



**AGENDA ITEM**

4.5

**DIGITAL & DATA COMMITTEE**

**DATA PROTECTION IMPROVEMENT PLAN UPDATE**

<b>Date of meeting</b>	19 December 2022	
<b>FOI Status</b>	Open/Public	
<b>If closed please indicate reason</b>	Not Applicable - Public Report	
<b>Prepared by</b>	Andrew Nelson, Chief Information Officer	
<b>Presented by</b>	Andrew Nelson, Chief Information Officer	
<b>Approving Executive Sponsor</b>	Stuart Morris, Director of Digital	
<b>Report purpose</b>	FOR NOTING	
<b>Engagement (internal/external) undertaken to date (including receipt/consideration at Committee/group)</b>		
<b>Committee/Group/Individuals</b>	<b>Date</b>	<b>Outcome</b>
N/A		

**ACRONYMS**

IG – Information Governance  
 UHB – University Health Board  
 ICO – Information Commissioner’s Office  
 DPIA’S – Data Protection Impact Assessment  
 NSCS – National Cyber Security Council

## **1. SITUATION/BACKGROUND**

- 1.1 The purpose of this report is to update the Committee on UHB's progress in enacting the recommendations made by Officers of the Information Commissioner following their assurance visit in January 2022.

## **2. SPECIFIC MATTERS FOR CONSIDERATION BY THIS MEETING (ASSESSMENT)**

- 2.1 Further to their assessment in January 2022, Officers of the Information Commissioner made 35 recommendations regarding actions the UHB should be taking to reduce the UHB's risk of non-compliance with data protection legislation. A visit to review progress was made by the officers of the ICO in August 2022 at which they identified that they required a higher threshold of evidence to be available than the UHB had offered.
- 2.2 Since the August 2022 visit the UHB has continued to take a risk based approach to all areas of its operations. The focus around data protection has largely been on cyber security, acting on advice of the NCSC and in reacting to the Russian cyber attack on the GP Out of hours software provider and in ensuring that DPIAs, data sharing agreements and cyber security impact assessments have been undertaken for all new activities or changes in activities. A more detailed description of the cyber actions is provided in the confidential paper the UHB's cyber improvement plan, whilst an update on the progress made in delivering the ICO's recommendations is provided in the Excel document attached. Some progress has also been made on strengthening the privacy notice in line with the ICO's requirements and on making more staff aware of data protection and cyber security matters.
- 2.3 The staffing position in both IG and cyber security continues to be one of concern. As at the 5<sup>th</sup> December 2022, the UHB has an Interim Head of IG, a Freedom of Information Officer and an IG administrator in post, and has offered and received verbal acceptance for an individual to take on the IG Officer position, who is scheduled to take up post in January 2023.
- 2.4 A further follow up meeting with the officers of the ICO is planned for the 8<sup>th</sup> December 2022.

## **3. KEY RISKS/MATTERS FOR ESCALATION TO BOARD/COMMITTEE**

- 3.1 Noting the focus of the ICOs report, the Committee is asked to endorse the present risk based approach to data protection, which has identified the requirement to prioritise improving the UHB's cyber posture as the most immediate priority.



#### 4. IMPACT ASSESSMENT

<b>Quality/Safety/Patient Experience implications</b>	Yes (Please see detail below)
	Ransomware attack has demonstrated significant impact on patient care and staff welfare.
<b>Related Health and Care standard(s)</b>	Governance, Leadership and Accountability
<b>Equality Impact Assessment (EIA) completed - Please note EIAs are required for <u>all</u> new, changed or withdrawn policies and services.</b>	No (Include further detail below)
	Equality Impact Assessment to be completed as part of each project
<b>Legal implications / impact</b>	Yes (Include further detail below)
	UHB non-compliance with GDPR & NIS-D
<b>Resource (Capital/Revenue £/Workforce) implications / impact</b>	Yes (Include further detail below)
	Potential fine for non-compliance with GDPR & NIS-D
<b>Link to Strategic Goals</b>	Improving Care

#### 5. RECOMMENDATION

- 5.1 The Committee is asked to **NOTE** the report and the present risk-based approach to data protection.