

Argyll & Bute Integration Joint Board Information Governance Policy

Version 1.0 October 2020

Approved date: 25 November 2020

Review Date: 31 March 2022

1. Background

An Internal Audit review of Information Governance in November 2019 identified that the Argyll and Bute Integration Joint Board (ABIJB) would benefit from an overarching Information Governance policy framework that outlines the roles, responsibilities and processes for key areas of Information Governance including GDPR, Freedom of Information, Subject Access Requests along with the existing policies of Record Management and Complaints Handling.

Information represents one of the major assets held by any organisation. As such, it is essential that appropriate measures are put in place to ensure that information is appropriately managed and secured. Information Governance is a set of policies, procedures, processes and controls implemented to manage information on all media in such a way that it supports an organisation's immediate and future regulatory, legal, risk, environmental and operational requirements.

Information underpins the Board's over-arching strategic objective and helps it meet its strategic outcomes. Its information supports it to:

- Demonstrate accountability.
- Provide evidence of actions and decisions.
- Assist with the smooth running of business.
- Help build organisational knowledge.
-

Good recordkeeping practices lead to greater productivity as less time is taken to locate information. Well managed records will help the Board make:

- Better decisions based on complete information.
- Smarter and smoother work practices.
- Consistent and collaborative workgroup practices.
- Better resource management.
- Support for research and development.
- Preservation of vital and historical records.

All of the IJB's information assets are held by its partner organisations, NHS Highland and Argyll and Bute Council. The IJB has a relatively small set of information assets belonging to itself and these are held by Argyll and Bute Council on behalf of the IJB as set out in the Records Management Plan.

Argyll & Bute Integration Joint Board Records Management Plan covers Record Management only for records created as part of the business of the ABIJB, which is separate from the records management plans attached to each of the employing partners, Argyll and Bute Council and NHS Highland. Although this exists, there has been no overarching Information Governance Policy in place at the ABIJB, or a policy document that identifies the areas of responsibility for ABIJB compared to the partner organisations for the components of Information Governance. This document now sets these out.

2. What Is Information?

For the purpose of this document Information is defined as any printed or electronically held document or structured data stored in databases held by either of the employing bodies NHS Highland or Argyll and Bute Council which relates to the business of ABIJB. This includes:

- Any printed or handwritten document including correspondence received by the ABIJB or by NHS Highland or Argyll and Bute Council on behalf of ABIJB;
- Any electronically held document, including media images, email, office documents, social media, audio and video information (often referred to as unstructured information);
- Any information held in a database or similar repository such as client or patient management information, asset management information or finance information (often referred to as structured information); and
- Informal or tacit information held by individuals in notes of meetings, diaries, site visit notes, knowledge banks.

This deliberately broad and wide ranging definition has the implication that any information, in whatever shape or form, needs to be managed with the appropriate level of care and attention.

Information is essential to all staff, at all levels, and across all services of the ABIJB in order that they can carry out their day to day duties. The ABIJB needs, within its regulatory obligations, to assure itself that the information created or managed on its behalf is securely held, managed and subsequently disposed of when it is no longer needed and holds little value.

Definition of “Information Management”

Information Management describes the means by which an organisation “efficiently governs, plans, controls, collects, creates, evaluates, organises, stores, analyses, disseminates, maintains, and disposes of its information, and through which it ensures that the value of that information is identified and exploited to the fullest extent.” It incorporates many elements including the nature of the information, the technology used to manage the information, the people (both skills and behaviour) used to work with the information and the governance applied to the information including management and leadership.

3. Regulatory Context

The external obligations that are placed on ABIJB include the Freedom Of Information (Scotland) Act 2002 (FOISA), the enhanced Data Protection legislation in the form of the General Data Protection Regulations (GDPR) and Public Records (Scotland) Act 2011 (PRSA). GDPR came in force in the UK on 25 May 2018. It affects all organisations processing the personal data of individuals in the EU in relation to offering goods or services. Significant penalties can be imposed on organisations and individuals in breach of the regulations, with fines of up to €20 million or 4% of annual worldwide turnover, whichever is greater. These requirements will continue after EU exit. Both the GDPR and PRSA legislation requires the ABIJB to evidence the existence of retention and disposal schedules at an operational level.

