection Act 1998 we are legally responsible for ensuring that all personal information that we process i.e. hold, obtain, record, use or share about you is done in compliance with the 8 Data Protection Principles.

All data controllers must notify the Information Commissioner’s Office (ICO) of all personal information processing activities. Our ICO Data Protection Register number is Z3548596 and our entry can be found in the Data Protection Register on the Information Commissioner’s Office website.

Everyone working for the NHS has a legal duty to keep information about you confidential. The NHS Care Record Guarantee and NHS Constitution provide a commitment that all NHS organisations and those providing care on behalf of the NHS will use records about you in ways that respect your rights and promote your health and wellbeing.

If you are receiving services from the NHS, we share information that does not identify you (anonymised) with other NHS and social care partner agencies for the purpose of improving local services, research, audit and public health.

We would not share information that identifies you unless we have a fair and lawful basis such as:

• You have given us permission;
• To protect children and vulnerable adults;
• When a formal court order has been served upon us;
• and/or
• When we are lawfully required to report certain information to the appropriate authorities e.g. to prevent fraud or a serious crime;
• Emergency Planning reasons such as for protecting the health and safety of others;
• When permission is given by the Secretary of State or the Health Research Authority on the advice of the Confidentiality Advisory Group to process confidential information without the explicit consent of individuals.

All information that we hold about you will be held securely and confidentially. We use administrative and technical controls to do this. We use strict controls to ensure that only authorised staff are able to see information that identifies you. Only a limited number of authorised staff have access to information that identifies you where it is appropriate to their role and is strictly on a need-to-know basis.

All of our staff, contractors and committee members receive appropriate and on-going training to ensure they are aware of their personal responsibilities and have contractual obligations to uphold confidentiality, enforceable through disciplinary procedures.

We will only use the minimum amount of information necessary about you.

We will only retain information in accordance with the schedules set out in the Records Management Code of Practice for Health and Social Care 2016 which concentrates on the management of records through their lifecycle, i.e. from creation to eventual archiving or destruction.

**Overseas Transfers**

Your information will not be sent outside of the United Kingdom where the laws do not protect your privacy to the same extent as the law in the UK. We will never sell any information about you.

**Your Rights**

You have certain legal rights, including a right to have your information processed fairly and lawfully and a right to access any personal confidential data we hold about you.

You have the right to privacy and to expect the NHS to keep your information confidential and secure.

You also have a right to request that your confidential information is not used beyond your own care and treatment and to have your objections considered.

These are commitments set out in the NHS Constitution, for further information please visit https://www.gov.uk/government/publications/the-nhs-constitution-for-england

You have the right to withdraw consent to us sharing your personal information if you do not wish us to process or share your information.

If you do not agree to certain information being processed or shared with us or by us, or have any concerns then please let us know. We may need to explain the possible impact this could have on our ability to help you and discuss the alternative arrangements that are available to you.

You have the right to refuse/withdraw consent to information sharing at any time. The possible consequences can be fully explained to you and could include delays in receiving care. If you wish to discuss withdrawing consent please contact us on Governance Team, Tel: 01384 322040 or Email: emma.smith@dudleyccg.nhs.uk
**What is the patient opt-out?**

The NHS Constitution states “You have the right to request that your confidential information is not used beyond your own care and treatment and to have your objections considered”. If you do not wish your confidential information to be used for anything except your direct health care you are able to ‘opt-out’. As your data may be used in a variety of ways and for a variety of purposes you are able to opt-out of some of these but remain ‘in’ for others e.g. you may not wish a sub-set of your data being uploaded to the National Spine so you would opt-out of this, but may wish your anonymised data to be used for research purposes so you would not opt-out of this. You can discuss this with your GP Practice who will explain the different options you have.

There may be occasions when it is not possible to exercise your right to “opt out”, such as when we have an obligation by law or for the purposes of safeguarding adults and children.

There are several forms of opt-outs available at different levels. These include for example:

- **a) Information directly collected by the CCG:**

  Your choices can be exercised by withdrawing your consent for the sharing of information that identifies you, unless there is no overriding legal obligation

- **b) Information not directly collected by the CCG, but collected by organisations that provide NHS services.**

**Type 1 opt-out**

If you do not want personal confidential data information that identifies you to be shared outside your GP practice, for purposes beyond your direct care you can register a type 1 opt-out with your GP practice. This prevents your personal confidential information from being used other than in particular circumstances required by law, such as a public health emergency like an outbreak of a pandemic disease.

