



REPORT TO: HEALTH AND SOCIAL CARE INTEGRATION JOINT BOARD –
30 OCTOBER 2018

REPORT ON: UPDATE ON DATA PROTECTION WORK SINCE THE IMPLEMENTATION
OF GENERAL DATA PROTECTION REGULATIONS

REPORT BY: CHIEF FINANCE OFFICER

REPORT NO: DIJB54-2018

1.0 PURPOSE OF REPORT

To inform the Integration Joint Board of work undertaken since the implementation of the General Data Protection Regulations on 25 May 2018.

2.0 RECOMMENDATIONS

It is recommended that the Integration Joint Board (IJB):

- 2.1 Notes the work that is being undertaken by NHS Tayside and Dundee City Council to ensure the organisations are working towards GDPR compliance (detailed in sections 4.2.1 to 4.2.9).
- 2.2 Notes that Dundee City Council's Data Protection Officer will act as Data Protection Officer for the Integration Joint Board.

3.0 FINANCIAL IMPLICATIONS

There are no financial implications related to the preparations for the new GDPR. However, it should be noted that there are significantly increased financial penalties for the breaches of the act. These are substantial – up to £17 million or 4% of global annual turnover.

4.0 MAIN TEXT

4.1 The General Data Protection Regulations

- 4.1.1 The Data Protection Act 2018 has replaced the Data Protection Act 1998. The new rules relate to how personal data is handled and processed. It makes data protection laws fit for the digital age in which an ever increasing amount of data is being processed.
- 4.1.2 Important changes from the Data Protection Act 1998 have been introduced. These include:
 - Shorter timescales for reporting breaches of personal data to the data protection regulator.
 - Higher fines which can be applied if the rights of individuals have been breached.
 - Timescales to process Subject Access Requests have been reduced to one month, from forty days.
 - Privacy notices must be included on all public facing forms to explain how we process personal data.

4.2 Update on Preparations for GDPR

Since the introduction of the Data Protection Act 2018 work has been undertaken to prepare the workforce as follows:

- 4.2.1 Council staff have been sent links to a comprehensive GDPR Handbook.
- 4.2.2 Mandatory e-learning is available for council staff. Out of 1569 council employees in the Health and Social Care Partnership, 1149 have completed the e-learning module. Managers have been updated with the names of those who have not completed the module.
- 4.2.3 Information Compliance meetings are held regularly with representatives from all Services.
- 4.2.4 Information mapping exercises have been carried out to ensure that all the personal data processes undertaken are compliant with GDPR.
- 4.2.5 NHS Tayside staff have been made aware of GDPR on Staffnet.
- 4.2.6 The NHS Tayside Data Protection Officer is co-ordinating preparations in NHS Tayside.
- 4.2.7 The Integration Joint Board, as a public body, processes a minimal amount of personal data in comparison to NHS Tayside and Dundee City Council. It has been agreed that the Council's Data Protection Officer will act as Data Protection Officer for the Integration Joint Board.
- 4.2.8 Reports on Data Breaches are collated by the Council and the NHS as Data Controllers. Breaches by Dundee Health and Social Care Partnership will be reported to the R2 Clinical & Professional Governance Meeting.
- 4.2.9 Work is ongoing towards an updated Data Sharing Agreement between NHS Tayside and Dundee City Council. We are working with Angus and Perth & Kinross Health and Social Care Partnerships to ensure consistency of approach.

5.0 POLICY IMPLICATIONS

This report has been screened for any policy implications in respect of Equality Impact Assessment. There are no major issues.

6.0 RISK ASSESSMENT

Risk 1 Description	Preparations to comply with GDPR are not carried out efficiently or completed due to staffing levels.
Risk Category	Governance
Inherent Risk Level	Likelihood (4) x Impact (3) = Risk Scoring (12)
Mitigating Actions (including timescales and resources)	Plans to map information and to carry out preventative actions are being undertaken. High risk areas have been identified and actions taken to ensure information is GDPR compliant.
Residual Risk Level	Likelihood (3) x Impact (3) = Risk Scoring (9)
Planned Risk Level	Likelihood (2) x Impact (3) = Risk Scoring (6)
Approval recommendation	Given the moderate level of planned risk, this risk is deemed to be manageable.

Risk 2 Description	Breaches of information happen after the implementation of GDPR and the Council and NHS Tayside incur significant financial fines.
Risk Category	Financial
Inherent Risk Level	Likelihood (4) x Impact (4) = Risk Scoring (16)
Mitigating Actions (including timescales and resources)	NHS Tayside and Dundee City Council have plans to implement GDPR. As organisations they have significant experience in handling personal data which will help them to minimise data breaches. It is unknown how the Information Commissioner will use their power to apply increased fines.
Residual Risk Level	Likelihood (3) x Impact (4) = Risk Scoring (12)
Planned Risk Level	Likelihood (3) x Impact (3) = Risk Scoring (9)
Approval recommendation	The planned risk is high due to the potential fines that can be imposed by the Information Commissioner. However, due to the mitigating actions it is recommended that the IJB accept the risk.

7.0 CONSULTATIONS

The Chief Finance Officer and the Clerk were consulted in the preparation of this report.

8.0 DIRECTIONS

The Integration Joint Board requires a mechanism to action its strategic commissioning plans and this is provided for in sections 26 to 28 of the Public Bodies (Joint Working)(Scotland) Act 2014. This mechanism takes the form of binding directions from the Integration Joint Board to one or both of Dundee City Council and NHS Tayside.

Direction Required to Dundee City Council, NHS Tayside or Both	Direction to:	
	1. No Direction Required	X
	2. Dundee City Council	
	3. NHS Tayside	
	4. Dundee City Council and NHS Tayside	

9.0 BACKGROUND PAPERS

None.

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DATE: 8 October 2018

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