

Agenda Item 15

Information Governance Assurance Report 2020-2021



Falkirk Integration Joint Board

3 September 2021

Information Governance Assurance Report 2020-2021

For Consideration and Comment

1. Executive Summary

- 1.1 This report is to provide assurance to the IJB regarding the arrangements for information governance that are applicable to the IJB as a public body, along with the information governance arrangements in place within its partners, Falkirk Council (Council) and NHS Forth Valley (NHS FV), which deliver services on behalf of the IJB.
- 1.2 Good information governance ensures that organisations handle information legally, securely, efficiently and effectively in order to support delivery of the best possible care. The 3 information governance areas in which the IJB and its partners, have statutory responsibilities are:
 - Freedom of Information
 - Data Protection
 - Records Management

2. Recommendations

The Integration Joint Board is asked to consider and comment:

- 2.2 on the Information Governance activity for the year 2020/2021.

3. Background

- 3.1 The IJB holds a range of information and records, about its business, its members and any operational matters which come to its attention such as complaints and information requests under freedom of information and data protection legislation. Its partners hold a far broader range of information, particularly personal information about services and those who use them.
- 3.2 The IJB is supported in its information governance responsibilities by information governance specialists in NHS FV and Council. The Head of Information Governance in NHS Forth Valley is the nominated Data Protection Officer for the IJB. NHS Forth Valley administers information requests on behalf of the IJB.
- 3.3 The Partners have their own information governance teams. NHS FV has recently increased the size of its Information Governance Team to cope with the increased demands of the Data Protection legislation, including the UK GDPR.

4. Information Governance Assurance Report 2020/2021

4.1 This section of the report provides the IJB with an overview of their requirements as a public body. It sets out the activity over the reporting period for the following areas.

4.2 Freedom of Information

The IJB is subject to the Freedom of Information (Scotland) Act 2002 and the Environmental Information (Scotland) Regulations 2004, as are its partners.

4.3 The IJB itself receives very few FOI requests, and most of these relate to information held by one of the partners, as a result the IJB was only able to provide information for one request. Requesters are advised to contact the relevant partner for the information.

4.4 Freedom of Information Requests 2020/2021, all requests were dealt within the 20-day statutory time limit.

No. of Requests	Exemption
3	S17
2	S25
1	Information provided

4.5 The partners receive FOI requests in their own right which relate to integrated services.

4.6 The IJB received no requests for environmental information in the relevant period. This is to be expected as the IJB does not generally hold environmental information.

4.7 The IJB makes information available to the public on a proactive basis by publishing a Guide to Information, based on a Model Publication Scheme issued by the Scottish Information Commissioner. This was last reviewed in March 2021 and will be reviewed again when there any changes to the Model Publication Scheme.

4.8 Data Protection

The IJB is subject to data protection legislation (UK GDPR and the Data Protection Act 2018), as are its partners. The IJB pays a small annual fee to the Information Commissioner's Office by way of notification that it is a data controller. However, the IJB processes minimal personal data (primarily information about its members, and details of anyone making information requests or complaints). By contrast, its partners hold a huge amount of personal data about employees and service users/patients.

4.9 The IJB received no Subject Access Requests (i.e. requests by individuals for their personal information) in the relevant period. This is to be expected given the IJB holds limited personal data. The partners receive Subject Access Requests in their own right which relate to integrated services.