Patients are only able to register the opt-out at their GP practice.

Records for patients who have registered a type 2 opt-out will be identified using a particular code that will be applied to your medical records that will stop your records from being shared outside of your GP Practice.

**Type 2 opt-out**

The Health and Social Care Information Centre (HSCIC) collects information from a range of places where people receive care, such as hospitals and community services.

To support those NHS constitutional rights, patients within England are able to opt out of their personal confidential data being shared by the HSCIC for purposes other than their own direct care, this is known as the ‘Type 2 opt-out’

If you do not want your personal confidential information to be shared outside of the HSCIC, for purposes other than for your direct care you can register a type 2 opt-out with your GP practice.

Patients are only able to register the opt-out at their GP practice.
Further Information and Support about Type 2 opt-outs

For further information and support relating to type 2 opt-outs please contact the HSCIC contact centre at enquiries@hscic.gov.uk referencing ‘Type 2 opt-outs – Data requests’ in the subject line; or
Alternatively, call the HSCIC on (0300) 303 5678; or
Alternatively visit the website http://www.hscic.gov.uk/article/7092/Information-on-type-2-opt-outs.

Complaints or questions

We try to meet the highest standards when collecting and using personal information. For this reason, we take any complaints we receive about this very seriously. We encourage people to bring concerns to our attention if they think that our collection or use of information is unfair, misleading or inappropriate. We would also welcome any suggestions for improving our procedures. Contact details for complaints to either ourselves or the ICO can be found at the end of this notice.

Subject Access Requests

Individuals can find out if we hold any personal information by making a ‘subject access request’ under the Data Protection Act 1998. If we do hold information about you we will:

- Give you a description of it;
- Tell you why we are holding it;
- Tell you who it could be disclosed to; and
- Let you have a copy of the information in an intelligible form.

To make a request to any personal information we may hold you need to put the request in writing to our contact address provided further below.

If we do hold information about you, you can ask us to correct any mistakes by, once again, contacting us at the contact address further below.

Confidentiality Advice and Support

The CCG has a Caldicott Guardian who is a senior person responsible for protecting the confidentiality of service user and service user information and enabling appropriate and lawful information-sharing.

The CCG’s Caldicott Guardian is Dr Jonathan Darby and he can be contacted via the contact details at the end of this notice.

Personal Information we collect and hold about you

As a commissioner, we do not routinely hold or have access to your medical records. However, we may need to hold some personal information about you, for example:

- if you have made a complaint to us about healthcare that you have received and we need to investigate
- if you ask us to provide funding for Continuing Healthcare services
if you ask us for our help or involvement with your healthcare, or where we are required to fund specific specialised treatment for a particular condition that is not already covered in our contracts with organisations that provide NHS care.

if you ask us to keep you regularly informed and up-to-date about the work of the CCG, or if you are actively involved in our engagement and consultation activities or service user participation groups

Our records may include relevant information that you have told us, or information provided on your behalf by relatives or those who care for you and know you well, or from health professionals and other staff directly involved in your care and treatment.

Our records may be held on paper or in a computer system. **The types of information that we may collect and use include the following:**

**Personal Confidential Data:** This term describes personal information about identified or identifiable individuals, which should be kept private or secret. For the purposes of this guide ‘personal’ includes the DPA definition of personal data, but it is adapted to include dead as well as living people. ‘Confidential’ includes both information ‘given in confidence’ and ‘that which is owed a duty of confidence’ and is adapted to include ‘sensitive’ as defined in the Data Protection Act. Used interchangeably with ‘confidential’ in this document.

**Pseudonymised Information:** This is Personal Confidential Data that has undergone a technical process that replaces your identifiable information such as a NHS number, postcode, date of birth with a unique identifier, which obscures the ‘real world’ identity of the individual patient to those working with the data.

**Anonymised Information:** This is data rendered into a form which does not identify individuals and where there is little or no risk of identification (identification is not likely to take place).

