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Agenda Item: 17.

Integration Joint Board

Date of Meeting: 11 December 2019.

Subject: Compliance with Data Protection law.

1. Summary

1.1. The report summarises the steps taken by the Integration Joint Board to comply with Data Protection law.

2. Purpose

2.1. To inform the Board on the steps taken to ensure compliance by the Board with Data Protection law.

3. Recommendations

The Integration Joint Board is invited to note the following actions that have been taken to comply with the law:

3.1. The Integration Joint Board is registered with the Information Commissioner's Office as a Data Controller.

3.2. The Integration Joint Board has appointed Gavin Mitchell, the Council's Head of Legal Services, as Data Protection Officer.

3.3. The Integration Joint Board has adopted the Council's Data Protection Policy.

3.4. All staff who have access to Integration Joint Board records are required to complete Data Protection training every year.

4. Legal Background

4.1. The General Data Protection Regulation (GDPR) and the Data Protection Act 2018 (DPA) both came into force 25 May 2018. The Integration Joint Board does not handle any personal data relating to service users that has not already been pseudonymised or anonymised. The only personal data handled by the Integration Joint Board relates to its two members of staff, the Chief Officer and the Chief Finance Officer, who are employees of Orkney Islands Council and Members of the Integration Joint Board. Nevertheless, the Integration Joint Board is a data controller

for the limited personal data it does process and is required to comply with Data Protection law.

4.2. The Data Protection legislation regulates the processing of personal data by the Board. The GDPR and the DPA gives individuals rights which are:

- The right to be informed about how their information will be used.
- The right of access to their personal information.
- The right to rectification, which is the right to require the Board to correct any inaccuracies.
- The right to request the erasure of any personal information held by the Board where the Board no longer has a basis to hold the information.
- The right to request that the processing of their information is restricted.
- The right to data portability.
- The right to object to the Board processing their personal information.
- In relation to automated decision making and profiling.

4.3. The GDPR sets out six data protection principles which must be complied with when the Integration Joint Board is processing personal data. The six principles require that personal data is:

1. Processed lawfully, fairly and in a transparent manner in relation to individuals.
2. Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes.
3. Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.
4. Accurate and, where necessary, kept up to date.
5. Kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed.
6. Processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

5. Compliance

5.1. The Integration Joint Board has taken the following steps to ensure that it complies with the law:

- 1 December 2016, the Integration Joint Board registered as a controller with the Information Commissioner's Office (Registration reference: ZA207653).
- 25 March 2018, the Integration Joint Board's Chief Officer nominated Gavin Mitchell, the Council's Data Protection Officer and Head of Legal Services, as the Board's Data Protection Officer, with the appointment formalised at a Meeting of the Board on 27 June 2018.
- 25 June 2019, the Integration Joint Board adopted its Records Management Plan and the Plan stated:

“Because the only special category information that the Board is likely to handle relates to members of staff who are employees of the Council, the Board has decided to adopt and follow the Council’s Data Protection Policy and Data Protection Procedure. As employees of the Council, the Board’s staff are already required by their employment contracts to comply with the Council’s Data Protection Policy and Procedure...

“The Council’s Data Protection Policy and Data Protection Procedures sets out the responsibilities of members of staff.

“The Council has a Data Protection Policy to ensure that the Council complies with the requirements of the Data Protection legislation. The Policy will be regularly reviewed. In addition, the Council has developed Data Protection Procedures and Guidance for officers to ensure compliance with the responsibilities of the Council when processing personal data. This includes policies and procedures for the use of mobile electronic devices, the use of Council email and internet systems, the application of passwords to electronic information, the disposal of IT hardware and a general records management policy.

“All staff employed within Orkney Health and Care, who manage or have access to Board records, are required to undertake data protection training to ensure that personal data is processed in accordance with the data protection principles. This training will be refreshed annually and is reinforced through the year with ongoing guidance provided by the Council to staff employed within Orkney Health and Care.”

6. Contribution to quality

Please indicate which of the Council Plan 2018 to 2023 and 2020 vision/quality ambitions are supported in this report adding Yes or No to the relevant area(s):

Promoting survival: To support our communities.	Yes.
Promoting sustainability: To make sure economic, environmental and social factors are balanced.	No.
Promoting equality: To encourage services to provide equal opportunities for everyone.	No.
Working together: To overcome issues more effectively through partnership working.	No.
Working with communities: To involve community councils, community groups, voluntary groups and individuals in the process.	No.
Working to provide better services: To improve the planning and delivery of services.	No.
Safe: Avoiding injuries to patients from healthcare that is intended to help them.	No.
Effective: Providing services based on scientific knowledge.	No.
Efficient: Avoiding waste, including waste of equipment, supplies, ideas, and energy.	No.

7. Resource implications and identified source of funding

7.1. There are no resource implications arising from this report.

8. Risk and Equality assessment

8.1. There are no risk or equality implications arising from this report.

9. Legal Aspects

9.1. The legal aspects are set out within the body of this report. Breaches of data protection legislation can give rise to enforcement action by the Information Commissioner's Office.

10. Direction Required

Please indicate if this report requires a direction to be passed to:

NHS Orkney.	No.
Orkney Islands Council.	No.
Both NHS Orkney and Orkney Islands Council.	No.

11. Escalation Required

Please indicate if this report requires escalated to:

NHS Orkney.	No.
Orkney Islands Council.	No.
Both NHS Orkney and Orkney Islands Council.	No.

12. Author

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13. Contact details

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