



CYMORTH LLYWODRAETHU GWYBODAETH AR GYFER GOFAL SYLFAENOL
INFORMATION GOVERNANCE SUPPORT FOR PRIMARY CARE

OCTOBER 2022



WELCOME

**to the October 2022 edition of the
IG Support Service for Primary Care
Newsletter**

We publish these newsletters on a bi-monthly basis, providing you with updates on support and guidance developed by the Support Service, progress and developments with the IG Toolkit for GMPs, and related IG training and resources which will include 'Lessons Learnt' scenarios.



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REMINDER: Notice expiry for processing of confidential patient information for Covid-19 purposes

With effect from 30th September there is no longer a requirement for general practice to process confidential personal information (CPI) for Covid-19 purposes. This follows the communication issued in [July 2022 by Welsh Government](#).

Organisations and programmes that intend to continue to process CPI for Covid-19 purposes after 30 September 2022, will need to ensure they have identified a different legal basis for doing so.

Further information on the original and rescinded notifications can be found on the [DHCW Information Governance webpage](#)

UPDATE: Patient Consultations via Video Conferencing

The IG Support Service have recently reviewed the [IG Guidance on Patient Consultations via Video Conferencing](#).

The guidance has been updated to reflect new ways of working and NHS Wales approved solutions.

All of the IG Support for Primary Care guidance documents are available on the [IG Website](#).



REMINDER: Important information about e-mail between Wales and England NHS accounts

Back in our April newsletter, we confirmed that email communications between **@Wales.nhs.uk** and **@NHS.net** accounts can now occur without the need for additional encryption to be applied. NHS Wales email solution now meets NHS Digital's accreditation standard in order to transfer personal and confidential information between organisations.

The [NHS Wales Email Use Policy for Primary Care Service Providers](#) has been updated in line with this. Email services of TLS enabled organisations are also considered secure to communicate with. The list of TLS enabled organisations can be accessed here: [TLS Assurance \(sharepoint.com\)](#).

As users of the NHS Wales Email Network do not have access to the NHS.net email directory or that of TLS enabled organisations, extra vigilance must be made to ensure the correct email address is used to mitigate the risk of misdirection.

Transfer of personal data or business sensitive information between any email address NOT ending in "wales.nhs.uk", "nhs.net" or TLS enabled, is not currently considered secure. Where this type of information needs to be sent, appropriate security measures must be implemented, such as [MoveIT](#) or the [Secure File Sharing Portal](#).

Leavers Process

It has been identified that a substantial number of practices do not remove access to ALL permitted systems when a staff member leaves. This creates substantial risk to the organisation, particularly if remote access is not removed. The IG Support Service have worked with Primary Care Services to develop a Leavers Checklist for practices to follow, this is currently being finalised and will be made available shortly.

Contact the Information Governance Support Service for Primary Care via dhcwinformationgovernance@wales.nhs.uk



IG Toolkit Submissions – Final Position Statistics

The 2021-22 edition of the IG Toolkit closed on 30th September 2022 with **100%** of practices across Wales submitting it. This continues the trend of year-on-year improvement and is the first time a 100% submission rate has been achieved since the IG Toolkit was implemented.

Health Boards	Number of Practices	Not Started	In Progress	Complete
Aneurin Bevan	72	0	0	72
Betsi Cadwaladr	97	0	0	97
Cardiff & Vale	57	0	0	57
Cwm Taf Morgannwg	47	0	0	47
Hywel Dda	47	0	0	47
Powys	16	0	0	16
Swansea Bay	49	0	0	49
All Wales	385	0	0	385

Completion Scoring Reports

In the coming weeks each practice will receive an Individual Scoring Report detailing their submission for the 2021-22 IG Toolkit. The report is based on a rudimentary scoring matrix to determine where practices consider they meet the individual requirements.

With the toolkit being a self-assessment, the reports can only confirm which questions have been answered, they do NOT acknowledge the quality of those answers or uploaded documentation.

