

Data Protection Act 1998 Undertaking follow-up

Betsi Cadwaladr University Health Board ICO Reference: ENF0504633

On 6 February 2015 the Information Commissioner's Office (ICO) conducted a follow-up assessment of the actions taken by Betsi Cadwaladr University Local Health Board (BCUHB) in relation to the undertaking it signed on 26 June 2014. The undertaking required BCUHB to take the following actions:

- (1) *The data controller shall implement its plans to provide data protection training ensuring that those staff identified as having the management of sensitive information as part of their core role or who work in a lead role within the organisation in relation to [Information Governance (IG)] receive data protection training by 30 September 2014, with all other staff who handle personal data trained by October 2015 at the latest.*
- (2) *All new staff are to receive data protection training as part of induction. Refresher training shall begin for staff on at least a two year cycle with effect from April 2015, taking into account any more frequent training as may be required for specific roles.*
- (3) *The data controller ensures that attendance on data protection training sessions is fully monitored, and that attendance is enforced where necessary.*
- (4) *The data controller shall implement such other security measures as are appropriate to ensure that personal data is protected against unauthorised and unlawful processing, accidental loss, destruction, and/or damage."*

The objective of the follow-up is to provide the ICO with a level of assurance that the agreed undertaking requirements have been appropriately implemented. We believe that appropriate implementation of the undertaking requirements will mitigate the identified risks and support compliance with the Data Protection Act 1998.

The follow-up assessment consisted of a desk-based review of the documentary evidence BCUHB supplied to demonstrate the action it had taken in respect of the undertaking requirements. This included a detailed follow-up action plan, a training matrix and training completion statistics, and associated training and personnel development policies.

The review demonstrated that BCUHB has taken appropriate steps and put plans in place to address some of the requirements of the undertaking; however, further work needs to be completed by BCUHB to fully address the agreed actions.

In particular BCUHB confirmed that it has taken the following steps:

- An IG training matrix has been developed and implemented across BCUHB. The matrix identifies those individuals with specific responsibilities in relation to personal data.
- 98% of those staff whose core roles include the management of personal data have been trained (as of 6 February); the remaining 2% are on long-term sick leave. BCUHB stated that plans are in place to include this training completion as part of the phased return to work for these employees.
- Approximately 5700 of BCUHB's 16000 staff have completed face-to-face and e-learning IG training since 2013; work is ongoing to ensure that all staff handling personal data are trained by October 2015. The BCUHB training matrix requires that refresher training is delivered to all staff every two years.
- BCUHB requires that new staff attend an IG Awareness session as part of the induction programme, with further role-specific training within 3 months of starting. IG training is mandated for all staff as part of BCUHB's Mandatory Training Policy.
- The completion of mandatory training is covered as part of the Performance Appraisal and Development Review (PADR) process and all line managers are required to enforce completion of appropriate training, as per the Mandatory Training Policy.
- Training completion is monitored through the Electronic Staff Records (ESR). BCUHB stated that emails are distributed to all directors and departmental IG Leads to pursue outstanding training completion, and that monthly compliance reports are issued to the IG Team and reported as part of the IG KPI quarterly reports submitted to the IG Group.

However BCUHB should take further action:

- Ensure the remaining 2% of staff identified as requiring training by September 2014 receive the relevant training on their return to work.
- Ensure that the two-yearly refresher IG training programme is in place by April 2015.
- Ensure that all staff handling personal data have received IG training by October 2015 and are enrolled on the two-yearly refresher training programme.

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The matters arising in this report are only those that came to our attention during the course of the follow up and are not necessarily a comprehensive statement of all the areas requiring improvement.

The responsibility for ensuring that there are adequate risk management, governance and internal control arrangements in place rests with the management of BCUHB.

We take all reasonable care to ensure that our Undertaking follow up report is fair and accurate but cannot accept any liability to any person or organisation, including any third party, for any loss or damage suffered or costs incurred by it arising out of, or in connection with, the use of this report, however such loss or damage is caused. We cannot accept liability for loss occasioned to any person or organisation, including any third party, acting or refraining from acting as a result of any information contained in this report.