

Information Governance Committee
Monday 13 November 2023 at 9.30am
MS Teams meeting

- Present: Mr Marc Mazzucco, Non-Executive Board Member (Chair)
Ms Sheila Cowan, Non-Executive Board Member (Vice Chair)
Mrs Jean Ford, Non-Executive Board Member
Miss Christie Fisher, Non-Executive Board Member
Cllr Douglas Reid, Non-Executive Board Member
- Ex-officio: Ms Claire Burden, Chief Executive and Senior Information Risk Owner
Ms Nicola Graham, Director of Infrastructure and Support Services
Dr Crawford McGuffie, Medical Director, Deputy Chief Executive and Caldicott Guardian
Ms Ann Catherine Wilson, Head of Information Governance (IG) and Data Protection Officer (DPO)
- In attendance: Mr Derek Gemmell, Assistant Director, Digital Services
Mrs Angela O'Mahony, Committee Secretary (minutes)

As the Chair was unable to join at the start of the meeting due to a technical issue, the Vice Chair, Ms Sheila Cowan, welcomed everyone to the meeting.

1. Apologies for absence

- 1.1 Apologies were noted from Mrs Lesley Bowie.

2. Declaration of any Conflicts of Interest

- 2.1 There were no conflicts of interest declared.

3. Draft Minutes of the Meeting held on 18 September 2023

The minutes of the meeting held on 18 September 2023 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 6.3 (02/05/2023), Document security classification guidance – Ms Wilson had not yet managed to speak to the Head of Corporate Governance and would update the action log once she had done this. **AW**

Item 7.1 (06/02/2023), IT controls internal audit – Members received assurance that the two outstanding actions had been completed and accepted by the auditor and the action plan closed. Action complete.

Item 5.2 (06/02/2023), Record of Processing Activities/Information Asset Register – On agenda for discussion later in the meeting.

- 4.2 **IGC Work Plan** – Members noted the new format work plan. Members agreed that updates on the NIS audit and Document Security Classification should be provided on a six monthly basis. Added to work plan.
- 4.3 **IGC meeting dates 2024-2025 for approval** – Committee members approved the meeting dates. A face-to-face meeting would take place on 11 November 2024. The Vice Chair handed over to the Chair.

5. Risk

5.1 Information Governance (IG) Strategic Risk Register

The Medical Director, Dr Crawford McGuffie, presented the IG risk register report. The report had been discussed in detail at the Risk and Resilience Scrutiny and Assurance Group meeting on 23 October 2023.

Dr McGuffie advised that further to the discussion at the last Committee meeting, members' comments had been fed back to the Risk Team. Owners of strategic risks had been asked to work with their teams at the next review date to include how consequence and likelihood scoring was decided; be clear and specific about key controls/mitigations; include a narrative over time on the impacts of the controls and the risk owner's ambition around reducing risk; timescales; and moving the risk from strategic to operational level. This will then be reported through strategic risk reports for each of the committees.

The report provided details of the two high IGC risks being treated and their review dates. There were no proposed risks for escalation or downgrading for this meeting and no emerging risks for the Committee to consider.

The Committee received the detailed risk register for each IG risk. Dr McGuffie updated that since the last meeting he had done some pilot work with the Risk Team around Risk ID 557, to review the template's format to enable provision of the narrative requested by the Committee. The Committee confirmed that the updated template provided better assurance of the mitigations and controls in place to manage the risk.

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

- 5.2 There were no risk issues to report to the Risk and Resilience Scrutiny and Assurance Group.

6. Information Governance

6.1 Digital/Cyber Security update

The Assistant Director, Digital Services, Mr Derek Gemmell, provided an update on key activities undertaken over the last few months.

- Work continued to change the encryption on laptops to Bitlok with the aim to complete this by the end of the year.
- Work continued to install MS Defender antivirus software on laptops.
- IT Security Learnpro module – the Learnpro module had been replaced by Turas module at the end of September 2023. By mid-October 2023, 2,300 staff members had completed the new mandatory module. Work would continue to promote and encourage staff to undertake Turas training. There had been positive feedback from staff who had done this training.
- There continued to be a number of devices that had not been logged on in 90 days. Individual members of staff affected will be contacted by the team to remind them of the need to bring in their devices regularly to ensure they receive the latest updates and their laptops are protected.
- There continued to be a high number of patches installed for user services and individual devices.
- Antivirus detection – there had been a reduction in September 2023 which was positive, with six incidences and five viruses blocked.
- National Security Operations Centre alerts – There had been a small number of alerts. There was nothing significant to report and all alerts had been followed up by the local Cyber Security Team.
- IT Controls Internal Audit – all actions had been completed and the audit was closed.
- Cyber Security and Resilience audit – There were 12 advisory actions and work was ongoing to remediate.
- NIS Audit – Work continued in preparation for the audit scheduled for 5 February 2024. An auditor had been on site to do a physical audit, including IT servers. There was nothing immediate flagged up following the audit. The full audit report would not be available until February 2024.

Outcome: Committee members noted the key areas of activity progressed by the IT Security Team over the reporting period.

6.2 Information Governance (IG) Update report

The Head of IG and DPO, Ms Ann Wilson, presented the IG update report. Ms Wilson highlighted the Information Commissioner's Office (ICO) new approach to public sector enforcement, the ICO 25 – Regulatory Approach. The Commissioner was trialling a two year project to reduce fines issued to the public sector. Instead, the Commissioner would use his wider powers, including warnings,

reprimands and enforcement notices, with fines only being issued in the most serious cases. The Commissioner had issued six reprimands to Health providers to date in 2023, with Scottish Board being subject to three.

