



Information Governance Update

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“Information Governance continues to be a critical priority for all organisations in the NHS who hold patient and service user records. In the consultation document, ‘Liberating the NHS: An Information Revolution’, the Coalition Government made it clear that, going forward, the Information Governance Toolkit will continue to outline the standards expected and organisations will be audited for compliance.

The Information Commissioner’s Office (ICO) enforces and oversees the Data Protection Act. In April this year, in a move designed to deter personal data security breaches, the ICO was given new powers to fine organisations up to £500,000 as a penalty for serious breaches of the Data Protection Act.

On Wednesday, the ICO announced that they had started actively issuing fines; Hertfordshire County Council was fined £100,00 for not having adequate procedures in place to prevent sensitive personal information being faxed to the wrong fax number, resulting in data ending up in the hands of the public rather than the legal team that was expecting the information. Sheffield based employment services company A4e was fined £60,000 for a laptop which was stolen, containing the unencrypted details of over 20,000 people.

When serving monetary penalties, the Information Commissioner will carefully consider the circumstances, including the seriousness of the data breach; the likelihood of substantial damage and distress to individuals; whether the breach was deliberate or negligent and what reasonable steps the organisation has taken to prevent breaches. The ICO has published guidance on what they consider to be ‘reasonable steps’. This includes things like putting in place appropriate policies and procedures, undertaking risk assessments and putting in place appropriate mitigation to safeguard data and having good governance/audit arrangements to prevent contraventions of the Data Protection Act. These are all actions that the NHS requires evidence of through the NHS Information Governance Toolkit.”

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