

INFORMATION GOVERNANCE POLICY

KEY POLICY ISSUES:

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Principles of Information Governance

- Openness
- Confidentiality and Legal Compliance
- Information Security
- Quality Assurance
- Legal and Related Policies and Guidance
- Information Governance Management

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1. Purpose

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- 1.1 The purpose of this policy is to set out the key principles which apply to the management of information stored and used by NHS Lothian.
- 1.2 The document will set out the high level framework within which the Board can monitor NHS Lothian performance and compliance in Information Governance and to provide an overview of responsibilities and sources of guidance for staff.
- 1.3 Information is a vital asset both in terms of the clinical management of the individual patient and the efficient management of services and resources. It plays a key part in clinical governance, service planning and performance management.
- 1.4 It is, therefore, of paramount importance to ensure that all information is efficiently managed and those appropriate policies, procedures, management accountability and structures provide a robust governance framework for information management.

2. Scope

- 2.1 This policy covers all types of information within NHS Lothian, including but not limited to:

- Patient/service user information
- Personnel information
- Financial information
- Estates information
- Organisational information
- Population Information

- 2.2 The policy covers all aspects of handling information, including but not limited to:

- Structured record systems – both paper and electronic
- Unstructured documents held on computer network drives, hard drives or removable media such as CD s and USB memory sticks (where use is authorised)
- Information published on the intranet
- Working documents regardless of format
- Information held outside NHS Lothian premises or systems on our behalf

The transmission of information – via electronic means, email, post, telephone and face to face.

- 2.3 The policy applies to and must be adhered to by all NHS Lothian staff and independent sub-contractors.

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3. Principles

- 3.1 NHS Lothian recognises the need for an appropriate balance between openness and confidentiality in the management and use of information. NHS Lothian fully supports the principles of corporate governance and recognises its public accountability but equally places importance on the confidentiality and security of personal information regarding patients, staff and the population, and commercially sensitive information.
- 3.2 NHS Lothian also recognises the need to share patient information with other healthcare organisations and outside agencies in a controlled manner which is consistent with the interest of individual patients, the health of the people of Lothian and, in some circumstances, the public interest.
- 3.3 NHS Lothian believes that accurate, timely and relevant information is essential to deliver the highest quality health care. As such it is the responsibility of all clinicians and managers to ensure and promote the quality of information and to actively use information in decision making processes.
- 3.4 There are four key inter-linked strands to the Information Governance Policy:
- Openness
 - Confidentiality
 - Information Security
 - Quality assurance

4. Openness

- 4.1 Non-confidential information about NHS Lothian and its' services will be made available to the public through a variety of media, including an internet based Publication Scheme.
- 4.2 NHS Lothian will establish and maintain policies to ensure compliance with the Freedom of Information (Scotland) Act 2002.
- 4.3 NHS Lothian will undertake or commission annual assessments and audits of its policies and arrangements for openness.
- 4.4 Patients will have access to information relating to their own health care, options for treatment and rights as individuals.
- 4.5 NHS Lothian has clear procedures and arrangements for liaison with the press and broadcasting media.
- 4.6 NHS Lothian has clear procedures and arrangements for handling queries and complaints from patients and the public.

5. Confidentiality and Legal Compliance

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- 5.1 NHS Lothian regards all identifiable personal information relating to patients as confidential.
- 5.2 NHS Lothian regards all identifiable information relating to staff as confidential, except where national policy on accountability and openness requires otherwise.
- 5.3 NHS Lothian will establish and maintain policies to ensure compliance with Data Protection legislation, Human Rights Act 1998, Freedom of Information (Scotland) Act 2002 and the Public records Act 2011.
- 5.4 NHS Lothian will establish and maintain policies for the controlled and appropriate sharing of patient information with other agencies taking account of relevant legislation
- 5.5 NHS Lothian will undertake or commission annual assessments and audits of its compliance with legal requirements.
- 5.6 Staff responsibilities are set out in employment contracts, staff handbooks, etc. Alleged breaches of confidentiality will be dealt with in accordance with the Board's disciplinary policies. Awareness and understanding of staff, with regard to their specific responsibilities, will be regularly assessed and appropriate training and awareness will be provided
- 5.7 The Information Governance team will provide regular workshops and yearly Information Governance Roadshows throughout the organisation. It is the responsibility of line managers to enable all staff attend one of these events along with the completion of the IG LearnPro module on a bi yearly basis. Staff with specialist roles will undertake documented additional training in line with the requirements of their role with the support of their line manager.
- 5.8 Risk assessment in conjunction with overall priority planning or organisational activity will be undertaken to determine if appropriate, effective and efficient information governance controls are in place.

6. Information Security

- 6.1 NHS Lothian will establish and maintain policies for the effective and secure management of its information assets and resources.
- 6.2 Audits will be undertaken or commissioned to assess information and IT Security arrangements as required.
- 6.3 NHS Lothian promotes effective confidentiality and security practice to its staff through policies, procedures and training.

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- 6.4 NHS Lothian has agreed robust incident reporting procedures which will be maintained and monitored. All reported instances of actual or potential breaches of confidentiality and security will be investigated.

7. Information Quality Assurance

- 7.1 NHS Lothian will establish and maintain policies for information quality assurance and the effective management of records.
- 7.2 Audits will be undertaken or commissioned of NHS Lothian's quality of data and records management arrangements.
- 7.3 Managers will be expected to take ownership of, and seek to improve, the quality of data within their services.
- 7.4 Information quality will be assured at the point of collection by use of consistent agreed technical and data standards
- 7.5 Data standards will be set through clear and consistent definition of data items, in accordance with national standards.
- 7.6 NHS Lothian will promote information quality and effective records management through policies, procedures/user manuals and appropriate training.
- 7.7 Internal and external audit and other quality assurance review processes including those requested by NHS Lothian Healthcare Governance and Clinical Risk management committees, will underpin this policy.

