



# Annual DPO Report 2020-21

First Community Health and Care C.I.C

OFFICIAL

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## Introduction

This is a Board summary report of key data protection and information governance activity and issues for the 2020-21 financial year and serves as First Community data protection and information governance annual assurance report. First Community operate an Information Governance Group (IGG) which meets regularly throughout the year which is attended by the First Community Senior Information Risk Owner (SIRO), the Caldicott Guardian, DPO and IG Compliance Manager. Progress against the First Community Annual DPO Compliance Plan and key IG issues are discussed in detailed in those meetings and as needed on a priority basis throughout the year.

During the entirety of the 2020-21 year, First Community, as with all healthcare organisations, had to manage the increased pressures of working within the Covid19 pandemic.

## Covid19

As with all services, information governance had to respond to this with new ways of working and adjust the service accordingly. During this year, information governance staff from NEL CSU have been mandated to work only from home and this has meant that a physical presence has not been possible. However, First Community and the NEL CSU IG service rose to the challenge and IG services continued attending remote MS Teams meetings and delivering training using Microsoft Teams, completing Data Protection Impact Assessments (DPIA), working on evidence requirements for the Data Security and Protection Toolkit (DSPT), issuing staff comms etc. Other aspects of service changed so that physical site IG audits were undertaken by First Community Staff. In particular, a number of Covid19 DPIAs were undertaken using an amended short-form DPIA and staff comms also focussed on Covid19 issues.

## Caldicott Report

### Background

- In 1997 Dame Fiona Caldicott led a review to respond to concerns over the use of patient data 'The Report on the Review of Patient-Identifiable Information' which established the six original Caldicott Principles with a seventh added in 2013 and an eighth in 2020.
- The Caldicott Guardian is a senior person responsible for protecting the confidentiality of people's health and care information and making sure it is used properly.

- Since 1999, all NHS organisations must have a Caldicott Guardian whose details are on the national NHS Caldicott Guardian Register
- First Community have two guardians on the register, to ensure no single point of failure and support and challenge for complex cases:
  - Jon Ota, Caldicott Guardian
  - Emma Marcroft, Deputy Caldicott Guardian
- This section of the DPO report provides a summary of activity for the Caldicott Guardians.

## 2020 / 21

1. Eighth Caldicott Principle was added in December 2020: “inform patients and service users about how their confidential information is used”. First Community outline this in Privacy Notices on the website. The addition of this principle was communicated to all staff through First News with a reminder as to who the Caldicott Guardians are.
2. The table below shows the Caldicott requests for the past three years:

	2017 / 18	2018 / 19	2019 / 20	2020 / 21
Number of Caldicott Approvals	4	5	13	14

The table below shows the nature of these requests:

	2017 / 18	2018 / 19	2019 / 20	2020 / 21
National Audit	2	4	3	0
Subject Access Request	0	0	2	1
Emergency Planning	0	0	2	0
NMC	0	0	2	0
Data / EMIS	0	0	4	9
LeDer	0	0	0	1
Access to Health Information	0	0	0	3
Sharing	2	1	0	0

- The number of Caldicott requests has increased over the past two years with opinions being sought for complex subject access and access to health record requests.
- The national audit requests in previous years were for ongoing data entry, there have been no new national audits for this year.
- The Caldicott Guardian noticed an increase in requests for EMIS / Data approvals so supported the Performance and Business Intelligence Manager to undertake a review of the implementation of the policy. This has led to increased governance through CSAG and the appointment of a Privacy Officer.

## Data Protection Impact Assessments

### Assessments reviewed

Data Protection Impact Assessments (DPIA) are the means by which an organisation evidence that Privacy by Design is being implemented into new processes, services and technologies.

