NHS
Ayrshire
& Arran

Information Governance Committee
Monday 6 February 2023 at 9.30am
MS Teams meeting

Present:	Mrs Jean Ford, Non-Executive Board Member (Chair) Ms Sheila Cowan, Non-Executive Board Member (Vice Chair) Mr Marc Mazzucco, Non-Executive Board Member Cllr Douglas Reid, Non-Executive Board Member
Ex-officio:	Mr Derek Lindsay, Director of Finance and Senior Information Risk Owner Dr Crawford McGuffie, Medical Director, Deputy Chief Executive and Caldicott Guardian
In attendance:	Mr Derek Gemmell, Assistant Director, Digital Services Ms Tara Palmer, Freedom of Information Officer Mrs Angela O'Mahony, Committee Secretary (minutes)

1. Welcome/Apologies for absence

1.1 The Committee Chair welcomed everyone to the meeting. Ms Tara Palmer was attending on behalf of the Head of Information Governance (IG) and Data Protection Officer (DPO) who was unable to join the meeting.

1.2 Apologies were noted from Mrs Lesley Bowie, Ms Claire Burden, Ms Nicola Graham and Ms Ann Wilson.

2. Declaration of any Conflicts of Interest

2.1 There were no conflicts of interest declared.

3. Draft Minute of the Meeting held on 14 November 2022

3.1 The minutes of the meeting held on 14 November 2022 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 5.1 (14/11/22), Cyber Security – It was noted that for Cyber Scotland Week (27 February to 5 March 2023) there will be publicity through the Daily Digest in partnership with the local eSecurity team. This will include promoting the Counter Fraud Service online learning materials available through TURAS. Action now closed.

Item 8.1 (29/08/22), Strategic Risk Register – Following a change to the Information Commissioner, the accountability framework had been overhauled. The checklist that was previously presented to the Committee had been replaced by a new checklist, split into 10 categories, to be discussed later in the meeting. Action now closed.

4.2   **IGC Work Plan 2022-2023 and 2023-2024**

Committee members noted the work plan. Mrs Ford advised in response to a query that governance reporting arrangements for the Digital strategy and digital transformation work will be via the Integrated Governance Committee (IntGC). Mr Gemmell explained that any changes to systems and process which impact on the way that data is handled will be reported through this Committee.   Mrs Ford stated that as a member of IntGC she would be alert to any pertinent elements and likewise other Committee members would have the opportunity to pick up any crossover matters via IntGC minutes and other updates presented direct to full Board. Dr McGuffie reassured that the Information Governance Operational Delivery Group will be working closely with Digital services in taking forward this work.

5.   Information Governance

5.1   **Digital/Cyber Security update**

The Assistant Director, Digital Services, Mr Derek Gemmell, provided an update on key areas of activity by the IT Security Team over the last two months and highlighted the following areas:

- Patch status was sitting at a healthy level, currently above 95% across all areas. While the number of viruses detected in December 2022 was slightly reduced compared to previous months, the threat was constantly present.

- In terms of Security Operation Centre alerts nationally, there were several alerts related to user behaviour and malicious activity. All alerts had been thoroughly investigated and no further action was needed in any of these areas.

- The number of vulnerability scanning findings had remained consistently high since August 2022 with mitigations in place to ensure that none have an impact on the organisation. Mr Gemmell underlined the need for staff to remain vigilant and ensure that any suspicious emails are reported to IT and not opened or any links followed. There were no serious cyber security incidents in December 2022.

- The current Learnpro module will be replaced with a tailored National Cyber Security module accessed via TURAS which will be completed by staff every two years. Communication will be sent to staff on the new Cyber Security training in the near future. Arrangements for awareness sessions for Directors on

the new training will be presented at a future Corporate Management Team meeting.

- Following a national procurement exercise by National Shared Services, the three year contract to conduct Security of Network and Information Systems (NIS) Regulation audits against NHS Scotland health boards had been awarded with effect from 30 January 2023. Year one will include a full onsite audit for all NHS Scotland Boards, with year two and three being virtual reviews. The audit schedule for 2023 is under discussion.

- The Board is undergoing an internal audit on Cyber Security and Resilience between January and March 2023. Significant documentation had already been provided to the auditors, who have provided a worksheet outlining areas to be covered, as shown at Appendix 1.

Mr Gemmell advised in response to a query that it is important for staff working off site to come on site at least once each month to allow scanning and updates to take place.

Committee members discussed the new Cyber Security Learnpro training and members requested that future reports provide an update on compliance levels for uptake of training. Mr Gemmell reassured that staff will be asked to complete this training as soon as possible, with regular reminders via Communications and social media platforms. Uptake will also be recorded through monitoring of mandatory and statutory training and updates to managers. The Medical Director, Dr Crawford McGuffie, will discuss with the Director Infrastructure and Support Services out-with the meeting how to cascade information about this training via individual Directors.

DG/CMcG

> **Outcome:** **Committee members noted the Digital Cyber Security update report.**

5.2 **Information Governance update report**

On behalf of the Head of IG and DPO, Ms Tara Palmer provided the IG update report and highlighted the following areas:

- **Record of Processing Activities/Information Asset Register (IAR)** – It had been hoped to bulk import data from the current IAR directly into the One Trust application. Unfortunately, this has not been possible due to conflicting functionality and information assets are having to be uploaded individually so the project will take longer to complete. However, once IARs have been added, information on the system will be able to be linked. The Committee asked that the timescale for completion of this work be added to future reports.