**Invoice Validation**

Invoice validation is an important process. It involves using your NHS number, as an identifier and other identifiable data to check that we are the CCG that is responsible for paying for your treatment. We can also use this information to check whether your care has been funded through specialist commissioning, which NHS England will pay for. The process makes sure that the organisations providing your care are paid correctly.

Any information utilised for the purposes of invoice validation will only be retained for the length of time required to validate the invoice to which it relates. After this time the information will be securely destroyed by the CCG.

**Legal Basis**

A Section 251 approval from the Secretary of State, through the Confidentiality Advisory Group of the Health Research Authority enables the Arden and GEM CSU CEfF (see below) to process identifiable information without consent for the purposes of invoice validation within a Controlled Environment for Finance – CAG 7-07(a)(b)(c)/2013.
Our Uses of Information

Although this is not an exhaustive detailed listing, the following table lists key examples of the purposes and rationale for why we collect and process information:

### Complaints

To process your personal information if it relates to a complaint where you have asked for our help or involvement.

**Type of Information Used**

Identifiable

**Legal Basis**

We will need to rely on your explicit consent to undertake such activities.

**Complaint Processing Activities**

When we receive a complaint from a person we make up a file containing the details of the complaint. This normally contains the identity of the complainant and any other individuals involved in the complaint.

We will only use the personal information we collect to process the complaint and to check on the level of service we provide.

We usually have to disclose the complainant’s identity to whoever the complaint is about. This is inevitable where, for example, the accuracy of a person’s record is in dispute.

If a complainant doesn’t want information identifying him or her to be disclosed, we will try to respect that. However, it may not be possible to handle a complaint on an anonymous basis.

We will keep personal information contained in complaint files in line with NHS retention policy. It will be retained in a secure environment and access to it will be restricted according to the ‘need to know’ principle.

We will publish service user stories, following upheld complaints, anonymously via our governing body. The service user stories will provide a summary of the concern, service improvements identified and how well the complaints procedure has been applied. Consent will always be sought from the service user and carer or both before we publish the service user story.

**Opt out details**

If you do not want information identifying you to be disclosed we will try to respect that. However, it may not be possible to handle a complaint on an anonymous basis.

### Funding treatments

We will collect and process your personal information where we are required to fund specific treatment for you for a particular condition that is not already covered in our contracts.

This may be called an “Individual Funding Request” (IFR).

**Type of Information Used**

Identifiable – to make payments

Anonymous – to provide reports for analysis of payments made
Legal Basis
The clinical professional who first identifies that you may need the treatment will explain to you the information that we need to collect and process in order for us to assess your needs and commission your care and gain your explicit consent.

How We Collect and Use Information in relation to Funding Treatments
Information required to make payments in relation to Funding Treatments is provided by you, along with relevant information from primary and secondary care with regard to the referral for specialist treatment.

Opt out details
Payments will not be able to be made if you choose not to provide identifiable information. Alternative arrangements will need to be considered.

Continuing Healthcare
We will collect and process your identifiable information where you have asked us to undertake assessments for Continuing Healthcare (a package of care for those with complex medical needs) and commission resulting care packages.

Type of Information Used
Identifiable

Legal Basis
The clinical professional who first sees you to discuss your needs will explain to you the information that they need to collect and process in order for us to assess your needs and commission your care and gain your explicit consent.

How We Collect and Use Information in relation to Continuing Healthcare
The assessment team will collect, use, share and securely store information from / with the Local Authority (Social Services) and other organisations or individuals that are either directly or indirectly involved in the assessment, decision making process, the arranging of care, the funding and payment of care and appropriate monitoring of and audit of the safety and quality of care.

Data Processing Activities
The CCG has engaged the services of NHS Arden and Greater East Midlands Commissioning Support Unit to provide this service on our behalf.

Opt out details
A Continuing Healthcare Assessment will not be able to be carried out if you choose not to provide identifiable information. Alternative arrangements will need to be considered.

Safeguarding
We will collect and process identifiable information where we need to assess and evaluate any safeguarding concerns.

Type of Information Used
Identifiable
Legal Basis

Because of public Interest issues, e.g. to protect the safety and welfare of vulnerable children and adults, we will rely on a statutory basis rather than consent to process information for this use.