Review Date	DPIA Title
	NACEL and PN Project
	SystemOne for Dieticians
27/01/20	DESMOND
15/05/20	Kallidus to OLM
28/07/20	ESR Employee to Self-Service
19/08/20	Falsified Medicines Directive
19/08/20	Home First (D2A)
19/08/20	Outcomes Adult Services
19/08/20	Advice Line Phase 2

19/08/20	ICT Reablement
28/08/20	PCN Alignment
05/11/20	Home Oxygen
06/11/20	NIVS
06/11/20	Digital Consent Immunisations
09/11/20	IBS Education Group
10/11/20	Attend Anywhere
10/11/20	Zoom for Education Groups
08/12/20	AccuRx
04/01/21	Eventbrite
19/01/21	Reflect and Learn
20/01/21	RA Smartcard
15/03/21	Survey Monkey
12/03/21	Your Covid Recovery
Jan-Mar 21	Surrey Care Record
26/01/21	Covid Vaccination
23/02/21	NIMS

11/11/20	Identify emails and texts
11/11/20	Microsoft Teams DPIA
26/05/20	Paediatric Therapies Emails DPIA
21/05/20	Phone numbers & Patient consultations DPIA
11/11/20	Shielded Patients List
30/04/20	Staff Testing
26/09/20	WhatsApp DPIA
11/11/20	Zoom

First Community have done well to review the number of DPIAs within year that they have with the added pressures of responding to the Covid19 Pandemic and the high number of DPIAs should be counted as an organisational success as it points to a continuing robust IG infrastructure despite the added pressures. As expected, a number of the DPIAs undertaken reflected the changes brought about by pandemic pressures and these have been highlighted in the table above.

Like many organisations nationwide, First Community switched to a short form DPIA during the year to allow assessments to keep taking place despite the pressures and these have also been highlighted above.

There is one reflection for improvement, and it is a common reflection across many healthcare organisations but one which is not insurmountable which is that DPIAs are started and can look complete but can get held up for a number of reasons and do not progress to final stage of signing. Improved logging of DPIA progress can assist with this and for final signing, a digital signature platform is recommended which requests that appointed approvers log on to a platform and indicate they have reviewed to their satisfaction and click to sign. Without this, it can become confusing about who has reviewed and approved.



## Data Protection Incidents and Breaches

In 2020-21 First Community had reported 61 IG incidents. Analysis of these incidents identifies that they were all either low in impact or affected small numbers of data subjects. Many reflected common administrative errors such as addressing envelopes and email errors. There were a few incidents related to data which had been either published on the First Community website or posted on the intranet but unfortunately accessible on the public internet. Although the impact across these has been low, incidents such as these all have the ability to have a much higher impact on data subjects and First Community need to maintain an organisation commitment for staff training and adhering to processes and good practice as many errors can be very easy to make, especially with handling, storage, addressing and emailing of sensitive records.

## Subject Access Requests

Subject Access Requests (SARs) are the principal data subject right enshrined within GDPR / UK GDPR. Although other rights are enacted within the legislation, SARs are almost singularly the right that is utilised by data subjects. SARs have a legal response timeframe of a calendar month within which data subjects expect to receive a copy of the data held about them by an organisation.

	Number of requests	Completed within timeframe	Compliance rate
Q1	29	29	100%
Q2	38	38	100%
Q3	33	33	100%
Q4	34	34	100%
Total	134	134	100%

First Community's compliance in dealing with SARs is exemplary at 100% compliance with the legal timeframe of a calendar month. An organisation's compliance rate is a good indicator of

how well data protection is implemented and upheld within an organisation's culture and values. First Community and their staff who manage SARs can take pride at how well they have embedded their management of SARs within the organisation.

## ICO Complaints

During the year First Community received one complaint made to the ICO which was investigated by the First Community DPO. The complaint received prompt attention and the organisational response was submitted within the ICO timeframe with the ICO ultimately finding in favour of First Community in their assessment of the complaint.

## Physical Site (Confidentiality) Audits

Despite the restrictions imposed by the pandemic, First Community staff assisted in undertaking confidentiality audits across First Community estate.

Date	Site
05/06/20	Caterham Dene Hospital
17/06/20	Holmhurst District Nurses Office
03/06/20	Phoenix House
23/07/20	Audiology, Crawley
03/06/20	South Tandridge District Nurse Office
09/05/20	South Tandridge District Nursing Team/ Tandridge District Council Offices
17/06/20	North Tandridge District Nursing Team

On the whole, the confidentiality audits were very positive with no significant risks for personal data identified which reflects a strong culture of information governance within the organisation. Some risks around shared spaces with other public services, local authorities and the police,

were identified which is always a risk where premises are shared across services. Staff within such spaces are encouraged to be very mindful with the handling of personal data with particular respect to phone conversations and colleague discussions which can be overheard and with documents being left on desks and multi-function devices and with the locking of cupboard drawers and office doors when premises are unattended.