4. Freedom of Information

The Freedom of Information (Scotland) Act 2002 (FOISA) gives people the right to access information held by Scottish public authorities. The aim of the Act is to increase openness and transparency by giving people access to recorded information. Information can only be withheld where the Act permits it.

Environmental Information - Alongside FOISA, the Environmental Information (Scotland) Regulations 2004 (the EIRs) provide a separate right of access to environmental information that we hold. See the section below for more information about the EIRs.

Publication Scheme - Section 23 of FOISA requires Scottish public authorities to maintain a publication scheme. A publication scheme sets out the types of information that a public authority routinely makes available, and it is possible to access a lot of this information directly from the scheme (instead of having to send in a request for it).

The publication scheme for ABIJB, which reflects the model publication scheme, is available here:

<https://www.nhshighland.scot.nhs.uk/Meetings/ArgyllBute/Documents/ABHSCP/IJB%20misc/Final%20draft%20publication%20scheme.pdf>

5. Data Protection

The ABIJB does not hold any personal records of service users and patients and as such these are subject to the policies of the parent bodies. **Data protection legislation** controls how your personal information is used. The main principles are:

- We only collect information that we need
- We will keep your personal information secure
- We don't keep your information longer than necessary
- We tell you why we need your information, and what we will do with it
- The information we collect is accurate and, where necessary, kept up to date
- We don't use your information for any purpose other than what we tell you it is collected for (unless required to do so by law)

Data protection legislation provides certain rights to individuals. Some of these are:

- The right to be informed about how we collect and use your personal information (see privacy notices below for more details)
- the right to request information we hold about you. This is known as a subject access request, full details of how to make a request can be found below.
- the right to rectification - if we hold factually inaccurate or incomplete information about you, you can make a request to have this rectified.

There are other rights available in certain circumstances, such as the right to erasure, to restrict processing, to data portability and to object.

If you wish to receive a copy of the personal information held about you, this is known as a **subject access request**. The easiest way to do this is to complete a subject access request form. There is no charge for this, however, our partner bodies may charge a "reasonable fee" in certain circumstances, such as if it is a request for further copies of the same information again.

You have the right to be informed about what information we collect about you, and what we will do with it. We use **privacy notices** for this purpose – every time you provide information about yourself to the Council or NHS Highland as our partner bodies, you should receive a privacy notice.

The Data Protection Officer for the ABIJB is Iain Jackson, Governance, Risk and Safety Manager, Argyll and Bute Council. He is responsible for handling all enquiries, feedback and complaints relating to the publication scheme, or any other aspect of Freedom of Information or Data Protection on behalf of ABIJB. He can be contacted at: Argyll and Bute Council, Kilmory, Lochgilphead, Argyll, PA31 8RT Tel: 01546 604188; E-mail: iain.jackson@argyll-bute.gov.uk.

6. Records Management

Records are vital for the effective functioning of Argyll & Bute IJB: they support the decision-making; document its aims, policies and activities; and ensure that legal, administrative and audit requirements are met to ensure accountability.

The IJB opted on 30 January 2019 to adopt the Records Management Approach of one partner, Argyll & Bute Council, specifically for IJB records. The IJB records management plan reflects the approach of the supporting partner, Argyll & Bute Council. The Chief Officer, Joanna MacDonald has senior responsibility for all aspects of the Board's Records Management, and is the corporate owner of the Records Management Plan. The Chief Officer is also the Board's Senior Information Risk Owner (SIRO).

There is an ongoing working relationship with both partners to ensure that staff are meeting the requirements of the partnership bodies. The IJB maintains a clear understanding of its own responsibility as a separate legal entity. The IJB manages its records in partnership with Argyll & Bute Council in accordance with recommended good practice, standards and guidance issued by Government, The National Records of Scotland, The Information and Records Management Society, Archives and Record Association, The Scottish Council on Archives and British and International Standards.

The identified policy is followed by all IJB members and officers in the creation, storage, archiving and destruction of records on behalf of the IJB.

7. ABIJB Records

Each partner body retains its own Record Management Plan and staff employed by each partner body will work within the policies of these bodies. Staff will be trained in appropriate Data and Information handling policies by their employing partner body.

