

## Nottingham North and East Clinical Commissioning Group

<b>Meeting Title</b>	NHS Nottingham North and East CCG Governing Body		<b>Date:</b> 10.10.17					
<b>Paper Title</b>	General Data Protection Regulations		<b>Agenda Item:</b> <b>GB 1765</b>					
<b>Lead Director Report Author</b>	Andy Hall, Director of Outcomes & Information and Senior Information Risk Owner Information Governance Alliance published via NHS Digital							
<b>Purpose</b> (tick one only)	Approval	<input type="checkbox"/>	Acknowledge/ Note	<input checked="" type="checkbox"/>	Review	<input type="checkbox"/>	For Information	<input type="checkbox"/>
<b>Executive Summary</b>	<p>The attached paper highlights the likely impact of the introduction of the new EU General Data Protection Regulations due to come into force on 25 May 2018. The Regulations will come into force irrespective of the outcome of the Brexit negotiations and includes the requirements for:</p> <ul style="list-style-type: none"> <li>Organisations obliged to demonstrate that they comply with the new law;</li> <li>Significantly increased penalties possible for any breach of the Regulation – not just data breaches;</li> <li>Legal requirement for security breach notification;</li> <li>Removal of charges, in most cases, for providing copies of records to patients or staff who request them;</li> <li>Requirement to keep records of data processing activities;</li> <li>Appointment of Data Protection Officer mandatory for all public authorities;</li> <li>Data Protection Impact Assessment required for high risk processing;</li> <li>Data protection issues must be addressed in all information processes;</li> <li>Specific requirements for transparency and fair processing;</li> <li>Tighter rules where consent is the basis for processing.</li> </ul> <p>The NHS is yet to provide a national response to the Regulations although NHS Digital is due to publish a series of twelve guidance and advice documents as time progresses. The attached document provides the first of these twelve guidance documents.</p> <p>Until such guidance is available we cannot finalise the necessary changes but CCGs can start to think about practical steps in preparation. CCGs should, therefore:</p> <ol style="list-style-type: none"> <li>1. Produce an action plan as outlined on page 5 of the attached;</li> <li>2. Appoint a Data Protection Officer, most likely an existing member of staff with similar responsibilities;</li> <li>3. Review the existing data flows and the current level of documentation for each;</li> <li>4. Review relevant policies;</li> <li>5. Review existing business processes, not simply those relating to data processing;</li> <li>6. Collate comprehensive documentation as evidence of future compliance.</li> </ol> <p>The forthcoming planned changes to the management arrangements for the four Greater Nottingham CCGs suggest this would most logically be done once with a single Data Protection Officer being appointed during any re-structuring.</p> <p>CCGs will also need to ensure GP Practices are appropriately supported during the introduction of the Regulations.</p>							

If paper is for approval, have the following impact assessments been completed?					
Quality Impact Assessment	Yes <input type="checkbox"/>	Equality Impact Assessment	Yes <input type="checkbox"/>	Privacy Impact Assessment	Yes <input type="checkbox"/>
	No <input type="checkbox"/>		No <input type="checkbox"/>		No <input type="checkbox"/>
	N/A <input checked="" type="checkbox"/>		N/A <input checked="" type="checkbox"/>		N/A <input checked="" type="checkbox"/>
<b>Conflicts of Interest</b> - Recommended action to be agreed by the Chair at the beginning of the item.					
<input checked="" type="checkbox"/> No conflict identified <input type="checkbox"/> Conflict noted, conflicted party can participate in discussion but not decision <input type="checkbox"/> Conflict noted, conflicted party can remain but not participate <input type="checkbox"/> Conflicted party is excluded from discussion					
<b>Implications:</b> <i>(please tick where relevant)</i>					
Integration	<input type="checkbox"/>	Patient Choice	<input checked="" type="checkbox"/>		
Reducing inequality	<input type="checkbox"/>	Patient & Public Involvement	<input checked="" type="checkbox"/>		
Constitution	<input type="checkbox"/>	Quality of Services	<input type="checkbox"/>		
Governance	<input checked="" type="checkbox"/>	QIPP	<input type="checkbox"/>		
Innovation	<input type="checkbox"/>	Research	<input type="checkbox"/>		
Learning and Development	<input checked="" type="checkbox"/>	Sustainability	<input type="checkbox"/>		
<b>Finance checked by:</b> <span style="float: right;"><i>(initials)</i></span>					
<b>Appendices</b>	None				
<b>Report History</b>	Version 1				
<b>Patient and Public Involvement</b>	None to date, but the introduction of the Regulations will require CCGs and Practices to inform patients of their rights under the Regulations.				
<b>Recommendation</b>	The Governing Body is asked to: <ol style="list-style-type: none"> <li>1. NOTE the content of the attached briefing;</li> <li>2. NOTE the need for more detailed action plans to be produced prior to the introduction of the new General Data Protection Regulations;</li> <li>3. NOTE the need for relevant policies to be reviewed in order to maximise adherence to the Regulations once further guidance has been issued by NHS Digital;</li> <li>4. ACKNOWLEDGE the benefits of identifying a single Data Protection Officer across the four Greater Nottingham CCGs;</li> <li>5. NOTE the likely need to support GP Practices in the introduction of the Regulations.</li> </ol>				