## Brexit

NEL DPO IG assisted with the organisational assurances needed around the processing of personal data and the challenges posed by British withdrawal from the European Union. This was with particular regard to personal data flows between the UK and the EU. The impact on First Community was limited with two services (I Want Great Care and Survey Monkey) with international data flows covered by existing standard contractual clauses.

## 2019-20 DSPT Progress Report

Due to Covid19 pressures, the annual deadline for the DSPT was extended from end March 2021 to the end June 2021. This means that the final outcome of the First Community annual DSPT submission was not available at the time of writing. However, it is noted that good progress has been made throughout the year against the DSPT standards and that First Community expect to have met and evidenced all the mandatory standards by end June 2021.

## Communications & Culture

Date	Activity
19/03/20	Covid 19 IG Advice
30/03/20	Covid19 Fraud Risks
07/04/20	Covid19 Summary of Guidance and Process
08/04/20	Covid19 and IG Requirements summary for clinical staff
14/04/20	Use of Mobile Devices by Patients in Hospital

29/04/20	Staying up to date with Staff Policies
23/09/20	Staff Guidance on Smartcard use
17/01/21	Guidance on Reporting and email data breach
17/01/21	Guidance on accessing support from the NEL IG Team
17/01/21	Suspicious emails
17/01/21	Don't get caught out by SARs
17/01/21	Good email practice
17/01/21	Reporting an email data breach

First Community commitment to building a strong culture of information governance and data protection is evident through their ongoing staff communications covering IG essentials and through achievement of their staff training schedule.

## Training

Date	Training Activity
30/04/21	Annual Board IG training
18/01/21	Annual Caldicott Guardian training
25/08/21	Deputy Caldicott Guardian training
18/11/20	Annual SIRO training
4 Nov 2019	Additional annual Board IG training session

17/02/21	SAR Training
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First Community ensured that their key roles within data protection and information governance all received annual training.

All-staff IG training is expected to be in excess of the 95% requirement by the annual DSPT deadline at end June 2021.

## Advice Summary

A summary of advice provided throughout the year is recorded on NEL IG Help Desk logs along with a log of DPO input and support provided.

## Other DPO Activity

The First Community DPO is a standing member of the Surrey Heartlands ICS Data Governance Group representing First Community in strategy and discussions for approving new information sharing requests under the overarching Surrey Information Sharing Agreement and development of the Thames Valley Local Health Care Record.

During this year, the DPO worked with First Community to join the Surrey Care Record which utilised the overarching Surrey Information Sharing Agreement and was approved at the Surrey Heartlands ICS Data Governance Group. Membership of the Surrey Care Record provides input of a basic set of health data into the Surrey Care Record from member organisations which can be accessed by all member organisations. This is a significant improvement in health record sharing contributing to advancement of patient care within the region.

## Overall Annual Summary and Opinion

As with all healthcare organisations, 2020-21 has been a high pressured year due to the ongoing Covid19 pandemic. However, it is noted that throughout the year, although data protection and information governance services have had to change to meet the needs of the year, First Community remained committed to good information governance and in particular to meeting the DSPT requirements including training all staff to beyond the 95% requirement, training key roles within information governance, maintaining a routine of the Information Governance Group and completing a large number of DPIAs and Covid19 related DPIAs. The

commitment of First Community to maintain good standards of practice and engagement with data protection principles despite these pressures is noted.

For the coming year, we can continue to see more granular national advice from NHSD/E/I and from the ICO as aspects of the UK GDPR are explored in greater detail through practice as we have seen with subject access requests. The cyber security environment in particular needs particular regard as cyber risks increase and First Community could identify re-accreditation of Cyber Essentials Plus certification as a strong intention to reinforce their risk capabilities. Over the next twelve months we will NHS commissioning move from CCGs to Integrated Care Systems. Surrey Heartlands CCG / ICS is an early adopter of this working and the established Surrey Heartlands Data Governance Group, attended by the DPO, and joining the Surrey Care Record, means that First Community are tapped into this evolving agenda. Overall, though, as with all organisations, the greatest threat remains risks presented by everyday handling of personal data and First Community should continue its focus on training, staff comms, audits, and incident management to help mitigate these risks.

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