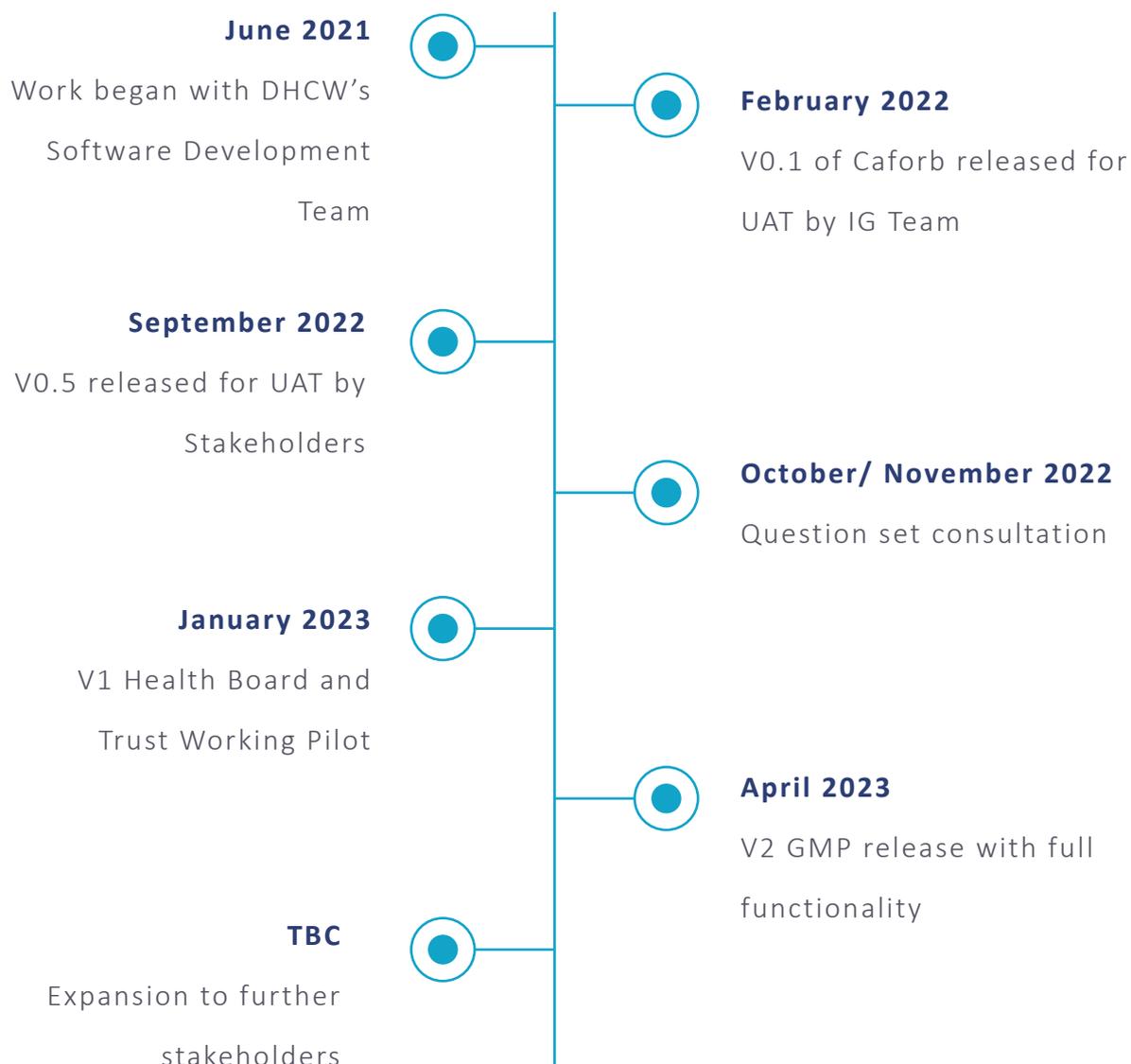
Information on [how the Completion Scoring Reports](#) are populated can be found on the [Support and Resources section of the IG website](#).

