

Data Protection Newsletter

New Data Protection Law in place

Special points of interest:

- 23rd May 2018 Data Protection Act 2018 was passed
- Data Protection Training now available across the Trust
- The Trusts website has been updated to make Data Protection information readily available

The Data Protection Act 2018 was passed on 23rd May 2018 and came into force alongside GDPR.

The Data Protection Act is the UK data protection legislation and provides the UK variations to GDPR.

The Act is designed to a complete data protection system, so as well as governing general data covered by the GDPR, it covers all other general data, law enforcement data and national security data.

Furthermore, the Act exercises a number of agreed modifications to the GDPR to make it work for the benefit of the UK in areas such as academic research, financial services and child protection.

The local variations which are within the Data Protection Act 2018 are:

- it allows the processing of sensitive and criminal conviction data in the absence of consent where justification exists.

- provides exemptions for processing personal data for literary, journalistic or academic purposes, largely reflecting the current system.
- sets the age from which parental consent is not needed to process data online at age 13, supported by a new age-appropriate design code enforced by the Information Commissioner.
- limits rights where they could otherwise be abused.



Data Protection Act 2018

Is BCPFT compliant with the new legislation?

The Trust is compliant with the Data Protection Act 2018 and GDPR; the Trust ensures that there are both physical and electronic safeguards in place in relation to the information that we hold and share.

The Trust always strives to improve on our compliance and so we continue to update policies and procedures, privacy notices, training and all other Governance areas to ensure that they comply with Data Protection

Legislation.

We are in the process of rolling out new data protection training across the Trust to raise awareness of data protection and the Information Governance Team are on hand to support staff.

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New Training Available



The Trust has developed new Data Protection Training which is aimed at all staff.

In addition to receiving generic training, where requested, services can have the training delivered exclusively to the service where the information provided will be tailored to the services.

The training will include an overview of why data protection is needed focusing on the

importance of data protection. It includes all individual rights under Data Protection, information and cyber security, and tips on how staff can ensure compliance.

Training can be booked directly with the Information Governance (IG) Team.

In addition to the Data Protection Training the IG Team also provides the following internal training packages:

Freedom of Information; providing an overview of Freedom of Information and the process taken for requests for information.

Information Governance Training; which includes Data Protection awareness which includes individual's rights, Freedom of information awareness, information security and guidelines for information sharing.

New Look Information Governance Audits

The Trust is committed to ensuring that personal data is secure and used appropriately

To ensure compliance with Data Protection the Information Governance Team has developed our internal Information Governance Audits to ensure that GDPR standards are incorporated.

The audits will cover all service areas including corporate services.

The audits will be led by the Information Governance Team and monitored by the Trust's Data Protection Officer.

The use of the audits will ensure that internal policies and procedures designed to protect data and individual's rights are being adhered to and any good practice is shared across the organisation.

Full details of the audit process will be available within the IG Audit Standard Operating Procedure which will be available via the Trust's staff intranet and via the Trust's Website.

Cyber Security Top Tips



The Trust's IT Department has produced key tips to help you stay secure online. We are all at risk of hackers, phishing scams and virus'.

Simple steps that you can take include;

Passwords – use a long password with a mixture of characters.

Avoid Phishing Scams – be aware of suspicious emails, text messages and phone calls. Especially ones where they are asking for your information.

Anti-virus protection – install an anti-virus program from a known and trusted source.

Keep software up to date - this is critical to ensure correct securities are in

place.

Protect mobile devices, such as your phone – lock your device with a pin or password, and only install apps from trusted sources.

The Top 10 Tips poster is available via the Trust's website and although gives tips for staff there is useful information that can be applied to your general everyday IT usage.

Data Protection by Design and Default

The Trust now has Data Protection by Design and Default in place, following the approval of a new Data Protection by Design Policy.

This policy enforces the compulsory usage of Data Protection Impact Assessments for new projects and changes which have the potential to impact your personal data.

As part of this all approved Data Protection Impact Assessments will be made available via the Trust's website.

For projects which involve a major change consultation with relevant public and patient groups will be completed as part of this process.

This is not a new concept for the Trust as this policy replaces previous Privacy by Design processes.

Data protection by design is about considering data protection and privacy issues upfront in everything we do. It helps us ensure compliance with the data protection principles and requirements.



Right to be Informed

GDPR provides individuals eight rights in relation to their data. One of these rights is the 'Right to be Informed'. This means that you have the right to be informed about the collection and use of your personal data.

This right is linked to organisations being transparent in relation to the use of data. This information

must be available at the point information is collected about you. As the Trust works 24/7 we have made this information available via our website so that it can be accessed at all times.

The information provided is known as a 'Privacy Notice'. This notice includes information about:

- What information we collect and hold about you
- How we use the information
- Who we may share the information with
- What your rights are
- How long we hold information.

GDPR provides individuals 8 rights in relation to their data.

Recovery College

As part of the Trust's commitment to be transparent about the use of information we have reviewed the information available about the Recovery College services.

The Recovery College actively informs service users of what information they hold and who the course providers are with whom they work with.

All information used by the Recovery College is collected directly with the service user's involvement.

To strengthen this we are in the process of developing a service specific Privacy Notice for the Recovery College. This will be available on the Recovery College website in June 2018.



Good Practice Areas

Community Mental Health North Treatment Team

Kay Berrow, Team Manager of the North Treatment Team, has proactively raised GDPR across the Team providing notices and updates. She created a notice board within Quayside House to promote to all teams based within the building and ensured that relevant information was made available via the notice board.

Kay was one of the first teams to invite Information Governance to deliver the new Data Protection Training to the Team and Kay actively highlights the importance of liaising with Governance in relation to information sharing and data protection matters as they arise.

Family Nurse Partnership

The Trust's Family Nurse Partnership continues to work with The National Unit to support clients in relation to breast feeding and with smoking cessation services. In addition to this the Team has been selected to pilot new instant feedback services to put the service user's views at the forefront of the service. The Team has proactively ensured that the app and text messaging service, used as part of the pilot, is secure and meets data protection requirements so that they can give services user assurance that their information remains secure and confidential. They have ensured that service users maintain control of what information they provide and whether they want to be involved within this pilot.

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