

minutes (DRAFT FOR APPROVAL)

B/17/92

NHS NATIONAL SERVICES SCOTLAND (NSS)

MINUTES OF INFORMATION GOVERNANCE COMMITTEE MEETING HELD ON WEDNESDAY 26 APRIL 2017 IN MEETING ROOM 6, GYLE SQUARE, EDINBURGH COMMENCING AT 0930HRS

- Present:** Ian Cant, Non-Executive Director (in the Chair)
Kate Dunlop, Non-Executive Director
Professor Elizabeth Ireland, Chair of NSS
Mark McDavid, Non-Executive Director
- Apologies** Dr Janet Murray, Consultant CPHM, Public Health and Intelligence
Colin Sinclair, NSS Chief Executive
- In Attendance:** Professor Marion Bain, Medical Director
John Fox Davies, Director of Strategy and Governance,
Colin Howarth, IS/ IT Principal Security Consultant (Minute Item 6 only)
Paul Kingham, Business Services, (Minute Item 9 only)
Martin Morrison, Service Delivery Manager PCFS (Minute Item 4 only)
Eilidh Prentice, Associate Director Corporate Affairs & Governance
Patricia Ruddy, NSS Privacy Advisor
Drew McErlean, Committee Secretary [Minutes]

ACTION

1. Chair's Introduction

- 1.1 The Chair welcomed everyone present to the meeting and noted apologies as above.
- 1.2 Members confirmed that they had no interests to declare in the context of the agenda items to be considered.

2. Minutes of the NSS Information Governance Committee Meeting Held on 26 January 2017 [paper IG/17/11 refers]

- 2.1. Item 4.1. To be amended to read 'The update on the adverse event concerning GP records from Highland practices was noted. It was also noted that specific records were identified and recreated, where possible, for the patient who had raised a complaint about the matter'.

Item 4.2. 'n' to be amended to 'in'.

Item 10.2. to be amended to note that the engagement of Information Governance professionals in the early stages of projects was important.

The minutes were otherwise agreed as an accurate record of the meeting.



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Chair Professor Elizabeth Ireland
Chief Executive Colin Sinclair

3. Matters Arising from the NSS Information Governance Committee Meeting of 26 January 2017 [paper IG/17/12 refers]

3.1 Most of the actions were either, completed, covered in the agenda for this meeting or programmed into a future meeting. In relation to item 5.5. from the meeting of 26 January this would be discussed at the Information Governance Development session on 27 April.

4. Information Governance Adverse Events, Risks and Complaints Report [Paper IG/17/13 refers]

4.1. The report covered the period from 1 October – 31 December 2016. There had been 94 events reported, all of which were category 3. The changes to the format of the report were welcomed by the Committee. Eilidh Prentice noted that the improved reporting processes for adverse events would enable more focused work to address the root causes. Kate Dunlop noted the need to ensure that suppliers such as ATOS were focused on the identification and resolution of information governance adverse events.

4.2. Professor Elizabeth Ireland commented that as the use of technology increased there had to be a balance between enabling digital developments and ensuring that robust information governance controls were in place. Professor Marion Bain noted it was essential that these controls did not become barriers to progress as NSS had a good record in the development of Information Technology (IT). The engagement of information governance professionals in the early stages of IT projects was essential to ensure that the appropriate governance parameters were put in place. Eilidh Prentice noted the importance of there being a link between the strategic work and projects to ensure there was an awareness of how the information governance environment would change in the future.

4.3. John Fox Davies provided the background to the event where 29 patient records in NHS Highland had been lost. Martin Morrison outlined the legal context and it was noted that there had been a difference of opinion on the role of NHS Highland, which had seen itself as a data processor rather than a data controller in this case. The event had first been notified to the Information Governance Committee in October 2016 and was referenced again at the meeting of the Committee in January 2017. It was recognised that this should perhaps have driven notification to the Information Commissioner's Office (ICO) as this was a significant event in terms of scale and impact.