- 4.10 One of the data protection principles is that data controllers must have appropriate security measures in place to protect personal data. NHS FV and the Council have information security policies and procedures in place to protect personal data, including data incident management, for the assurance of the IJB. There were no data breaches involving IJB information in the relevant period. Again, this is to be expected given the IJB holds limited personal data. The partners have their own processes in place to deal with any data breaches relating to integrated services and to ensure that all staff who handle personal data undertake appropriate training.
- 4.10 A key element of the 2018 data protection legislation was a new principle of “accountability”. Data controllers must be able to evidence compliance with the legislation. The Information Commissioner has recently issued an Accountability Framework to assist data controllers with compliance.
- 4.11 Linked to this, data controllers must take a “data protection by design and default” approach to new projects with privacy implications, including ensuring data protection impact assessments are carried out and information sharing agreements are in place. This is of limited direct impact to the IJB but has resulted in considerably more information governance work for its partners.
- 4.12 Work is underway between the partners, with the support of the Forth Valley Information Governance Group, to review existing agreements, and any gaps, to ensure these are in place. Regular monitoring will be established and reports to the respective HSCP management teams.
- 4.13 **Records Management**
The IJB is subject to the Public Records (Scotland) Act 2011, as are its partners. The Act requires certain public authorities to prepare and implement a records management plan which must set out proper arrangements for management of its records. The plan must be broken down into 15 key elements and must be submitted to the Keeper of the Records of Scotland (Keeper).
- 4.14 The IJB holds limited records in its own right but has an interest in ensuring its partners are properly managing their records relating to integrated services in line with their approved plans. The partners’ records management arrangements therefore impact on the IJB’s plan. The IJB submitted its first plan to the Keeper in March 2020. The Keeper’s [assessment](#) of the plan is available on the National Records of Scotland website.
- 4.15 The assessment looked for improvement in the following areas:
1. **Business classification**
the records of the delivery of the integrated services (as opposed to the records of the operational administration of the IJB) are held under the business classification scheme of the partners. The plans of both of the partners were agreed by the Keeper under “improvement model” terms for this element, and accordingly the IJB plan was approved on the same basis.

2. Retention schedule

the plan for NHS FV was agreed by the Keeper under “improvement model” terms for this element, and accordingly, the IJB plan was approved on the same basis.

3. Destruction arrangements

the plans of both of the partners were agreed by the Keeper under “improvement model” terms for this element, and accordingly the IJB plan is approved on the same basis. The issue is primarily around destruction of electronic records, in common with many Scottish public authorities.

4. Business continuity and vital records

the plan for the Council was agreed by the Keeper under “improvement model” terms for this element, and accordingly, the IJB plan was approved on the same basis.

5. Audit trail

the plan for the Council was agreed by the Keeper under “improvement model” terms for this element, and accordingly, the IJB plan was approved on the same basis.

6. Assessment and review

the Act requires an authority to keep its plan under review. At the time of submission of the plan to the Keeper there was no agreed mechanism for review. However, discussions are underway with a records manager at another Council to carry out reciprocal review of the Councils’ and IJBs’ plans by way of review. The Keeper has agreed to this element under “improvement model” terms.

7. The Keeper recently introduced element 15, which relates to records held and managed by third parties who undertake functions on behalf of the IJB

5. Conclusions

- 5.1 There are appropriate arrangements in place to ensure the IJB’s compliance with its information governance responsibilities.
- 5.2 In relation to data protection responsibilities, the partners need to ensure that information sharing agreements are in place for any operational data sharing relating to integrated services.
- 5.3 In relation to records management responsibilities, the partners need to ensure that they improve on their arrangements in line with their respective records management plan. This will assist the IJB to ensure it can demonstrate improvement on its own plan.

Resource Implications

The IJB relies on specialists from its partner organisations in relation to information governance. There is no formal agreement in place for these support services.

Impact on IJB Outcomes and Priorities

Ensuring compliance with information governance legislation is required to support the implementation of the Strategic Plan, and ensure services delegated to the IJB are delivered in compliance with information governance legislation.

Directions

A new direction or change to an existing direction is not required.

Legal & Risk Implications

The Forth Valley Information Governance Group meets regularly and oversees the information governance requirements of the IJB and will support the Leadership Team to comply with legal and risk implications.

Consultation

This is not required for the report.

Equalities Assessment

This is not required for the report.

6. Report Author

Deirdre Coyle, Head of Information Governance, NHS Forth Valley
Wendy Barber, Information Governance Manager, Falkirk Council

7. List of Background Papers

- 7.1 [Falkirk HSCP Records Management Plan](#)
- 7.2 [The Keeper of Records of Scotland Falkirk IJB Agreement Report](#)

8. Appendices

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