

Data Protection Act 1998 Undertaking follow-up

Northumbria Healthcare NHS Trust ICO Reference: COM0541921

In November 2015 the Information Commissioner's Office (ICO) conducted a follow-up assessment of the actions taken by Northumbria Healthcare NHS Trust (NHNT) in relation to the undertaking it signed in April 2015.

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 NHNT supplied to demonstrate the action it had taken in respect of the undertaking requirements. As part of the documentation provided by NHNT, an Undertaking Follow up schedule was submitted which outlined changes that had taken place within the business.

In response to the review, NHNT also sent through the following documents:

- An EMT update on Reducing Fax usage.
- A presentation on fax usage and alternatives.
- A training presentation on 'Reducing the Fax Communication Risk'.
- An updated Confidentiality Code of Practice Policy.
- A Task and Finish Group report on the use of Fax within the Trust.
- A Reporting and Management of Incidents report.
- An example of an email send updating individual about what considerations need to be made before sending a Fax.

- A Shared Mailbox Briefing Paper.
- A spreadsheet which will be used for general audits (for each IG site visit).

NHNT has taken appropriate steps and put plans in place to address the requirements of the undertaking and to mitigate the risks highlighted.

In summary, they confirmed that they have taken the following steps:

- (1) Procedures are put in place to ensure any reported breach of security is acted upon promptly and any containment and remedial measures are swiftly enforced. Where necessary staff should receive appropriate additional training by no later than 30th October 2015.**

The 'Reporting and Management of Incidents' policy shows clearly the procedure that needs to be followed when reporting a security breach. There is also information on what steps need to be taken to manage and investigate the breach. Section 5.7 of the policy specifically focuses on Information Governance (IG) incidents. This section states what to do if an IG incident happens and who to inform in these instances.

However there is no evidence showing that any staff training has taken place, to remind staff what they need to do if a breach of security occurs.

- (2) Fax procedures are implemented consistently across all wards and regularly monitored to ensure consistent standards. Compliance with the fax policy and guidance should be monitored on an ongoing basis and appropriate steps taken to ensure any failings are rectified with minimal delay by no later than 30th October 2015.**

The 'Confidentiality Code of Practice' has been reviewed in July this year by the IG Sub Committee and Policy Assurance Group. Within this policy there is a detailed section (6.5) on 'Sending Information by Fax.' This informs staff of the procedure the need to follow when sending a fax. There will also be spot checks done on the use of fax machines, to check compliance with the Trusts policies.

However there is no evidence to show any spot checks or compliance monitoring has been completed so far.

- (3) The process around the use of safe haven fax machines should be clear and unambiguous; Staff should be**

regularly reminded of requirements of use of safe fax machines by no later than 30th October 2015.

We can see by an email sent to management that revised policies and procedures are circulated to them, and they will then cascade this to their teams. Also incidents are discussed during the IG subcommittee meetings and the 'lessons learnt' are again fed back to the teams.

NHNT have stated that they have put large font laminated warning signs above all fax machines to remind staff about the use of fax machines.

(4) The data controller shall implement such other security measures as it deems appropriate to ensure that personal data is protected against unauthorised and unlawful processing, accidental loss, destruction, and/ or damage.

A 'Task and Finish Group' has been created to look at the use of fax machines around the Trust. This group has created some solutions to the fax problems. One of these possible solutions is to scan documents to email (rather than sending via fax). Another idea is to develop secure and direct connections with neighbouring Trusts and public authorities. The fax project launch was held in October. Presentations have been created and shown to staff, to show the problems with using faxes and possible solutions to solve these problems. The IG Subcommittee are also continuing to monitor the use of fax machines and the use of other methods of sending documentation.

Date Issued: 30th November 2015.

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 rest with the management of NHNT.

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.