Practices who are subscribers of the DHCW Data Protection Officer Service will have the opportunity to have their IG Toolkit submission audited by the DPO team.

Development of the new Welsh IG Toolkit

Last month, we commenced phase one of the Stakeholder User Acceptance Testing (UAT) process, which included representation from 10 General Medical Practices. In line with the redevelopment, we anticipate that the 2022-23 edition of the Welsh IG Toolkit will be made available to GMPs in April 2023.

The below timeline sets out key events in the development of the new IG Toolkit.



Over recent years, through analysis of the toolkit submissions, we have identified that, particularly in primary care, there is a wide variance in how organisations view the importance of the information governance agenda, with many viewing the toolkit as a tick box exercise.



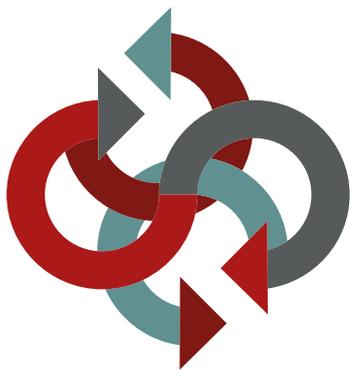
The view is that by taking the IG Toolkit back to basics, in its new format, it will provide an opportunity for all organisations to honestly assess their current position in meeting appropriate levels of IG compliance. Therefore, a review of the content is currently being carried out in preparation for the new platform, to ensure it is addressing the most appropriate compliance standards and forms the basic core of IG compliance for all stakeholders moving forward.

Should you have any questions regarding the IG Toolkit you can contact the Information Governance Toolkit Team via WelshIGToolkit@wales.nhs.uk

Welsh IG Toolkit Service Management Board (SMB)

The first Welsh IG Toolkit Service Management Board (SMB) took place on 8th September and included representation from General Medical Practices, Prison Healthcare, Health Board and Trust Information Governance Leads, Health Board Primary Care, DHCW Primary Care, DHCW Data Protection Officer Support Service and the Information Commissioner's Office.

Agenda items included Terms of Reference, IG Toolkit development progress and timeline, Stakeholder Platform User Testing Plan and Question Set Consultation. The minutes of the SMB are available to all stakeholders, if you are interested in receiving a copy, please contact the Information Governance Toolkit Team via WelshIGToolkit@wales.nhs.uk.



Cytundeb Rhannu Gwybodaeth Bersonol Cymru Wales Accord on the Sharing of Personal Information

UPDATE: Removal of the COVID-19 Temporary Information Sharing Agreement template

In April 2020 in response to the demand from stakeholders and to aid organisations with data sharing activities in relation to the COVID-19 pandemic, WASPI produced a Temporary Information Sharing Agreement template which has been used by many organisations over the past 28 months as an optional compromise for organisations who wished to document data sharing activities specially to supporting the pandemic.

As we move beyond the initial response to the pandemic it is important that there is a sustainable legal basis for the ongoing processing of personal data which may continue to be necessary for COVID-19 purposes, or that this processing ends where it is no longer justified. Where data sharing activities are intended to continue and a lawful basis is identified, WASPI should be used as a tool to document personal data exchanges.

As a result, and in conjunction with the expiry of the Control of Patient Information Regulations 2002 notice issued on 19th July 2022, the Temporary Information Sharing Agreement template was removed from use on 30th September 2022.

Practices should consult with their Data Protection Officer in relation to personal data sharing requirements. Any queries or comments about WASPI processes can be addressed to waspiservice@wales.nhs.uk.



