

**University Health Board Report**

**GENERAL DATA PROTECTION REGULATION (GDPR) UPDATE**

**Executive Lead:** Board Secretary

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**Purpose of the University Health Board Report**

The purpose of this report is to provide the Board with an update on governance arrangements since the introduction of new data protection legislation and the General Data Protection Regulation (GDPR) on 25 May 2018.

**Governance**

**Link to Health Board Strategic Objective(s)**

The Board's overarching role is to ensure its strategic objectives, and the related organisational objectives outlined within the 3 Year Integrated Medium Term Plan 2018-2021, are being progressed. Aligned with the 'Quadruple Aim' described within 'A Healthier Wales' (Welsh Government, June 2018) these objectives are:

- To **improve** quality, safety and patient experience
- To **protect** and **improve** population health
- To **ensure** that the services provided are accessible and sustainable into the future
- To **provide** strong governance and assurance
- To **ensure** good value based care and treatment for our patients in line with the resources made available to the Health Board.

This report focuses on all the above objectives, but specifically on **providing** strong governance and assurance.

**Supporting evidence**

- Guidance published by the Information Commissioner's Office
- Data Protection Act
- General Data Protection Regulation

**Engagement – Who has been involved in this work?**

Information Governance Team with contributions from members of the GDPR Preparations - Task & Finish Group.  
Information Governance Group

<b>University Health Board Resolution To:</b>						
<b>APPROVE</b>		<b>ENDORSE</b>		<b>DISCUSS</b>		<b>NOTE</b> ✓
<b>Recommendation</b>		The University Health Board is asked to: <ul style="list-style-type: none"> <li>• <b>NOTE</b> the contents of this report.</li> </ul>				
<b>Summarise the Impact of the University Health Board Report</b>						
<b>Equality and diversity</b>		There are no known implications of this report on equality & diversity.				
<b>Legal implications</b>		It is essential that the Board has robust arrangements in place to ensure compliance with data protection legislation undertaken through the group and reported to the Quality Safety and Risk Committee.				
<b>Population Health</b>		There are no known implications of this report on population health.				
<b>Quality, Safety &amp; Patient Experience</b>		Ensuring the Board has robust data protection arrangements in place is a key requisite to ensuring the quality, safety & experience of patients receiving care.				
<b>Resources</b>		Resource implications are considered and addressed by the relevant Executive Director lead.				
<b>Risks and Assurance</b>		This report and supporting appendices is an integral element to addressing the risk of compliance with the new regulations. The risk will be added to the information governance risk register to ensure adequate assurances can be sought and monitored.				
<b>Health &amp; Care Standards</b>		<p>The 22 Health &amp; Care Standards for NHS Wales are mapped into the 7 Quality Themes but within a Governance Framework.</p> <p>This report focuses mainly on Governance &amp; Accountability but also spans many of the 7 quality themes.</p>				
<b>Workforce</b>		Workforce implications, such as support with inappropriate access to systems / audits, training and awareness, have been addressed in the GDPR action plan.				
<b>Freedom of information status</b>		Open				

# GENERAL DATA PROTECTION REGULATION (GDPR) UPDATE

## 1. SITUATION / PURPOSE OF REPORT

The purpose of this report is to provide the Board with an update on the progress made in implementing the new Data Protection Act (2018) and General Data Protection Regulation (GDPR) which came into effect on 24 & 25 May 2018 respectively.

## 2. BACKGROUND / INTRODUCTION

The Data Protection Act 2018 received Royal Assent enshrining GDPR into UK law. This marked the biggest change to data protection legislation in the last 20 years. The new legislation builds upon the previous Data Protection Act with strong emphasis around strengthening individual's rights and the requirements for the appropriate and secure processing of personal data. GDPR places greater emphasis on the documentation that data controllers (such as Cwm Taf Morgannwg) are required to have in order to demonstrate accountability.

The Information Governance Team established a Task & Finish Group to prepare for the arrival of GDPR by focussing on key areas that would have the most impact in terms of compliance.

The following key areas have been progressed to date:

- GDPR Communications Campaign for managers and staff including intranet site, briefings, newsletters and posters
- Development and on-going population an organisational-wide Information Asset Register with over 600 systems registered to date.
- Established a Personal Data Breaches Procedure (to meet the requirement to report data breaches within 72 hours).
- Implemented a standard Data Protection Impact Assessment (DPIA) Procedure (to meet the requirement to ensure a "privacy by design" approach and accountability requirements). This now forms part of policy development to ensure any information risks are captured and / or mitigated.
- Privacy notices are in place for both staff and service users, including a number of service specific notices.
- The e-learning which is mandatory for all staff (every two years), have been amended to reflect legislative change. Classroom training is also provided.

## 3. ASSESSMENT / GOVERNANCE AND RISK ISSUES

There is clear evidence that significant progress has been made in implementing elements of the GDPR and activities have taken place to show progress towards compliance with the new legislation. An internal audit took place in 2018 which reviewed the arrangements in place for the introduction of the General Data Protection Regulation within the Health Board. The report provided reasonable assurance (see attached as **Appendix 1**).

However some work remains outstanding. Key areas include:

- Updating policies and procedures (aligning with previous Abertawe Bro Morgannwg University Health Board policies)
- Raising awareness regarding subject access rights particularly in priority areas such as CAMHS, Mental Health and Therapies
- Ensuring appropriate information sharing protocols are in place (this is an ongoing issue as staff are clearer regarding their practice to share information)
- Maintaining the asset register (particularly the migration of the Bridgend sites systems)
- Continue to increase awareness of staff obligations for the regulation
- Increasing training compliance.

The Information Commissioner’s Office (ICO) continues to regulate and monitor compliance with legislative requirements, and has successfully brought cases for prosecution against individuals and organisations for breaches of the Act.

Since May 2018, we have reported six personal data breaches to the ICO, of which, four have been returned with no further action required, with confirmation that appropriate steps had been taken internally. Two, we are currently awaiting the outcome of as they have only recently been reported.

Organisations are expected to demonstrate that a culture of personal responsibility and accountability are embedded at every level. With training programmes rolled out, there must now be a focus on demonstrating the practical application of the Act in every aspect of our service and business delivery. As outlined above, the information governance team continue to ensure that all staff understand their responsibilities with regard to any personal information viewed or processed as part of the individual job role, and the seriousness with which data breaches are viewed under Data Protection law.

Generally, the Board can take assurance that we are complying with GDPR however, this relies on all staff following the Information Governance policy. We continue working towards increasing the compliance rates with the mandatory training which is currently at 75.09% (this has been steadily increasing) and attached as **Appendix 2** for information.

#### 4. **RECOMMENDATION**

Members of the Board are asked to:

- **NOTE** the content of the report.

<b>Freedom of information status</b>	Open
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