How We Collect and Use Information in relation to Safeguarding

The CCG may receive information relating to Safeguarding concerns from yourself directly or relatives or through notification of concerns from other Health and Social Care organisations. All Health and Social Care professionals have a legal requirement to share information with appropriate agencies where Safeguarding concerns about children or adults have been received. Where it is appropriate to do so the sharing organisations will keep you informed of when information is required to be shared to provide with assurance regarding the security of that sharing and the benefit to you or the person you are raising Safeguarding concerns about. Access to this information is strictly controlled and where there is a requirement to share information e.g with police or social services, all information will be transferred safely and securely ensuring that only those with a requirement to know of any concerns are appropriately informed.

Opt out details

We have a legal requirement to provide information where there are Safeguarding concerns due to public interest issues, e.g. to protect the safety and welfare of vulnerable children and adults.

Risk stratification

Risk stratification is a process for identifying and managing patients who are at high risk of emergency hospital admission.

Type of Information Used

Different types of data are legally allowed to be used by different organisations within, or contracted to, the NHS.

Identifiable – when disclosed from GP Practices and NHS Digital to a Risk Stratification supplier (see below, Data Processing Activities)

Aggregated – the CCG can only receive this information in format which cannot identify you.

Pseudonymised – GP’s are provided with pseudonymised data for risk stratification planning purposes, however, where a direct care impact is identified on a patient through the process the GP will be able to re-identify the patient concerned.

Legal Basis

We are committed to conducting risk stratification effectively, in ways that are consistent with the laws that protect your confidentiality.

The use of identifiable data by CCGs and GPs for risk stratification has been approved by the Secretary of State, through the Confidentiality Advisory Group of the Health Research Authority and this approval has been extended to April 2017.

Commissioning Benefits

Typically this is because patients have a long term condition such as Chronic Obstructive Pulmonary Disease. NHS England encourages CCGs and GPs to use risk stratification tools as part of their local strategies for supporting patients with long-term conditions and to help and prevent avoidable admissions.
Knowledge of the risk profile of our population will help the CCG to commission appropriate preventative services and to promote quality improvement in collaboration with our GP practices.

**Data Processing activities for Risk Stratification**

The service provider for Risk Stratification purposes for Dudley registered patients is EMIS Health which uses your NHS number as a unique identifier.

The risk stratification tool uses various combinations of historic information about patients, for example, age, gender, diagnoses, patterns of hospital attendance and admission and primary care data collected in GP practice systems.

All data is held within the EMIS Web system which the CCG will use pseudonymised information to understand the local population needs, whereas GPs will be able to identify which of their patients, by the use of your NHS number as the identifier, are at risk in order to offer a preventative service to them.

The risk scores are **only** made available to authorised users within the GP Practice where you are registered via a secure portal.

This portal allows only the GPs to view the risk scores for the individual patients registered in their practice in identifiable form.

If you do not wish information about you to be included in our risk stratification programme, please contact your GP Practice. They can add a code to your records that will stop your information from being used for this purpose.

**Opt out details**

Type 1 and Type 2 opt-outs apply.

Additionally, your GP practice can apply a code which will stop your identifiable information being used for this purpose.

Further information about risk stratification is available from: [https://www.england.nhs.uk/ourwork/tsd/ig/risk-stratification/](https://www.england.nhs.uk/ourwork/tsd/ig/risk-stratification/)

**Patient and Public Involvement**

If you have asked us to keep you regularly informed and up to date about the work of the CCG or if you are actively involved in our engagement and consultation activities or patient participation groups, we will collect and process personal confidential data which you share with us.

**Type of Information Used**

Identifiable

**Legal Basis**

We will rely on your consent for this purpose

**Benefits**

Where you submit your details to us for involvement purposes, we will only use your information for this purpose. You can opt out at any time by contacting us using our contact details at the end of this document.

**Opt out details**

You can opt out at any time by contacting us
Commissioning
To collect NHS data about service users that we are responsible for.

Type of Information Used
Different types of commissioning data are legally allowed to be used by different organisations within, or contracted to, the NHS.

Identifiable – when disclosed from Primary and Secondary Care Services to NHS Digital

Aggregated – the CCG can only receive this information in aggregated format which does not identify individuals

Legal Basis
Our legal basis for collecting and processing information for this purpose is statutory.