The IJB Records Management Plan pertains to documents created in the business of the Board. This will include Board minutes, committee minutes as identified in the structure within the Integration Scheme e.g. Audit Committee, policies, plans, formal communications made on behalf of the board by the Chief Officer. An electronic Sharepoint site is under construction centralising both retrospective and ongoing ABIJB records. As stated in the ABIJB Records Management Plan, these records will follow the records management approach of Argyll and Bute Council. Details of these records will be maintained on an Information Asset Register in the format laid down by the Council. Appendix A sets out the list of the main types of ABIJB records included. This is not an exhaustive list.

The business undertaken by the Health and Social Care Partnership at the direction of the IJB, however, will be created and managed by one or more of the partner bodies and sit on the partners' systems. The records will be subject to the policies and procedures of that body or bodies consistent with the employing bodies' statutory responsibility and employer policies and procedures.

8. Information Security

The ABIJB will rely on NHS Highland's and Argyll & Bute Council's arrangements for Information Security as partner bodies. All the systems, devices, information sharing platforms, etc. that the ABIJB relies upon will be owned and maintained by the partner body or bodies.

The Integration Scheme provides the context for data sharing and where further specific or time limited data sharing is required a data sharing agreement is requested and put in place through the partner bodies.

All staff remain employees of either NHS Highland or Argyll & Bute Council. As such they will be subject to the policies and procedures of their employer in relation to Information Security.

9. Governance

The Audit & Risk Committee of the ABIJB has oversight of all internal control arrangements and therefore is the owner of this Information Governance policy. It is responsible for ensuring that this policy is reviewed and updated at least every 2 years. The ABIJB is required to approve any revisions to the policy.

The Chief Officer of the ABIJB is the designated Senior Risk Information Owner, and is the designated owner of all the ABIJB records.

The Council's Governance Risk and Safety Manager is the ABIJB's Data Protection Officer registered with the Information Commissioner's Office and is responsible for maintaining the ABIJB registration details with the ICO and handling all data protection matters on behalf of the ABIJB. He is also responsible for handling all Freedom of Information requests on behalf of the ABIJB and for maintaining the ABIJB's publication scheme.

The two partner bodies, Argyll and Bute Council, and NHS Highland, are each responsible for all Information Governance for records held by them. The Chief Officer of the IJB will seek assurance from each of these partner bodies on an annual basis that they have reviewed their information governance arrangements insofar as they affect the Health & Social Care Partnership and are satisfied that these are satisfactory. This will include ensuring that all HSCP staff are trained in information governance matters and comply with the policies and procedures of the respective employing organisation. In addition, the Chief Officer will seek assurance from Argyll and Bute Council that it has complied with this policy in respect of all ABIJB records.

Appendix 1 List of ABIJB records

The list below is not an exhaustive list of records. It describes the nature of the key records held:

- Scheme of integration
- Standing orders
- Financial regulations
- Register of Interests
- Publication scheme
- Records Management Plan
- Asset Management Strategy
- Review of progress with Integration
- Strategic Plan
- Strategic Commissioning Plan (under development)
- Committee Terms of Reference
- Committee and Board papers and minutes (now all in Modern.Gov)
- Annual Accounts (audited and unaudited)
- Strategic Risk Register, Financial Risk Register and Operational Risk registers
- Employee governance reports
- HSCP workforce plan
- Chief Officer Reports
- Integrated Complaints Procedure
- Integrated Performance monitoring and reporting regime
- Annual Performance Report and quarterly performance exception reports
- Engagement Framework
- Equality and Socio Economic Impact Assessments
- Carers Strategy
- Chief Social Worker Annual Report
- Criminal Justice annual performance reports
- Equalities outcomes and mainstreaming report
- Housing and Health and care needs report
- Children and Young People's annual report and plan
- Alcohol and Drug Partnership annual reports
- Communication Framework
- Media protocol
- Climate change protocol
- Inspection reports
- Visible changes improvement plan
- Primary Care Improvement Plan

These will be included in an Information Asset Register maintained by Argyll and Bute Council which will include details of where the record is held, who the owner is, and the retention period before disposal.