4.4. John Fox-Davies advised that the event had now been logged with the ICO. **John Fox Davies** It was acknowledged that the notification could have been sent earlier, although some initial conversations with the Scottish office of the ICO prior to the notification being sent had been required. It was acknowledged that patients should have been notified directly earlier. However it was important to note that the effect on patients had been mitigated by the successful transfer of electronic records. The notification to the ICO had included reference to the legal context in Scotland as this differs from the interpretation used in other parts of the UK. The next step would be to formally notify all of the patients and a letter had been drafted which was currently with NHS Highland for agreement. It was anticipated that this letter would be issued by Friday 5th May. Professor Elizabeth Ireland suggested that the letter should encourage feedback from the patients about how they felt about the incident. This would be incorporated into the draft letter

- 4.5. All patient records in Scotland are a mix of paper and digital. The way in which paper records are transferred between GP Practices was demonstrated by Martin Morrison. A significant volume of paper is moved around the system and so the incident does need to be regarded in that overall context. As the loss of records had taken place in January 2016 it was now regarded as unlikely that the records would be traced.
- 4.6. Potential improvements to the controls around the transfer of paper records were discussed by the Committee. The Committee reached a consensus view that the most logical approach was to propose that the transfer of paper records as a matter of routine, should cease. These records should only be transferred if there was request from the new GP Practice and could be done by scanning them in to IT systems and transferring them electronically. There was now a low dependency on the use of paper records as a significant amount of recent patient history was now held digitally. It was felt that further investment in the tracking of paper records being moved was not an effective use of funds. Martin Morrison noted that in the longer term the digital records would more than likely be 'cloud' based and so the issue would become more about changing access rights to patient records than having to transfer either paper or digital records.
- 4.7. Kate Dunlop noted that the disconnect about what the role of NHS Highland was in the handling of these records meant that this issue would have to be clarified and agreed with all of the other Health Boards. John Fox-Davies commented that a joint lessons learned exercise would be undertaken with NHS Highland as he was concerned that the ICO may form the view that there appeared to be no action plan to address the underlying issues. **Martin Morrison**
- 4.8. Mark McDavid questioned what real risk of damage may have arisen from the incident and noted that the actions taken must be proportionate. The issue of where investment should be made was important and what costs could be saved. It was questionable whether the digitisation of all records would be an effective use of funds and resource. It was possible that a significant cost saving could be made by not transferring paper. It was noted that as Forth Valley Health Board had the process with the greatest use of digital records it would be worthwhile looking at whether their process could be rolled out nationally with NSS taking the lead in the debate about moving such a proposal forward. It was agreed that Martin Morrison should make contact with Forth Valley Health Board to obtain the details of their process and their opinion on the effectiveness of it. Professor Marion Bain felt there would be little clinical impact if paper records were not transferred as a matter of routine. This would be discussed by the Executive Management Team once the feedback from Forth Valley Health Board had been received. **Martin Morrison – contact Forth Valley.**
John Fox-Davies – EMT agenda in due course.
5. **NSS Information Governance Improvement and Strategy Update** [Paper IG/17/14 refers]
- 5.1. The report covered quarters 3 and 4 from the year to 31 March 2017 but it was noted that the quarter 4 information was still to be finalised and would be confirmed in the report to the meeting of the Committee on 7 September 2017. There had been good progress on training. Phase 1 of the Information Assets Register work had been completed and the Phase 2 work had now been scoped. The recent public event highlighted the difficulties in ensuring the public understood what NSS offered. The general feedback was that people were very interested in their own records but were not aware how their data could be used anonymously to target healthcare improvements.

- 5.2. The relevant information governance policies had now been reviewed and would be signed off in due course when any changes had been incorporated. These changes were minimal. There would be a meeting of the Information Governance Leads Forum on 27 April at which the strategy would be refreshed. John Fox Davies noted the opportunities that had arisen to improve collaboration with NES as a consequence of a member of NSS staff taking up a job opportunity there.

