



REPORT TO: HEALTH AND SOCIAL CARE INTEGRATION JOINT BOARD –
24 APRIL 2018

REPORT ON: UPDATE ON GENERAL DATA PROTECTION REGULATIONS
PREPARATIONS

REPORT BY: CHIEF FINANCE OFFICER

REPORT NO: DIJB18-2018

1.0 PURPOSE OF REPORT

To inform the Integration Joint Board of planned work in relation to the implementation of the General Data Protection Regulations (GDPR) on 25th May 2018.

2.0 RECOMMENDATIONS

It is recommended that the Integration Joint Board (IJB):

- 2.1 Notes the preparations that are being undertaken by NHS Tayside and Dundee City Council for the implementation of GDPR.
- 2.2 Notes that discussions are ongoing between Data Protection Officers in NHS Tayside and Dundee City Council to identify a Data Protection Officer for the Integration Joint Board.

3.0 FINANCIAL IMPLICATIONS

There are no financial implications related to the preparations for the new GDPR. However, it should be noted that there are significantly increased financial penalties for the breaches of the act. These are substantial – up to £17 million or 4% of global annual turnover.

4.0 MAIN TEXT

4.1 The General Data Protection Regulations

- 4.1.1 The General Data Protection Regulations (GDPR) will replace the current Data Protection Act 1998. The new rules relate to how personal data is handled and processed.
- 4.1.2 Important changes from the Data Protection Act are being introduced. These include:
 - Shorter timescales for reporting breaches of personal data to the data protection regulator.
 - Higher fines can be applied if the rights of individuals have been breached.
 - Timescales to process Subject Access Requests have been reduced to one month, from forty days.
 - Privacy notices must be included on all public facing forms to explain how we process personal data.

4.2 Preparations for GDPR

- 4.2.1 Preparations are ongoing to prepare the workforce as follows:
 - Council staff have been sent links to a comprehensive GDPR Handbook.

- Mandatory e-learning is available for council staff.
- Information Compliance meetings are held regularly with representatives from all Services.
- Information mapping exercises are being carried out to ensure that all the personal data processes undertaken are compliant with GDPR.
- NHS Tayside staff have been made aware of the GDPR on Staffnet (staff intranet).
- The NHS Tayside Data Protection Officer is co-ordinating preparations in NHS Tayside.
- The Integration Joint Board, as a public body, processes a minimal amount of personal data in comparison to NHS Tayside and Dundee City Council.

4.2.2 The IJB will be provided with an update on progress following the implementation of the regulations in May 2018.

5.0 POLICY IMPLICATIONS

This report has been screened for any policy implications in respect of Equality Impact Assessment. There are no major issues

6.0 RISK ASSESSMENT

Risk 1 Description	Preparations to comply with GDPR are not carried out efficiently or completed due to staffing levels.
Risk Category	Governance
Inherent Risk Level	Likelihood (4) x Impact (3) = Risk Scoring (12)
Mitigating Actions (including timescales and resources)	Plans to map information and to carry out preventative actions are being undertaken. High risk areas have been identified and actions taken to ensure information is GDPR compliant.
Residual Risk Level	Likelihood (3) x Impact (3) = Risk Scoring (9)
Planned Risk Level	Likelihood (2) x Impact (3) = Risk Scoring (6)
Approval recommendation	Given the moderate level of planned risk, this risk is deemed to be manageable.

Risk 2 Description	Breaches of information happen after the implementation of GDPR and the Council and NHS Tayside incur significant financial fines.
Risk Category	Financial
Inherent Risk Level	Likelihood (4) x Impact (4) = Risk Scoring (16)
Mitigating Actions (including timescales and resources)	NHS Tayside and Dundee City Council have plans to implement GDPR. As organisations they have significant experience in handling personal data which will help them to minimise data breaches. It is unknown how the Information Commissioner will use their power to apply increased fines.
Residual Risk Level	Likelihood (3) x Impact (4) = Risk Scoring (12)
Planned Risk Level	Likelihood (3) x Impact (3) = Risk Scoring (9)

Approval recommendation	The planned risk is high due to the potential fines that can be imposed by the Information Commissioner. However, due to the mitigating actions it is recommended that the IJB accept the risk.
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7.0 CONSULTATIONS

The Chief Officer and the Clerk were consulted in the preparation of this report.

8.0 DIRECTIONS

The Integration Joint Board requires a mechanism to action its strategic commissioning plans and this is provided for in sections 26 to 28 of the Public Bodies (Joint Working)(Scotland) Act 2014. This mechanism takes the form of binding directions from the Integration Joint Board to one or both of Dundee City Council and NHS Tayside.

Direction Required to Dundee City Council, NHS Tayside or Both	Direction to:	
	1. No Direction Required	✓
	2. Dundee City Council	
	3. NHS Tayside	
	4. Dundee City Council and NHS Tayside	

9.0 BACKGROUND PAPERS

None.

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DATE: 30 March 2018

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