

## **Information Governance Committee**

**Monday 7 February 2022 at 10am**

### **MS Teams meeting**

- Present:** Mrs Jean Ford, Non-Executive Board Member (Chair)  
Cllr Joe Cullinane, Non-Executive Board Member (Vice Chair)  
Mr Michael Breen, Non-Executive Board Member  
Ms Sheila Cowan, Non-Executive Board Member  
Mr Marc Mazzucco, Non-Executive Board Member
- Ex-officio:** Mrs Lesley Bowie, Board Chair  
Ms Claire Burden, Chief Executive, NHSAA  
Mr Derek Lindsay, Senior Information Risk Owner  
Dr Crawford McGuffie, Medical Director and Caldicott Guardian  
Mrs Jillian Neilson, Head of Information Governance (IG) and Data Protection Officer (DPO)
- In attendance:** Ms Natali Higgins, Information Governance Manager  
Ms Tara Palmer, Freedom of Information Officer  
Mrs Angela O'Mahony, Committee Secretary (minutes)

#### **1. Apologies for absence**

- 1.1 The Committee welcomed everyone to the meeting, in particular, the new Chief Executive, Ms Claire Burden, and Mr Marc Mazzucco, Non-Executive Board Member, who were both attending the meeting for the first time, as well as other colleagues attending to provide updates.

Apologies were noted from Ms Nicola Graham.

#### **2. Declaration of any Conflicts of Interest**

- 2.1 There were no conflicts of interest declared.

#### **3. Draft Minute of the Meeting held on 8 November 2021**

- 3.1 The minutes of the meeting held on 8 November 2021 were approved as an accurate record of the discussion.

#### **4. Matters Arising**

- 4.1 The action log had previously been circulated to Committee members and all progress against actions was noted. Committee members received an update on the following actions:

**Item 6.1 (30 August 2021), PRSA 2011 Update** – Mrs Ford advised that she had contacted Ms Higgins by email to take forward the action. Mrs Ford proposed that an annual update be provided for the Committee detailing the Board's submission to the Keeper of the

Records of Scotland and the Keeper's response, with exception reporting on areas of non-compliance during the year as required. The Committee discussed and agreed the need to refocus and reprioritise responsibility for the PRSA actions between IGC and Information Governance Operational Delivery Group (IGODG) and sought further assurance to document and track the transfer of responsibility between the Committees. PRSA action progress will also be added as an agenda item for the IGODG in terms of future assurance reporting to the Committee.

CMcG/JF/NH

**Item 6.1 (4 November 2019), Information Security Policy**

**Framework** - Mrs Neilson advised that this meeting had not yet taken place. Dr McGuffie will progress this action with the Director Infrastructure and Support Services outwith the meeting.

CMcG

**4.2 IGC Work Plan 2021-22 and 2022-23**

Mrs Ford advised that following the flexible governance approach agreed by the Board on 29 November 2021 due to current service pressures, the work plan will continue to be reviewed and may change. A date had still to be confirmed for the Cyber Security workshop. Freedom of Information update reports will be provided in February and August each year. The Committee noted the work plans for 2021-2022 and 2022-2023.

**5. Information Governance**

**5.1 Public Records (Scotland) Act (PRSA) Update Report**

The Information Governance Manager, Ms Natali Higgins, provided an assurance report on the Board's compliance with the PRSA. The report outlined progress to implement the Records Management Plan (RMP) to improve the management of the organisation's corporate records.

Ms Higgins reported that unfortunately due to the continuing pressures facing the organisation in response to the COVID-19 pandemic, there had been reduced focus by most Directorates on this work programme. There had been slippage in some of the planned timescales and extended timescales were provided in the report. Submission of the RMP Progress Update Review report had been delayed due to system pressures and a further submission deadline had still to be agreed. Ms Higgins reassured that there were plans to relaunch this work programme over the coming months.

Ms Higgins advised in response to a question from a Committee member on Element 4, Business Classification Scheme (BCS), that the Board's intention was to use functionality within SharePoint to classify documents, however, this was still under discussion at national level. The national Records Management Forum had been tasked with creating a national BCS to aid this work and this was now in place. Some gaps had been identified which Records Managers across Board were working on as part of plans for the national implementation of

BCS. Ms Higgins explained that Boards had made varying levels of progress towards implementation of BCS. The Keeper received an annual progress update. There had been plans in place to invite Boards to provide a five year submission but this had been postponed due to the COVID-19 pandemic.

Ms Higgins outlined her role as Co-Chair and now Chair of the National Records Management Forum and as RM lead on the M365 Programme. NHSAA was one of a small number of NHS Territorial Boards with a dedicated Corporate Records Manager and this had allowed the Board to make good progress.

Ms Higgins explained in response to a question from a Committee member that the PRSA Stakeholder Group had given the red risk rating under Element 15, Public records created or held by third parties, due to the work still to be undertaken. However, this was not an area that was reported annually to the Keeper. Due to current system pressures, Ms Higgins had been unable to get contract clauses approved. Once approved, a work programme would be developed to review all contracts where people were handling records, mainly health records. The Chief Executive advised that she would progress this action through the Corporate Management Team and agree timescales for this work in liaison with the IGODG.

CB

The Board Chair acknowledged and thanked Ms Higgins for the work being done, recognising that this was complex and challenging due to the size of the organisation and the amount and type of documents involved.

