

# GMSS

## Information Governance Communication Strategy

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**Greater Manchester Shared Services**

Hosted by **NHS Oldham CCG**  
on behalf of the Greater Manchester CCGs

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### Document Location

Copies of this document can be obtained from|:

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# INFORMATION GOVERNANCE COMMUNICATION STRATEGY

## 1.0 Strategy Statement

This strategy sets out Greater Manchester Shared Service methods in regards to continuing to communicate with staff / public and patients (where this is applicable) about Information Governance.

This is carried out using a variety of communication channels and this strategy sets out the reasons why this is required and the variety of methods used to target all audiences.

## 2.0 Legislation regarding the processing of personal data

The Data Protection Act (DPA)/General Data Protection Regulation (GDPR) states in Principle 1/Article 5) that personal data shall be processed fairly and lawfully. In practice, this means that the GMSS must be transparent about how we use personal confidential information and provide individuals with appropriate privacy notices when collecting personal and sensitive data.

The DPA/GDPR does not define “fair processing.” However, it does say that unless a relevant exemption applies, personal data will be processed fairly only if certain information is given to the individual. The law gives some discretion in how fair processing information is provided. This ranges from actively communicating to making it readily available.

The written statement that patients or staff are given when information is collected about them is often called a “Fair Processing Notice”, or “Privacy Notices” as the Information Commissioners Office ICO, who regulates the DPA/GDPR, refers to them.

The GMSS have produced a Fair Processing Notice for staff. Where personal information is processed regarding patient /public this is on behalf of GMSS and this information is therefore contained in their privacy notices.

The Fair Processing Notice explains to staff how, why and when we use and share personal confidential data. The notice can also be made available in other formats on request. When deciding whether you should give any other information in the interests of fairness, you have to take into account the nature of the personal data and what the individuals concerned are likely to expect. For example, if you intend to disclose information to another organisation, fairness requires that you tell the individuals concerned unless they are likely to expect such disclosures.

Since the Health and Social Care Act 2012 was enacted on the 1<sup>st</sup> April 2013, the landscape for CCG's and GMSS in regards to processing personal confidential data changed. This act restricts the use of Personal Confidential Data (PCD) for secondary use purposes to the NHS Digital. This means that CCG's and GMSS do not have a legal basis for processing PCD for non-direct care purposes.

Commissioning organisations therefore need to ensure they have a secure legal basis for every specific purpose for which they wish to use identifiable patient data. The default position, where there is no statutory basis to process PCD, is for commissioning organisations to rely on either:

- The consent of the patient to access and use their personal confidential data

- (e.g., through the independent funding requests process);
- Where there are no unique identifiers) or fully pseudonymised data (where individuals can be distinguished only by means of a unique identifier – a pseudonym – that does not reveal their ‘real world’ identity).

Principle 2 of the DPA and Article 5 of GDPR states that personal data shall be obtained for one or more specified and lawful purposes and shall not be further processed in any matter incompatible with this purpose. This principle aims to ensure that GMSS and our partners are open about their reasons for obtaining personal data and that what we do with the information is in line with the reasonable expectations of the patients / staff concerned. GMSS services which process personal confidential data must ensure that if they wish to use or disclose the personal data for any purpose that is in addition to or different than originally specified, then the new use must be informed to the patient and consent obtained.

To achieve this, services provided by the GMSS which process personal confidential data:

- 2.1 Provides fair processing notices within the GMSS and at the request of the staff member and refer patients to GMSS privacy notice
- 2.2 Trains staff to know how to direct information queries to the Information Governance team.
- 2.3 Ensure that staff obtains consent to the proposed uses of their information (this may be implied or explicit dependent upon purpose).
- 2.4 Respects the right of patients (on behalf of GMSS) / staff to have access to their personal records, including health records
- 2.5 Provides contact for staff and patients to access further information.

Please also refer to the Confidentiality: NHS Code of Practice, the NHS Digital Guide to Confidentiality in Health and Social Care and Information Governance Policies and Procedures for further information. These are available under the Publication Scheme on GMSS Internet.

### 3.0 Advice and Guidance

Where a patient / member of the public or member of staff requires assistance on issues relating to Data Protection, the first point of contact is the Information Governance Team, Ellen House, Waddington Road, Oldham on 0161 212 6166 or [gmcsu.ig@nhs.net](mailto:gmcsu.ig@nhs.net). Staff can also contact the Caldicott Guardian for advice and guidance.

### 4.0 Staff Training

Staff training is provided via **NHS Digital Workbooks** which **includes** the mandatory Information Governance **workbook**. This must be undertaken on an annual basis. Additional **IG Training is required depending on your job role**. Please see the IG TNA for further information. Staff can request ad hoc training by contacting the Information Governance Team.

### 5.0 Internal Methods of Communication

The key methods of internal communication are:

- Articles in Staff newsletter (The Bulletin)
- Team Brief
- IG Training and Ad Hoc Training Sessions
- Policies and Procedures – all Information Governance policies and procedures. These are available under the Publication Scheme on GMSS Internet. For copies, please contact the Information Governance Team.
- Fair Processing Notice for staff
- IG Staff Handbook
- Staff Surveys
- Attendance at staff meetings
- One-to-one advice and guidance (Issues Log)

## **6.0 External Methods of Communication**

- Website
- One-to-one advice and guidance
- Dedicated IG presence at GMSS
- Public Surveys (where applicable)

## **7.0 Monitoring and Review**

This strategy will be reviewed on a yearly basis, and in accordance with the following on an as and when required basis:

- legislative changes; good practice guidance; case law;
- significant incidents reported; new vulnerabilities; and
- changes to organisational infrastructure.

## **8.0 Equality Impact Assessment**

GMSS aims to design and implement services, policies and measures that are fair and equitable. As part of its development, this policy and its impact on staff, service users and the public have been reviewed in line with the GMSS Legal Equality Duties. The purpose of the assessment is to improve service delivery by minimising and if possible removing any disproportionate adverse impact on employees, service users and the public on the grounds of race, socially excluded groups, gender, disability, age, sexual orientation or religion/ belief.

The Equality Impact Assessment has been completed and has identified impact or potential impact as “no impact”.

## **9.0 Legislation and related documents**

Legal Acts:

- Data Protection Act;
- General Data Protection Regulation 2018
- Freedom of Information Act 2000;
- Computer Misuse Act (1990);
- Access to Health Records Act 1990;

## 10. Relevant Policies and Procedures

The following policies and procedures should be read in conjunction with this policy:

- Information Governance Policy;
- Records Management Policy;
- Information Risk Policy;
- Freedom of Information Policy;
- Acceptable Use Policy;
- Confidentiality Code of Conduct for Staff;
- Secure Transfers of Information Policy
- Subject Access Procedure

Staff will be made aware of procedural document updates as they occur via team briefs, team meetings and notification via the staff newsletter / briefing and the Bulletin.