



## Update on Information Governance

**Report to:** Board  
**Date:** 20 June 2018  
**Report by:** Rami Okasha, Executive Director of Strategy and Improvement  
**Report No:** B-50-2018  
**Agenda Item:** 18

### **PURPOSE OF REPORT**

To advise members of progress on the information governance improvement programme and the GDPR.

### **RECOMMENDATIONS**

That the Board:

1. Notes the report.

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Consultation Log

Who	Comment	Response	Changes Made as a Result/Action
Senior Management	Executive Director of Strategy and Improvement		
Legal Services			
Corporate and Customer Services Directorate			
Committee Consultation (where appropriate)			
Partnership Forum Consultation (where appropriate)			
<b>Equality Impact Assessment</b>			
Confirm that Involvement and Equalities Team have been informed	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	
EIA Carried Out	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	
If yes, please attach the accompanying EIA and appendix and briefly outline the equality and diversity implications of this policy.			
If no, you are confirming that this report has been classified as an operational report and not a new policy or change to an existing policy (guidance, practice or procedure)	Name: Rami Okasha Position: Executive Director of Strategy and Improvement		
Authorised by Director	Name: K Reid, Chief Executive	Date: 11 June 2018	

## **1.0 BACKGROUND**

The Care Inspectorate is currently working to an information governance improvement programme. This is designed to not just support compliance with the new General Data Protection Regulation (GDPR) which came into effect on 25 May 2018 and the Data Protection Act 2018 which received royal assent on 23 May 2018, but move the Care Inspectorate to a position of excellence in relation to data protection, records management, information security, and information request handling. In January 2018, the Board reviewed a progress update on our information governance improvement programme, based on advice received from external consultants.

## **2.0 THE GDPR**

The GDPR represents an evolution in privacy law and not a revolutionary change. The Care Inspectorate already has privacy arrangements in place to support compliance with the current privacy legislation, so its work to become compliant with new regulation has not started from scratch. The Information Commissioner's Office is still developing guidance and advice in relation to the new provisions, as many organisations continue to work towards the approaches and provisions within the GDPR and the UK legislation which gives effect to it.

Key changes and mandatory requirements include:

- maintaining a personal data register, showing what, why and how personal data is held and processed from point of capture to disposal
- maintaining evidence of accountability and compliance – proving that organisations are doing what they say they are doing
- taking a “privacy by design” approach to organisational change to manage risks associated with those changes which may impact on personal privacy
- mandatory appointment of a data protection officer, including for public authorities
- data processors now have direct obligations under the regulation; this changes the data controller–processor relationship
- individuals have a right to explicit information about why an organisation is processing their data, under what lawful basis, and how it will process it, including how long it will keep it for and who it may share it with; existing data rights in this area are strengthened
- bigger fines and easier redress for individuals for harm caused as a result of data breaches
- mandatory regulator notification for serious data breaches, within 72 hours of awareness

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More information on the Care Inspectorate's progress towards meeting these is set out below.

### **3.0 IMPROVEMENTS PREVIOUSLY REPORTED TO THE BOARD**

In January 2018, the Board received information about important changes in our approach to information governance. In summary, these included:

- appropriate training for the Senior Information Risk Owner, and the identification of information asset owners
- an information asset register
- a data breach procedure and reporting log
- an information risk register
- a core record-keeping policy
- an initial review of off-site storage, and commencement of destruction of life-expired records
- improvements to the customer experience and efficiency of requesting information
- baseline training for key managers.

These areas have been increasingly embedded and are an important base for the subsequent developments described below.

### **4.0 INFORMATION GOVERNANCE INFRASTRUCTURE**

Since the last report to the Board in January 2018, we have made further improvements to our information governance infrastructure. We have appointed a suitably-qualified Information Governance Lead who is scheduled to join the Care Inspectorate from the policing sector in July 2018. This person will be the designated Data Protection Officer for the Care Inspectorate; the information governance analyst has been appointed to this role on an interim basis. This person will lead the information governance work of the organisation, and provide appropriate advice to the Executive Group on matters related to data protection.

The Executive Group has agreed a new Data Protection Policy for the Care Inspectorate which sets out how we will comply with various elements of the GDPR and Data Protection Act 2018. This augments our data breach procedure.