Lessons Learnt

Sometimes things go wrong; when this happens, it is important that lessons are learnt. In each edition of the newsletter, we look at a real-life scenario either an incident or audit finding and reflect to see if this could happen in your organisation or if there are lessons which can be learnt, including any changes which can be implemented in your organisation to prevent a similar situation occurring.

Information Commissioner's Office takes action against seven organisations following Subject Access failures

The Information Commissioner's Office (ICO) have issued reprimands against seven organisations who have repeatedly failed to respond to Subject Access Requests (SAR) within the legal timeframes. The organisations were identified following multiple complaints to the ICO relating to failures to respond to the public when asked for personal information held about them.

Information Commissioner John Edwards said:

"We expect all information requests to be handled appropriately and in a timely way. This encourages public trust and confidence and ensures organisations stay on the right side of the law."

The ICO deals with over 35,000 complaints every year, with most of those relating to accessing personal data.

During the course of their work the ICO have identified some common themes which lead to complaints:

- **Delay** – responses to requests taking too long
- **Relationship breakdown** – no one to contact, questions not being answered, incomplete or unsatisfactory responses
- **Trust** – lack of trust in what individuals are being told
- **Understanding** – lack of understanding leads to information being perceived as unclear or unhelpful

Consider your organisation, are the appropriate processes in place to aid the organisation in responding to requests within the statutory timeframe? What is in place to avoid or mitigate any SAR related complaints?

- **All staff are made aware of how to recognise an SAR** – Ensuring that all your staff can recognise a request mitigates the risk of delays in SARs being processed. It will also help foster relationships, ensuring that all staff are aware of the processes and can explain these to individuals, if asked.
- **There is a designated individual or team responsible for dealing with SARs** – Having an appointed lead with knowledge and experience of dealing with SARs can help foster relationships. A lead can act as a knowledgeable contact point for individuals ensuring they understand the process and are kept up to date. A lead also provides a focal point within the organisation for staff to direct requests and queries to, this should aid in response times.
- **SAR requests are documented and managed by a log to manage requests, timelines, actions and responses** – A log will assist with response times providing a record of requests and responses. A log will also provide a record of progress and actions taken providing resilience in times of absence.
- **Individuals are informed** – Ensuring individuals are adequately informed of how their information is used and of their rights, including the right of access, will help build trust that their information is processed appropriately. Privacy information should be regularly reviewed, to ensure there are no surprises.
- **You are open and explain your response** – Often frustrations come from a lack of understanding, being open with individuals can reduce the likelihood of complaints. If you are unable to meet a response deadline, tell them. Explain any exemptions or redactions that may apply and keep a record of your decision making. Remember, data protection legislation can be confusing, use plain language to help ensure understanding.



Further information on any available [IG training can be found on the IG website.](#)



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IG eAlert

The Digital Health and Care Wales (DHCW) IG Department produce a weekly [eAlert](#) intended for staff who have an interest in information governance issues that affect the NHS in Wales. These eAlert's include news items from around the world on topics such as data breaches, IG related news articles and fines issued by the Information Commissioners Office.

If you have any articles which you feel would also be useful to colleagues, please feel free to forward them for inclusion in the next edition.

[Historic editions of the eAlert](#) can be accessed through the IG Website.

If you would like to receive the weekly eAlert direct to your inbox, please contact DHCWInformationGovernance@wales.nhs.uk

ICO Newsletter

The Information Commissioner's Office (ICO) publish an e-newsletter at least once a month which provides an overview of their work. They bring you the latest news and events, information about enforcement, latest developments, blogs, guidance, codes of practice, etc. in a range of legislation such as data protection, freedom of information and electronic communications and marketing, to name but a few. [To sign up to receive the e-newsletter, please complete the form.](#)

The [latest edition of the ICO e-newsletter](#) is now available to view. [Previous editions of the ICO newsletter](#) can be found on the ICO website.

If you do not wish to receive further editions of the newsletter please email DHCWInformationGovernance@wales.nhs.uk