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Iechyd Cyhoeddus
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Public Health
Wales

Name of Meeting
Audit and Corporate
Governance Committee
Date of Meeting
15 September 2021
Agenda item:
3.9

Public Health Wales Information Governance Performance Report Q4 2020/2021

Executive lead: Rhiannon Beaumont-Wood, Executive Director of Quality, Nursing and Allied Health Professionals

Author: John Lawson, Chief Risk Officer and Head of Information Governance

Approval/Scrutiny route: Rhiannon Beaumont-Wood, Executive Director of Quality, Nursing and Allied Health Professionals

Business Executive Team (16 July 2021)

Purpose

To provide the Audit and Corporate Governance Committee with the Information Governance Performance Report for Quarter 4 2020/2021.

Recommendation:

APPROVE <input type="checkbox"/>	CONSIDER <input type="checkbox"/>	RECOMMEND <input type="checkbox"/>	ADOPT <input type="checkbox"/>	ASSURANCE <input checked="" type="checkbox"/>
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The Audit and Corporate Governance Committee is asked to:

- Receive assurance** that the Information Governance Management System is working effectively.

Link to Public Health Wales [Strategic Plan](#)

Public Health Wales has an agreed strategic plan, which has identified seven strategic priorities and well-being objectives.

This report contributes to the following:

Strategic Priority/Well-being Objective	All Strategic Priorities/Well-being Objectives
Strategic Priority/Well-being Objective	Choose an item.
Strategic Priority/Well-being Objective	Choose an item.

Summary impact analysis

Equality and Health Impact Assessment	No Equality and Health Impact Assessment is required.
Risk and Assurance	This report will provide assurance that the Information Governance Management System is operating effectively. The performance report includes the latest version of the Information Governance Risk Register.
Health and Care Standards	This report supports and/or takes into account the Health and Care Standards for NHS Wales Quality Themes Governance, Leadership and Accountability Choose an item. Choose an item.
Financial implications	There would be significant financial implications in the event of breaches of data protection legislation, with the Information Commissioner empowered to levy fines of €20m for certain infringements.
People implications	No people implications

1. Purpose / situation

The purpose of this paper is to introduce the Information Governance Performance Report for Quarter 4 2020/21.

2. Background

In order to discharge its responsibilities with regards to ensuring the security and appropriate use of personal information, together with being able to demonstrate compliance with data protection legislation, Public Health Wales maintains an Information Governance Management System. As well as being able to report that the organisation is compliant or otherwise, it is essential to be able to report on whether the system is achieving its intended purpose or not. The Information Governance Performance Report fulfils this requirement.

Information Governance is also supported by an operational level organisation wide risk register which is available on request.

3. Description/Assessment

The areas currently reported on are as follows:

- Freedom of Information Act compliance

This section indicates compliance or otherwise with the requirements for releasing information under the Freedom of Information Act 2000. Chart 1 shows the length of time taken to respond to each request, together with the average time and the legislative requirement. Chart 2 shows the number of requests over time including the average time to respond and the number of non-compliances with the legislative requirement.

- Data Protection Act compliance

This section reports compliance or otherwise with the requirements of the General Data Protection Regulation 2016 (GDPR), in relation to the right of access of data subjects to the information which we hold about them. This may be service users or staff. The charts provide the same information as for Freedom of Information compliance.

- Personal Data Breaches

This is a requirement under the GDPR in which we are required to risk assess all personal data breaches and under certain circumstances to report them to the Information Commissioner's Office and the data subjects involved. The chart shows the number of breaches over time, along with those requiring reporting.

- Mandatory Information Governance Training

This section reports compliance or otherwise with targets for mandatory Information Governance Training. The chart shows compliance with both the NHS Wales target of 85% compliance, and the higher Public Health Wales target of 95% compliance. Figures are shown for the previous 12 months where available to indicate overall trends in compliance.

- The Information Governance Working Group (IGWG)

This section reports on key points and any outstanding actions from the meetings. It should be noted that during 2020 due to the Covid19 emergency the Information Governance Working Group only met once in October 2020. However the group has re-established during 2021 and now meets quarterly again.

- Assurance

Finally, the report provides an overview of any assurance reports received over the reporting period.

4. Analysis

Freedom of Information Act (FOIA) requests continue to rise significantly, with 136 being received during the reporting period compared with 129 in the previous quarter. The requests have continued to increase and is almost exclusively attributable to information requests in relation to the pandemic. Not only do such requests carry a considerable administrative burden but there is also the time required to search out the information and then consider the appropriate response. Whilst there are certain circumstances where requests can be denied, the overarching principle is one of disclosure. This is going to continue to have a significant burden on the organisation for some time to come.

During the reporting period exemptions were engaged as the information was due to be published in the future. These exemptions did require a public interest test to be carried out which upheld the exemption. There was one refusal notice issued under section 14[1] vexatious request. An

assessment was made on the work involved in preparing the information for release and the unjustified level of disruption to the organisation.

Solutions to address the risk have been proposed, such as a more effective administrative system but unfortunately this was rejected. The two Information Governance Managers have taken steps to work with requestors so that they are assisted as far as possible to find information for themselves, and this has proved successful to a point, with 10 requests requiring no response and 9 further requests being responded to informally by the IG Managers. Guidance has also been given to departments and the Information Governance Managers provide as much support as they can, however the lack of resource in Information Governance has been highlighted on several occasions.

The matter was discussed at the Information Governance Working Group in May and the Chief Risk Officer was requested to produce a paper on the issues.

Subject Access Requests continue to rise, 10 requests were received during the reporting period, and target times for response were met. These requests have increased in the last 3 quarters and it is very likely that this will continue into the next quarter.

Personal data breaches continue to occur. This rise is to be expected as the organisation are more aware of the reporting requirements and staff are working in different areas of the organisation due to the Covid-19 pandemic.

There were no incidents that required reporting to the ICO.

Mandatory Information Governance Training remains a significant concern, with 2 directorates below the NHS target of 85%. Corporate is at 64% during this reporting period and have been out of compliance more than 4 consecutive quarters.

The overall organisational compliance is 86% which is just above the NHS target of 85%. There is a risk that reportable data breaches may occur where staff are not compliant with their mandatory training.

Key Risk Indicators have been triggered for Mandatory Training because 2 Directorates have been below 85% compliance for 2 reporting periods and Corporate have been out of compliance for more than 3 consecutive quarters. In an effort to improve compliance rates, the issue of compliance within the Corporate Directorate was discussed at the Business Executive Meeting in May and the decision was made that the organisational target of 95% should be suspended during the current

period and the 85% target set by Welsh Government should be adopted across the organisation instead.

As of the 9th July organisational compliance was at 86%, and of the two Directorates that were below the WG target, Operations and Finance are now at 90% whereas Corporate (allowing for maternity leave and secondments) remain below target at 75%.

This issue was discussed in the Information Governance Working Group and the Chief Risk Officer was requested to produce a paper on options around improving mandatory training for Information Governance.

The Information Governance Working Group met in January 2021. Further meetings have been scheduled for 2021.

5. Recommendation

The Audit and Corporate Governance Committee is asked to:

- **Receive assurance** that the Information Governance Management System is working effectively.