6.2.1 **Information Security Incident Report** – There were 29 information security breaches in quarter 2. The quarterly average based on data for the previous three years was 29. One incident had been reported to the ICO and feedback was awaited. There were no other investigations or complaints with the ICO.

6.2.2 **Information Asset Register mid-year assurance report** – Ms Wilson explained that there was a legal requirement for Boards to have a Register of Processing Activities (ROPA) and she confirmed that the Board was compliant in this area. While there was no legal requirement to have an Information Asset Register (IAR), this was a sensible approach.

Ms Wilson advised that as previously reported to the Committee, the Adobe platform initially adopted to develop the IAR and subsequent ROPA did not have the required functionality and was not fit for purpose. A “Once for Scotland” solution, OneTrust, procured by National Shared Services had been implemented within the Board. This software allowed data governance activities to be held in one place and for each activity to be linked. Ms Wilson provided a screenshot of the OneTrust software for information.

Members were advised that as previously reported, recovery of information from the defunct Adobe platform had been difficult. Bulk export was not possible and this was having to be done manually as resources allowed. Baseline information was now available and there were plans to contact IAR owners to ask them to update the list, populate OneTrust and link to the ROPAs recorded on One Trust. Ms Wilson advised that discussion was ongoing with other Boards which were facing similar challenges.

Committee members discussed and were supportive of the approach being adopted for recording IARs.

6.2.3 **IG work programme 2023** – Ms Wilson provided a detailed update on the work programme and highlighted the following areas:

Public Records (Scotland) Act 2011:

- 4. Business Classification Scheme – this national project was currently on hold. Ms Wilson explained in reply to a query from a member that a technical support post for M365 had been appointed and a recruitment process was planned for a project manager which should allow this national project to move forward.
- 6. Destruction arrangements – work was ongoing in preparation for the move to M365 in line with good records management practice, as there was limited storage on the new platform and it would cost the organisation to move information that was not needed.
- 7. Archiving and transfer – a service level agreement (SLA) and

Memorandum of Understanding had been drafted. However, there was a delay as discussion was ongoing with South Ayrshire Council about archive storage fees. An update would be provided at the next meeting.

- 11. Audit trail – this element will remain at Amber until a Board-wide record tracking provision is in place.
- 15. Public records held or created by third parties - Good progress had been made and element 15 contract clause included in generic terms and conditions for goods and services and should be in the SLA. Other urgent work would take some resource and consideration was being given to how to manage putting in contract variation notices and other contracts. Ms Wilson advised in reply to a query from a member that as M365 was one tenancy across Scotland the Board had no control over certain aspects of work and while the Board had agreed to put in place a Records Management Plan, similar to other Boards, some of this work was on hold nationally.
- Freedom of Information (Scotland) Act 2022 – the Board was still seeing an exponential rise in numbers, however, some improvement work had taken place to make the process smoother. While performance was not as good as previously, improvement had been made.
- M365 – Funding was now in place to have a national resource to lead on a Once for Scotland basis although local support will be required to bring to fruition.
- ICO Audit action A04 – Changes in how the Board approves policies were agreed in August 2023. The policy had been redrafted and would go to the Information Governance Operational Delivery Group for approval. This work will be taken forward as a priority and action reported at the next meeting. Ms Wilson reassured that all documentation for IG policies and most IT policies was up-to-date.
- ICO Audit action A06 – routine monitoring of compliance with terms of written contracts – this would involve considerable work and no current resource had been identified to carry out the project.
- ICO Audit action A09 – the Data sharing log was live with red amber green status. A standard operating procedure was being developed and would be disseminated to services to advise colleagues of their responsibilities.

The report provided details of IG representation on a range of groups and committees taking forward key areas of work across the organisation.

Outcome: The Committee noted the IG update report.

Committee members were pleased with the progress that continues to be made to improve the quality and level of detail provided across the range of reports being presented. Reports were succinct, with issues clearly identified, as well as actions being taken, giving the Committee the level of assurance required to fulfil its governance role and remit.

7. Corporate Governance

7.1 Information Governance Operational Delivery Group

Ms Wilson provided a verbal update from the last meeting. She outlined the strong local actions being taken in response to a recent data breach involving staff sharing a patient's personal information via WhatsApp. This followed a breach related to use of WhatsApp at NHS Lanarkshire. Ms Wilson advised that a range of communication was being sent to staff to raise awareness that WhatsApp must not be used for business related purposes. Staff should use the approved tools provided by the Board, such as MS Teams, and approach the IG team should they have any questions.

The group had also discussed the new Turas Cyber Security training and group members were impressed with the content and design of this new training.

In reply to a question from a member about the new national CHI and GP system, Mr Gemmell advised that the platform was being modernised to provide better connectivity and interaction with other systems already in place. There were no fundamental changes to CHI numbers at present although this may be looked at in the future.

8. Audit

8.1 There were no audit reports to discuss.

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 4 December 2023:

- New Cyber Security Learnpro mandatory training module introduced on 1 October 2023.
- Strong local actions being taken in response to a recent data breach involving staff sharing patient's personal information via WhatsApp.
- Ongoing progress with all aspects of reporting to Committee.
- Meeting dates for 2024-2025 approved by members.

10. Any Other Competent Business

10.1 There was no other business.

11. Date and Time of Next Meeting Monday 26 February 2024 at 9.30am, MS Teams

Approved by Committee on 26 February 2024

A handwritten signature in black ink, appearing to be 'A. J.', written over a light-colored rectangular background.

Signed by the Chair

Date: 26 February 2024