8. Legal and NHS Lothian Related Policies and Guidance

- 8.1 NHS Lothian has a comprehensive range of policies supporting the Information Governance agenda; reference must be made to these alongside this overarching policy (see Appendix 1 for related policies and Legal Acts).
- 8.2 Professional and legal guidance should also be considered where appropriate. All enquiries should be directed to NHS Lothian's Information Governance Working Group.
Contact: Information.Governance@nhs.lothian.scot.nhs.uk Enquiries will then be appropriately redirected.

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9. Implementing the Policy – Information Governance Management

- 9.1 The strategic direction for Information Management and Information Governance will be set out in Information Governance Sub Committee.
- 9.2 The Healthcare Governance Committee, accountable to NHS Lothian Board will have overarching responsibility for monitoring the strategy and for ensuring that NHS Lothian has effective policies and management arrangements in place which cover all aspects of information governance.
- 9.3 Assessments of compliance with relevant information governance standards will be undertaken each year, and an appropriate information governance improvement plan will be produced as a result.
- 9.4 Delegated responsibility for overseeing the Information Governance Strategy, Policy and Implementation plan sits with the NHS Lothian Information Governance Sub Committee chaired by an Non-Executive Director of the Board. This group will secure the necessary resources to implement the Information governance action plan and will monitor activities and periodically report progress to HGC. Full terms of reference will be available on NHS Lothian Intranet
- 9.5 The Director of Public Health and Health Policy is the named executive director on the Board with responsibility for Information Governance. The Director of Public Health and Health Policy is also the Caldicott Guardian for NHS Lothian. The executive Nurse Director is the designated Senior Information Responsible Officer (SIRO)
- 9.6 Delegated responsibility for implementation and monitoring of the Information Governance Action plan sits with the Information Governance and Security Manager. A working group is in place and membership includes a wide range of healthcare and interagency staff.
- 9.7 The Information Governance working group led by Information Governance and Security Manager (Data Protection Officer) and on behalf of the Information Governance Committee will have operational responsibility for coordinating and monitoring information governance activities across NHS Lothian. The working group will provide expertise and advice to organisational departments on compliance with relevant standards and the management of health records.
- 9.8 The Information Governance Working Group has membership representation from within appropriate organisational departments who will be central to the delivery of the information governance improvement plan. This group will act as a first point of contact for disseminating information and will assist with local training and staff induction.

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- 9.9 In addition, managers across NHS Lothian will be expected to ensure their staff are aware of their responsibilities with regard to information governance and to identify appropriate training and support through the PDP/appraisal process.

10. Public Records (Scotland) Act

Under the [Public Records \(Scotland\) Act 2011](#) Scottish public authorities must produce and submit a records management plan setting out proper arrangements for the management of the organisations records to the Keeper of the Records of Scotland for his agreement under Section 1 of the [Public Records \(Scotland\) Act 2011](#).

NHS Lothian has an approved Records Management Plan (RMP) The RMP consider 14 elements as advised in the Keeper's Model RMP and supporting guidance material. The 14 elements are:

1. Senior management responsibility
2. Records manager responsibility
3. Records management policy statement
4. Business classification
5. Retention schedules
6. Destruction arrangements
7. Archiving and transfer arrangements
8. Information security
9. Data protection
10. Business continuity and vital records
11. Audit trail
12. Competency framework for records management staff
13. Assessment and review
14. Shared information

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Appendix 1 – Related Policies and Legal Acts

Information Governance Related Policies and Strategies

Legal Acts

Legal acts relating to the Information Governance agenda include, but are not limited to:

- Data Protection Legislation
- Freedom of Information (Scotland) Act 2002
- Human Rights Act 1998
- Public Records Act 2011
- Access to Health Records Act 1990 (where not superseded by the Data Protection legislation)
- Computer Misuse Act 1990
- Criminal Justice (Scotland) Act 2003
- Electronic Communications Act 2000
- Electronic Communications (Scotland) Order 2006
- Regulations of Investigatory Powers (Scotland) Act 2000
- NHS Lothian Confidentiality Policy
- NHS Lothian IT Security Policy
- NHS Lothian Safe Emailing Guidelines
- NHS Lothian Social Media Policy

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INFORMATION GOVERNANCE INFRASTRUCTURE

Initiative/Work Area	Executive Lead	Responsible Person	Co-ordinator
Caldicott	Director of Public Health and Health Policy	Consultant in Public Health & Health Policy	Caldicott Administrator
Confidentiality (Non-Clinical)	Director of Public Health and Health Policy	Information Governance and Security Manager	Data Protection Manager
Data Protection	Director of Public Health and Health Policy	Information Governance and Security Manager	Data Protection Manager
Freedom of Information	Director of Finance	Head Of Corporate Governance	Freedom of Information Officer
Administrative Records	Exec Director of Nursing	Head Of Corporate Governance	Strategic Programme Manager - Corporate Planning, Public Records
Health Records (Electronic)	Medical Director	Head of Health Records	Health Records Managers
Health Records (Paper)	Medical Director	Head of Health Records	Health Records Managers
IG Policy & Planning	Director of Public Health and Health Policy	Information Governance and Security Manager	Data Protection Manager
Senior Information Risk Owner	Exec Director of Nursing	Information Governance and Security Manager	IT Security Manager
IT Security	Director of eHealth	Head of Operations & Infrastructure	Information Governance and Security Manager

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