6. Review of Cyber Security across NSS Boards

- 6.1. Colin Howarth provided the background to the work that was being taken forward nationally and locally. It was noted that for the private sector ISO 27001 was still regarded as the industry standard but that the Public Sector was moving towards 'Cyber Essentials'. An update was provided on the actions taken in response to the Cyber Security Survey. The survey was scheduled to be repeated in late 2017 / 2018.
- 6.2. Colin Howarth had provided an update to the Executive Management Team at their meeting on 24 April 2017 where the importance of addressing information governance issues at the Project Gateway stage had been emphasised. It was noted that the Information Assets Register would also provide a focus for information governance issues. Professor Elizabeth Ireland noted that NSS was at the centre of the digital transformation work to help improve patient care and so had to provide the lead on ensuring that information governance issues were addressed appropriately.
- 6.3. Within NSS the IT Portfolio Management Group reviewed all projects and would have responsibility for ensuring that information governance was embedded in the project management process. It was essential that all information security issues in relation to new projects were identified before they were approved.
- 6.4. In response to a question from Mark McDavid about whether NSS would use 'ethical hackers' to test the resilience of NSS IT systems, Colin Howarth referenced the work that was already done in this area. It was noted that NSS could take assurance that the legacy system framework was secure and the focus needed to be on web based systems and new systems developments. NSS continued to invest in information security capability
- 6.5. In relation to the Horizon scanning work the potential infrastructure changes over the next few years such as the introduction of Office 365 were noted. In the future there would be fewer physical assets as 'soft phones' and other similar solutions were brought into routine use. The way in which the IT infrastructure would need to be upgraded to facilitate these developments was noted. The committee was of the view that the Audit & Risk Committee should commission some audit work look at the state of readiness NSS was in to deal with major technology changes. This would be taken forward by Eilidh Prentice.

Eilidh Prentice

7. NSS Digital Transformation Programme Project Update

- 7.1 Eilidh Prentice noted the role that Christopher Wroath now had to lead the NSS Digital Transformation work and noted his interest in ensuring that Information Governance processes were embedded within the Digital Transformation Programme. Christopher had briefed the Executive Management Team on 24 April 2017 and would meet the NSS Board on 5 May 2017.

- 7.2. The work that had been commissioned in response to the consultancy review undertaken by PA Consulting towards the end of 2016 was noted.
- 8. National Strategic and Operational Governance Update [Paper IG/17/15 refers]**
- 8.1. It was agreed that the paper 'Achieving Scotland Potential in a Digital World – A Digital Strategy for Scotland' should be added to the 'reading room' on the Admincontrol portal and brought to the attention of all Board members. **Eilidh Prentice**
- 8.2. Professor Elizabeth Ireland commented that the move to NHS Mail 2 appeared to have resulted in a significant increase in junk mail. John Fox Davies noted that this had been referenced at the meeting of the Executive Management Team on 24 April when the members were given a presentation on the increasingly sophisticated 'phishing' that was prevalent.
- 8.3. In response to a question from Kate Dunlop the background to the work referenced in section 4.3. of the report (Review of Data Consent and Opt Outs etc) was provided by Professor Marion Bain who noted that NSS would provide the programme management for this work. The Caldicott Guardians had been tasked with taking this work forward but it was not expected to be as significant an amount of work as the wording of the report may have implied.
- 9. Focus On Directorate – Business Services**
- 9.1. A presentation was made by Paul Kingham which gave the background to the way in which Information Governance is managed in Business Services and which noted the future work plan and challenges that lay ahead. Business Services consisted of 5 disparate business areas with unique information assets but which used common information governance processes for safety and security. Examples of the information assets were building information, project documentation and financial transaction data as well as budget and strategic planning information.
- 9.2. The approaches taken to keeping information assets secure were described. There was a strong focus on staff training to ensure good awareness of the risks around information and the actions required to mitigate these risks. There was a culture of continuous improvement with examples being the introduction of ePayslips and eExpenses which reduced the flow of paper and improved efficiency.
- 9.3. In response to a question from Ian Cant it was noted that there had not been many significant information governance risks or incidents other than the need to manage the risks associated with the introduction of the new Facilities Management system. Marion Bain noted the low incidence of adverse events recorded and asked if this potentially meant that such events were not being recognised. Paul Kingham noted that the low recording of events should reflect reality and that there was a culture of good vigilance in relation to information governance – as evidenced by the number of management walkabouts that took place.
- 9.4. Eilidh Prentice noted the need to develop confidence in staff to recognise and record what appeared to be low level events such as the use of wrong e-mail addresses. Kate Dunlop enquired if there were differences in the culture amongst the 5 business areas towards compliance with information governance. Paul Kingham noted there was a robust senior management