Work on a new retention schedule is at an advanced stage and will be considered by the Executive Group before July 2018. This sets out how long we will keep different types of document (including but not limited to personal information).

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## **5.0 PERSONAL DATA FLOWS**

Organisations must have a clear understanding of personal data, including how it is acquired, held, processed and destroyed. The Care Inspectorate has a clear lawful basis for obtaining and processing personal data in connection with our statutory scrutiny and improvement functions. Because it is important that we are clear that the way in which we process personal data is compliant with our obligations, we have undertaken an organisational personal data audit. This has involved mapping how personal data is acquired, held, processed and destroyed across all parts of the organisation. The audit has prioritised review of high-risk areas of processing. Where the audit identifies improvements are required, we are changing practices to ensure we meet the highest standards of data protection. For example, we have identified the need to change the external service we use for surveys and consultations to a supplier which meets the requirements of the GDPR, and have put in place the measures to do so.

Where the Care Inspectorate is engaged in the provision of shared services which involve personal data, for example human resources administration, we are working with SSSC to seek to harmonise approaches to data protection arrangements.

## **6.0 SUPPORTING PEOPLE TO UNDERSTAND THEIR RIGHTS**

The GDPR and new Act creates additional legal rights for people in relation to how their personal data is processed, including the right of access to personal data, the right for errors to be rectified, and the rights to erasure of personal data and the right to restrict processing (under certain circumstances). In order to support people to understand the nature of the personal data we hold and how we process it, we have published a core privacy notice on our website. Written in clear language, it sets out the way in which we hold and process personal information for different categories of people. This will be regularly updated and reviewed. It also explains how people can exercise their rights in relation to personal data.

We are also reviewing and updating the way in which we advise people of their rights at the point of collecting personal data, including their right to consent (or otherwise) to the processing of their data. This means we are updating forms, websites, and questionnaires to be clearer in this area.

## **7.0 BUILDING STAFF CONFIDENCE**

It is important that staff are knowledgeable about their responsibilities and confident in exercising them. A new intranet section brings together information governance policies and procedures in one place. This includes a set of frequently asked questions which has been sent to all staff to help them understanding their role in promoting excellence in data handling. Our information governance consultants have carried out face-to-face training with

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information asset owners to support their understanding of their responsibilities, and are visiting individual teams to support this also. A bespoke Care Inspectorate online training module is being developed now to help staff understand their responsibilities, and will be rolled out to all staff during summer 2018.

## 8.0 PRIVACY BY DESIGN

The GDPR introduces the concept of privacy by design, meaning that organisations need to plan data protection measures when developing new business activities and systems. We have commenced this in relation to our business transformation programme, where we are building new digital products to support our scrutiny and improvement activities. We have also commenced this in relation to the programme of upgrading our computer operating systems to Office 365. We have developed a new Care Inspectorate data privacy impact assessment and are testing it within one team before rolling this out organisation-wide.

## 9.0 THIRD PARTY DATA SHARING AND PROCESSING

The Care Inspectorate has a number of data-processing arrangements in place in relation to procured business services. We have ensured that procurement and contract management arrangements are now reflective of the GDPR.

We are reviewing, and where necessary, altering data-sharing arrangements with our scrutiny and improvement partners, to ensure that these are also reflective of the GDPR.

## 10.0 RESOURCE IMPLICATIONS

To date, all the Care Inspectorate's information governance improvement programme has been progressed using allocated and vired resources. Meeting future cybersecurity requirements requires further resource consideration, but requires be a core part of digital and hardware developments.

## 11.0 CUSTOMER SERVICE IMPLICATIONS

Improved information governance, particularly around records management, will support internal and external customer services, because it will be easier to locate and identify the most recent versions of information.

## 12.0 BENEFITS FOR PEOPLE WHO EXPERIENCE CARE

Ensuring that information is handled appropriately is important for people experiencing care, and their carers. This gives people confidence that the Care Inspectorate will pay appropriate heed to their rights when processing information about them, protect their privacy, and ensure our data handling is lawfully undertaken.

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**13.0 CONCLUSION**

It is recommended that the Board, exception reporting aside, is provided with a further update on information governance in six months' time, noting that the Audit Committee will consider the subject in its planning of an internal audit schedule.