AW

- **Freedom of Information activity** – Requests had increased by 29% in 2022 compared with 2021 figures. There had been an exponential rise in requests over the last quarter and six months

period, rising at a rate of 29% and 33% respectively, with many of these requests coming from MSPs. While the increased activity has had an impact, compliance in responding to requests is currently good. It was noted that requests are often complex and require a response from a number of areas.

Ms Palmer advised in reply to a question from a member regarding the high level of MSP requests that FOI leads meet quarterly which provides the opportunity to highlight FOI activity and areas that requests are coming from, with a representative of the Scottish ICO in attendance at these meetings.   **CMcG/TP**
Dr McGuffie will discuss the increase in the number of MSP requests further with Ms Palmer out-with the meeting.   Cllr Reid advised that the local authorities have regular meetings with MSPs and try to direct them to the relevant IJB for any requests for information on health issues. The Committee will continue to monitor the position in terms of workforce capacity.

The Committee welcomed the summarised report. However, members were keen to see more detail in relation to issues such as the increase in FOI activity and workforce capacity issues. Ms Palmer advised that due to timescales it had not been possible to provide a detailed report for this meeting. Committee members agreed that the position would be monitored to ensure that the necessary level of detail was received e.g. the intention would be that a detailed update should be provided at one meeting with a summary report at the following meeting and exception reporting as required.   Full annual reports will also be provided for the various key areas of responsibility.

- **Security Incident Report** – Of the 30 information security breaches reported, 25 were classed as personal data breaches. No breaches in this period were considered to be notifiable to the ICO. There were no complaints being investigated by the ICO. Members reiterated the need for summarised reports to identify any trends and requested that future reports provide trends over a one year period.

- **Information Governance Work Programme 2022-2023** – Ms Palmer highlighted the significant activity planned related to FOI, including development of a FOI training and awareness programme, which will restart once current service pressures reduce. Ms Palmer will check if the IG work programme will be   **TP**
refreshed or rolled forward as it currently stands.

- **Accountability Framework** – Ms Palmer highlighted the accountability framework, however, due to the unexpected absence of Ms Wilson no detail was able to be given on background to the framework, how this will be completed and   **TP/AW**
governance arrangements. This will be provided at next Committee meeting.

Outcome: **Committee members noted the IG update report.**

6. **Governance**

6.1 **Information Governance Committee Terms of Reference (IGC ToR) Annual Review**

The Medical Director, Dr Crawford McGuffie, presented the IGC ToR. The following changes had been made under item 3, Duties:

- Addition of more specific text around the Health Board's arrangements for creating, collecting, storing, safeguarding, disseminating, sharing, using and disposing of information.

- Addition of the Calidcott function.

Outcome: **Committee members endorsed the IGC ToR for submission to the Audit and Risk Committee (ARC) and then to the NHS Board for approval.**

6.2 **Information Governance Operational Delivery Group**

Committee members noted the minutes of the meeting held on 5 December 2022. Dr McGuffie gave assurance that the group is functioning well and an annual work plan is being developed to align with the Committee's work plan.

7. **Audit**

7.1 **IT Controls Audit**

The Committee received the IT Access and Controls internal audit report for information. The report had been discussed at the ARC meeting in March 2022.

Mrs Ford advised that two of the audit report's actions have been closed and two remain open. Discussion is taking place with Digital Services and O&HRD about ownership and completion of some elements of the outstanding actions. Progress against completion of actions is being monitored through ARC and the IGC. Mr Lindsay explained that in addition to monitoring through ARC and IGC, the internal auditors undertake six monthly follow up of internal audit actions. Mrs Ford requested that this item be added to the IGC action **JF/AO** log to enable monitoring until closure.

Outcome: **Committee members noted the IT Controls and User Access audit report and looked forward to receiving an update on progress against actions at a future meeting.**

8. **Risk**

8.1 **Information Governance Committee Strategic Risk Register**

The Medical Director, Dr Crawford McGuffie, provided the latest version of the Strategic Risk Register for risks assigned to IGC. The report had been approved at the Risk and Resilience Scrutiny and Assurance Group meeting on 20 January 2023.

Dr McGuffie highlighted the proposed timetable for governance committee reporting. For IGC there were two high risks, risk ID 557, Compliance – Information Governance and risk ID 603, Service/Business Interruption – Cyber Incident. There were no proposed risks for escalation or downgrading. The report provided detail related to each risk.

Dr McGuffie advised in response to a question from a member related to the likelihood rating for risk ID 557, that a number of actions are currently being taken and once this work has been completed, the risk will be re-evaluated, with evidence presented to support any change.

Outcome: **Committee members discussed the report and took assurance from work being done to manage strategic risks which fall under the IGC's governance remit.**

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

There were no risks to report to RARSAG.

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

9.1 Committee members agreed that the following key issues be reported to the NHS Board meeting on 28 March 2023:

- IT controls and user access – the Committee will monitor progress against the two recommendations not yet completed.

- To note general IG updates received and increase in FOI activity, with more complex requests. Position will continue to be monitored in terms of workforce capacity.

- IGC ToRs endorsed for submission to ARC and then to NHS Board for approval.

10. **Any Other Competent Business**

10.1 The Committee thanked Tara Palmer for joining the meeting at short notice on behalf of the Head of IG.

11. **Date and Time of Next Meeting**
    Tuesday 2 May 2023 at 9.30am, MS Teams

Signed by the Chair   Date: 2 May 2023