team that focused on consistency of approach and application of policy on the management of risk. There may have been some instances where people preferred to retain paper records that should not be needed but this was reducing and those paper records were still subject to information governance control requirements. Through the collaboration work that Business Services carried out with other Boards there was no evidence to prove whether NSS Business Services was any more or less effective in managing information governance than any other Board.

9.5. The Committee noted its thanks for a very helpful, informative and reassuring presentation.

10. Information Governance Committee Annual Report [Paper IG/17/16 refers]

10.1 It was agreed that reference to the linkage on matters of mutual interest to both the Information Governance and the Clinical Governance Committees should be added to Section 4 of the report. Subject to that amendment the report was agreed by the Committee. Ian Cant thanked those involved in drafting the report. **Committee Secretary**

11. Review of Information Governance Committee Terms of Reference. [Paper IG/17/17 refers]

11.1 Eilidh Prentice noted the background to the annual review and asked whether those listed as being in attendance at the meetings should be formally co-opted as members of the Committee. Elizabeth Ireland asked what the best practice guidance was in regards to this and how that compared with the governance requirements. The Governance structure of Committees within NSS would suggest that the Senior Information Risk Owner (SIRO) should be in attendance rather than being a member.

11.2. Kate Dunlop noted that she was aware of another public sector organisation where the SIRO was depute chair of the Information Governance Committee so alternative structures were in place. It was agreed that no changes would be made to the current Terms of Reference which would be tabled at the meeting of the NSS Board on 29 June 2017. Work would be undertaken to review what was regarded as best practice on this issue. **John Fox
Davies/ Eilidh
Prentice**

12. Board Highlights Report [Paper IG/17/18 refers]

12.1 Members agreed the following to be included in the Board Highlights report.

Issues & Risks for the Board's Attention

- The discussions around risk analysis and the range of issues that are covered by the Committee, from strategic developments to the need for action in response to specific events

Emerging Themes for Board Awareness e.g. changing trends in elements of NSS performance

- The importance of NSS providing leadership in relation to having strong information governance standards.
- The improvement in adverse events reporting and the opportunities that would provide to analyse the underlying issues behind the events.

Governance Improvements e.g. actions which have strengthened governance of Committee and should be shared

- The reassurances provided that NSS legacy systems did not have the same level of risk in relation to the hacking threat those new systems could be exposed to.
- The increased level of focus on information governance across NSS.
- The use of 'ethical hackers' to test NSS systems resilience.

13. Any Other Business

- 13.1. Ian Cant noted that this would be the final meeting of the Committee to be attended by Mark McDavid and thanked him for his invaluable input to the work of the Committee.
- 13.2. It was agreed that Kate Dunlop would deputise for Ian Cant to chair the meeting of the Committee on Thursday 7 September 2017.
- 13.3. Elizabeth Ireland noted the importance of Committee Members being fully aware of the differences between the functionality of the Admincontrol and Boardpad systems. The differences would impact both preparation for and what could be done during meetings.

14. Date of Next Meeting

- 14.1 The next NSS Information Governance Committee Meeting would be held on Thursday 7 September 2017 at 09.30 hrs - Gyle Square Edinburgh

15. Documents Circulated for Information / General Update only

- 15.1. IGC Forward Programme [Paper **IG/17/19** refers]