Processing Activities
Hospitals and community organisations that provide NHS-funded care must submit certain information to the Health and Social Care Information Centre (HSCIC) about services provided to our service users. This data is held securely and processed by a system called the Secondary Uses Service (SUS) which anonymises the data so that we, the CCG, cannot identify any patients by the data we receive from SUS.

This information is generally known as commissioning datasets. The CCG obtains these datasets from the HSCIC and they relate to service users registered with GP Practices that are members of the CCG.

These datasets are then used in a format that does not directly identify you, for wider NHS purposes such as managing and funding the NHS, monitoring activity to understand and plan the health needs of the population and to gain evidence that will improve health and care through research.

The datasets include information about the service users who have received care and treatment from those services that we are responsible for funding. The CCG is unable to identify you from these datasets. They do not include your name, home address, NHS number, post code or date of birth. Information such as your age, ethnicity and gender as well as coded information about any clinic or accident and emergency attendances, hospital admissions and treatment will be included.

The specific terms and conditions and security controls that we are obliged to follow when using those commissioning datasets can also be found on the HSCIC website.

More information about how this data is collected and used by the Health and Social Care Information Centre (HSCIC) is available on their website http://www.hscic.gov.uk/patientconf

We also receive similar information from GP Practices within our CCG membership that does not identify you. We use this dataset for a number of purposes such as:

- Reviewing the care delivered by providers to ensure service users are receiving quality and cost effective care;
- To prepare statistics on NHS performance to understand health needs and support service re-design, modernisation and improvement;
- To help us plan future services to ensure they continue to meet our local population needs;
- To reconcile claims for payments for services received in your GP Practice;
• To audit NHS accounts and services;

Opt out details
Type 1 and Type 2 opt-outs apply.

If you do not wish your information to be included in these datasets, even though it does not directly identify you to us, please contact your GP Practice and they can apply a code to your records that will stop your information from being included.

The specific terms and conditions and security controls that we are obliged to follow when using those commissioning datasets can also be found on NHS Digital website.

More information about how this data is collected and used by NHS Digital is available on their website http://www.hscic.gov.uk/patientconf

National Registries
National Registries (such as the Learning Disabilities Register) have statutory permission under Section 251 of the NHS Act 2006, to collect and hold service user identifiable information without the need to seek informed consent from each individual service user.

Type of Information Used
Identifiable and pseudonymised – dependant on purpose.

Legal Basis
A Section 251 approval from the Secretary of State, through the Confidentiality Advisory Group of the Health Research Authority enables NHS Digital to process identifiable information without consent for the purposes of approved National Registries.

How We Collect and Use Information in relation to National Registries
The GP Practices within our CCG membership provide this information to NHS Digital using a secure transfer method.

Opt out details
Type 1 and Type 2 opt-outs apply.

Additionally, your GP practice can apply a code which will stop your identifiable information being used for this purpose.

Research
To support research oriented proposals and activities in our commissioning system

Type of Information Used
Identifiable and anonymised – dependant on the purpose.

Legal Basis
Your consent will be obtained by the organisation holding your records before identifiable information about you is disclosed for any research.
Sometimes research can be undertaken using information that does not identify you. The law does not require us to seek your consent in this case, but the organisation holding your information will make notices available on the premises and on the website about any research projects that are undertaken.

**Benefits**

Researchers can provide direct benefit to individuals who take part in medical trials and indirect benefit to the population as a whole.

Service user records can also be used to identify people to invite them to take part in clinical trials, other interventional studies or studies purely using information from medical records.

**Processing Activities**

Where identifiable data is needed for research, service users will be approached by the organisation where treatment was received, to see if they wish to participate in research studies.

**Opt out details**

Where consent is required to take part in a research project you will also be provided with details by the organisation holding your records on how to opt out at any time.

Where s251 approval has been granted you can request that your identifiable information is not included. The Register of current s251 approval across England and Wales can be found here:

The organisation holding your records will provide notices on their premises and websites about any research projects being undertaken which will provide opt out details.

Your GP practice can apply a code which will stop your identifiable information being used for this purpose.