**Outcome: Committee members discussed the report and took assurance from the work being done to ensure compliance with the PRSA.**

## **6. For Assurance**

### **6.1 Information Security Breach**

The Head of IG, Mrs Jillian Neilson, presented the Information Security Breach report for the period October to December 2021.

Mrs Neilson advised that there had been 39 breaches during this period. While the number of breaches was above average compared to data over the last three years, it was not outwith the band of the control chart that was now being used to report data.

Mrs Neilson updated that there had been one information security breach reported to the Information Commissioner's Office (ICO) on 1 October 2021. This related to sensitive information being sent to the wrong recipient. ICO had responded with recommendations which had been taken through the IGODG. Mrs Neilson gave assurance that all necessary actions had been taken for this particular breach and there was no further action from the ICO. One complaint had been submitted to the ICO from a NHSAA patient. The ICO had confirmed

that they were not further investigating the complaint received.

Mrs Neilson advised in response to a question from a Committee member that in future reports she would provide quarterly data points to try to make information clearer and more easily understood.

**Outcome: Committee members discussed and took assurance from the work being done to ensure compliance with Data Protection Legislation.**

## 6.2 Freedom of Information (FOI) report

The FOI Officer, Ms Tara Palmer, presented the annual update for 2021 outlining the Board's progress to fulfil its obligations and compliance with the Freedom of Information (Scotland) Act 2002 (FOISA) and the Environmental Information (Scotland) Regulations 2004.

Ms Palmer reported that the Board had achieved almost 95% compliance in responding to FOI requests over the last year, which was rated as good performance. This was a slight increase from 2020. The number of FOI requests had increased compared to 2020 and had returned to pre-pandemic levels. Ms Palmer confirmed in response to a question from a Committee member that the number of FOI request refusals of either part or all of the request was consistent with previous years.

Ms Palmer reported that there had been three requests for internal review received in 2021, as detailed in the report, and gave assurance that all internal reviews were responded to within the statutory 20 working days.

The new LearnPro FOI Foundation Module had been launched within the Board. Ms Palmer was chairing a short life working group to create a Once for Scotland FOI Advanced Module to expand knowledge across the organisation.

The Committee was advised that the Scottish Information Commissioner's Office had produced a Special Report which demonstrated that the FOI process had held up reasonably well despite the pandemic challenges and increasing complexity of FOI requests. The Special Report's key recommendations and observations were as detailed at Appendix 2 of the report.

Ms Palmer highlighted in particular the work being done by NHSAA related to the recommendation for authorities to consider ways in which they create, store and manage records and publication of information, particularly when using new technologies.

The Committee was advised that the Scottish Government was planning to review FOI legislation but this had been delayed due to the pandemic. Should FOI legislation change, Ms Palmer would liaise with Directorates in relation to action required.

**Outcome:** Committee members discussed and took assurance from the work being done to ensure compliance with FOISA.

## **7. Governance**

### **7.1 Information Governance Committee Terms of Reference for Annual Review**

Mrs Ford presented the IGC draft Terms of Reference for annual review. There had been no changes made to the version approved by the NHS Board on 29 March 2021.

**Outcome:** Committee members reviewed and endorsed the draft Terms of Reference with no changes made, for onward submission to the NHS Board for approval.

### **7.2 Information Governance Operational Delivery Group**

The Committee noted the draft minutes of the meeting held on 22 October 2021.

## **8. Risk**

### **8.1 Information Governance Committee Strategic Risk Register**

The Medical Director, Dr Crawford McGuffie, presented an assurance report to update on risk management activity currently being undertaken and the latest version of the IG Strategic Risk Register. The report had been discussed at the RARSAG meeting on 21 January 2022.

Dr McGuffie advised that there were two high risks being treated related to compliance, information governance and service/business interruption, cyber incident. Details of risk grading were provided in the report. There were no proposed risks for escalation or downgrading and the risk updates remained on target.

Dr McGuffie highlighted that as part of the pandemic response over the past two years there had been a significant trend towards greater information sharing. Dr McGuffie commended the strong IG team which had adapted to these changes. In addition, the implementation of the IGODG will bring greater alignment of the IG process, with all operational level matters coming through the group, and allow the Committee to fulfil its oversight and assurance role.

**Outcome:** The Committee discussed the risk management arrangements and the updated IGC Risk Register.

### **8.2 Risk issues to report to the Risk and Resilience Scrutiny and Assurance Group (RARSAG)**

There were no risk issues to report to RARSAG.

**9. Key issues to report to NHS Board**

9.1 Committee members agreed that the following key areas be reported to the NHS Board meeting on 28 March 2022:

- The Committee received a suite of regular reports relating to PRSA, FOI, Information Security Breach and Strategic Risk Register. Activity continues to refocus and reprioritise responsibility for the PRSA actions between IGC and IGODG and ensure appropriate assurance and tracking of transfer of responsibility is provided to IGC.
- The Committee endorsed the IGC Terms of Reference.

**10. Any Other Competent Business**

10.1 The Medical Director, Dr Crawford McGuffie advised that this would be Mrs Jillian Neilson's last meeting as she would be leaving NHSAA in March 2022 to take up a new role at NHS Greater Glasgow & Clyde. Committee members thanked Mrs Neilson for her contribution and input to the Committee over a number of years and wished her every success in her new role.

**11. Date and Time of Next Meeting**  
**Monday 9 May 2022 at 10am, MS Teams**



Chair

Date: 9 May 2022