

Data Protection Newsletter

GDPR is coming!!!

Special points of interest:

- 25th May 2018
GDPR comes into force
- 23rd May 2018
Data Protection Bill set to be passed
- Data Protection Officer appointed for BCPFT
- New information will be available on Trust website

The General Data Protection Regulation (GDPR) comes into force on 25th May 2018. This is the new European Union Data Protection Law. This represents the biggest change to global privacy laws for over 20 years.

GDPR replaces the current UK Data Protection Act 1998, and it's designed to

match data privacy laws across Europe.

There was a clear need to update privacy laws to ensure that legislation is up to date with the current social climate given that the internet and social media now plays a major part in today's society.

The scope of the regulation extends to organisations outside of the EU that

offer goods or services to individuals in the EU.

The UK Data Protection Bill; which will be the UK's new data protection law, is being passed through Parliament. This will implement the majority of GDPR but provides the UK exceptions from GDPR; these include extra protection for certain organisations and identifies the need for parental consent for children under the age of 13.



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What does this mean for BCPFT?

The Trust is compliant with the Data Protection Act 1998; which means that there are safeguards in place in relation to the information that we hold and share. With GDPR in mind these safeguards will

be regularly reviewed to ensure effectiveness and accountability is in place.

The Trust's policies and procedures will be reviewed and updated to ensure that they comply with GDPR, and

new policies will be implemented.

Staff training will be updated to raise awareness of GDPR. There will be increased visibility of the Information Governance Team to support staff.

Data Protection Officer



GDPR introduces the role of the Data Protection Officer. The Data Protection Officer operates independently on how to deal with data protection matters putting patient rights at the heart of their decision making process.

The Data Protection Officer will be the first point of call for individuals, such as patients, whose data is being processed, but will also be the person for staff to turn to relating to any

data protection queries.

The Data Protection Officer links across all levels of the organisation and will have direct access to the Trust Board to ensure that data protection remains high on the Trust's agenda.

The Data Protection Officer for the Trust is Katie Sparrow who is also the Head of Information Governance.

Katie comes with a background

in Information Governance and Data Protection. She has experience of implementing legislation across organisations as well as working directly with individuals in a care setting.

Katie will be working with staff across the organisation to ensure that patient's rights are adhered to and that GDPR is rolled out fully and continually monitored.

Data Protection is a key consideration in the early stages of any project and/or change

Data Protection by Design

Data Protection by Design is a concept where data protection is considered as a core aspect of a project or change management process which promotes privacy and data protection compliance from the start.

The Data Protection Impact Assessment (DPIA) is a mandatory tool as part of the Data Protection by

Design process.

This approach ensures that privacy and data protection is a key consideration in the early stages of any project and then throughout its lifecycle. For example when: building new IT systems for storing or accessing personal data; developing policy or strategies

that have privacy implications; embarking on a data sharing initiative; or using or collecting data for new purposes.

The Trusts Data Protection by Design Policy is out for consultation and is due to be approved by mid-May 2018.

Publicly Accessible Information



The Trust aims to be open and transparent in relation to data protection. To do this it will actively publish information linked to its work around GDPR.

This will be published on the Trust website as part of our existing publication scheme and can be accessed via the following

link:

<http://www.bcpft.nhs.uk/about-us/freedom-of-information/493-classes-of-information>

Information on here will include:

- * Completed Data Protection Impact Assessments,
- * Information about public consultations and survey outcomes,
- * Policies and procedures linked to data protection.

Subject Access

One of the major changes within GDPR is linked to the rights of subject access; which is individuals rights of access to information held about them.

Although records are owned by the Trust where the information is about an individual they can request a copy of the information or access to view the original information. Patients can

also authorise a representative to access their information on their behalf e.g a solicitor or family member.

For such requests Trust can no longer charge a fee to release the information requested regardless if the information is provided in a manual or electronic format.

In addition the time

available to respond to such requests has been reduced to one calendar month; which is effectively 30 calendar days.

The Trust has reviewed processes around Subject Access to ensure that this is embedded across the Trust.



Patient Rights

GDPR provides individuals eight rights in relation to their data. These rights must be considered as part of the Data Protection by Design process as well as in the Trusts day to day handing of information:

1. The right to be informed
2. The right of access
3. The right to rectification

4. The right to erasure
5. The right to restrict processing
6. The right to data portability
7. The right to object
8. Rights in relation to automated decision making and profiling

Full details of these rights are available on the Information Commissioners website.

At least one of the patient's rights will feature within each of the following newsletters, in which more details will be provided.

GDPR provides individuals 8 rights in relation to their data.

ICO Public Campaign

The ICO have launched a new public campaign to raise awareness of data protection. The aim of the campaign is to deliver consistent educational messages that will help individuals understand the changing data protection

environment in a practical and straightforward way. Thus building Trust and Confidence in the way their data is used.

The campaign is known as 'Your Data Matters'. The materials for this will include

posters, leaflets, adverts, films; which will be based around a 'fingerprint family'.

Further details and the first poster is available via the ICO website; ico.org.uk



Good Practice Areas

Liaison and Diversion

Liaison and Diversion is a new service which is located within the police and courts to divert those most at risk away from the criminal justice system and into local health and care services provided in partnership with our Trust and Dudley and Walsall Mental Health NHS Trust.

The teams Senior Administrator, Tina Jones, has gone above and beyond to ensure that all relevant parties agreed to the Trusts Information Sharing Agreement which ensures that information is handled correctly and securely. Because Tina has linked with all partner agencies which may be involved in the service user she has ensured that information can be shared to benefit individuals and ensure that the team's aim of diverting individuals away from the criminal justice system can be achieved.

IT Services Helpdesk

The Trusts IT Services Delivery Manager, Adam Phipps, has worked with the IT Helpdesk Team to ensure that the Trust's cyber security remains high. He has produced staff awareness to ensure that staff are aware of their responsibilities in relation to cyber security and how they can contribute to this. The work that the team has done led to the Trusts ability to remain secure even at a time when a ransomware attack impacted on organisations including NHS Trusts and GPs across the UK.

Who to Contact for Further Information

Katie Sparrow, Head of Information Governance and Data Protection Officer

Email: Katie.sparrow@nhs.net

Tel: 0121 612 8017

Subject Access (access to information) Requests

Email: bcpft.infogov@nhs.net

Tel: 0121 612 8037

Freedom of Information Requests

If you want to know more about how the Trust is performing in relation to GDPR please forward your questions to: bcpft.foi@nhs.net