**Other organisations who provide support services for us**

This involves other organisations processing data on our behalf.

**Legal Basis**

We have entered into contracts with other NHS organisations to provide some services for us or on our behalf. These organisations are known as “data processors”.

Below are details of our data processors and the function that they carry out on our behalf:

- **Arden & GEM CSU** – Individual Funding Requests
- **Iron Mountain** – Archiving of Records
- **360 Assurance** – Internal Audit related purposes
- **NHSLA** – Claims Management
- **Datashred** – The CCG’s Confidential Waste Disposal Company
- **Dudley MBC** – Assessments and evaluation of safeguarding concerns for individuals through the Dudley Multi Agency Safeguarding Hub (MASH)
- **Qualified Clinicians** – Incident investigation by appointed specialists
- **Midlands & Lancashire CSU** – To identify specific patient groups and enable clinicians with the duty of care for the patient to offer appropriate care and treatment; this is known as risk stratification
- **University Hospitals Birmingham NHS Trust** – Staff Payroll & Occupational Health Services
Midlands & Lancashire CSU are an NHS England approved Data Services for Commissioning Regional Office (DSCRO). They provide a secure and compliant data processing function of health and social care data sets. This type of processing is to support commissioning, planning, risk stratification, patient care and paying and validating invoices. The output data from this process will be anonymised or pseudonymised. The CCG does not receive any personal identifiable information from this service.

Benefits

These organisations are subject to the same legal rules and conditions for keeping personal confidential data and secure and are underpinned by a contract with us.

Before awarding any contract, we ensure that organisations will look after your information to the same high standards that we do. Those organisations can only use your information for the service we have contracted them for and cannot use it for any other purpose.

Contact us

If you have any questions or concerns regarding how we use your information, please contact us at:

Governance Team

Brierley Hill Health & Social Care Centre,
Venture Way, Brierley Hill,
West Midlands, DY5 1 RU
Phone: 01384 322040
Email: emma.smith@dudleyccg.nhs.uk

For independent advice about data protection, privacy and data-sharing issues, you can contact the:

Information Commissioner

Wycliffe House, Water Lane,
Wilmslow, Cheshire, SK9 5AF.
Phone: 08456 30 60 60 or 01625 54 57 45
Website: www.ico.gov.uk

Further information

Further information about the way in which the NHS uses personal confidential data and your rights in that respect can be found in:


The HSCIC Guide to Confidentiality gives more information on the rules around information sharing:

[http://www.hscic.gov.uk/confguideorg](http://www.hscic.gov.uk/confguideorg)

• An independent review of information about service users is shared across the health and care system led by Dame Fiona Caldicott was conducted in 2012. The report, **Information: To share or not to share? The Information Governance Review**, be found at: [https://www.gov.uk/government/publications/the-information-governance-review](https://www.gov.uk/government/publications/the-information-governance-review)


Please visit the Health and Social Care Information Centre’s website for further information about their work. Information about their responsibility for collecting data from across the health and social care system can be found at: [http://www.hscic.gov.uk/collectingdata](http://www.hscic.gov.uk/collectingdata)

The **Information Commissioner’s Office** is the Regulator for the Data Protection Act 1998 and offer independent advice and guidance on the law and personal data, including your rights and how to access your personal information. For further information please visit the Information Commissioner’s Office website at [http://www.ico.org.uk](http://www.ico.org.uk).

The **Health Research Authority (HRA)** has been established to promote and protect the interests of patients, streamline regulation and promote transparency in health and social care research. [http://www.hra.nhs.uk](http://www.hra.nhs.uk)

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**APPENDIX H - INFORMATION GOVERNANCE POLICY AND INFORMATION GOVERNANCE HANDBOOK SIGN OFF FORM**

Acknowledgement of your personal responsibility concerning security and confidentiality of information (relating to patients, staff and the organisation).

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<th>Personal Details</th>
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**Declaration:**

I can confirm that I have read and understood Dudley CCG’s “*Information Governance Policy and Information Governance Handbook*”. I understand that I am bound by a duty of confidentiality and agree to adhere to the Information Governance Policy and IG Handbook at all times.

Signed:  

Date:  
E-Mail: ig.central@ardengemcsu.nhs.uk

Telephone: 0121 611 0730