

Data Protection Act 1998 Undertaking follow-up

Worcestershire Health and Care NHS Trust ICO Reference: ENF0510726

On 12 January 2015 the Information Commissioner's Office (ICO) conducted a follow-up assessment of the actions taken by Worcestershire Health and Care NHS Trust (the Trust) in relation to the undertaking it signed in May 2014.

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 the Trust supplied to demonstrate the action it had taken in respect of the undertaking requirements. This includes a management summary of actions taken or planned, policies, procedures, training and awareness materials, training statistics and minutes of meetings.

The Trust has taken appropriate steps and put plans in place to address the requirements of the undertaking and to mitigate the risks highlighted. In particular the Trust confirmed that it has taken the following steps:

- The procedure for the disposal of confidential information has been agreed at the Trust's Information Governance Steering Group, Records Management Group and Community Hospital Matron's forum. The procedure is available to staff on the intranet and has also been cascaded to staff by departmental leads using a variety of methods such as email, a booklet and team meetings.
- The Trust have updated a number of documents following review of best practice guidelines via subject matter specific standards and made staff aware of these via team meetings, intranet, all staff emails, newsletters and team briefings

- The majority of new staff are required to attend the formal Trust induction on their first day of employment which includes a 30 minute IG section covering the requirements of the Data Protection Act and the Trust's policies concerning the use of personal data. Staff are also required to complete the Trust Induction Workbook (which contains an 'IG test' that covers Data Protection) and are then required to complete annual mandatory IG training. Training is recorded on the electronic staff record.
- Junior Doctors have their own specific induction which takes place four times a year. From February 2015 this will include an IG training video and discussion. In addition, they are issued with an induction CD which includes the Trust's IG induction materials. Each junior doctor is then required to complete annual IG training module.
- The Trust has a framework agreement with NHS Professionals who provide flexible staff to the Trust. Written assurance has been sought in relation to how NHS Professionals ensure their staff are compliant with annual IG training and that the content of their IG training materials are relevant and up to date taking into account changes to relevant standards and legislation. In addition, the IG Team have developed a booklet called the 'IG Code' which is included in the pack of information given to flexible workers at the beginning of their first shift.
- Locums are required to undertake IG training with the agency they are registered with and the Trust has introduced a process from January 2015 where they will seek confirmation of IG training compliance from agencies with all locum bookings. All locums who work in the Trust are required to sign a confidentiality agreement and are issued with the 'IG Code' booklet.
- All Facilities, Housekeeping and Estates Staff at band 2 go through a local induction process on their first day of employment with the Trust. At this session staff are made aware of the Trust's policies, their own personal responsibilities with regard to the Data Protection Act and they sign a confidentiality statement to this effect. They are issued with the Trust's 'IG Code' booklet, complete an 'IG competency test' which has an 80% pass mark and attend annual face to face IG training.

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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 Worcestershire Health and Care NHS Trust NHS Trust.

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.