

NHS Informatics Merseyside

Data Protection Officer as a Service

Annual Report

June 2022

to December 2023

Document Number	DPOAASEAR1
Release	V1.0
Author	Andrew Ivers – Deputy Head of Information Governance & Deputy Data Protection Officer (Primary Care)/Helen Kershaw – Information Governance Manager (Primary Care)
Owner	Jeanie Hedley – Head of Information Governance & Data Protection Officer

Contents

Introduction	4
Structure.....	4
Workplan	4
Activity.....	5
Key Achievements.....	6
Ongoing Work	8
Compliments, Comments & Complaints.....	9
Information Governance Incidents	10
Communication & Engagement.....	11
Future Plans.....	11

Background

NHS Informatics Merseyside's Data Protection Officer as a Service (DPOaaS) was established following a successful bid in 2020 to provide DPO resource(s) to support Liverpool GP Practices. Due to the COVID-19 pandemic, in accordance with wider NHS guidance and at the request of Liverpool Clinical Commissioning Group, all new initiatives and schemes were suspended in order to ease the burden on frontline services as much as possible during the pandemic. As the DPO Service partly involved practice visits and reviews it was considered to not be feasible to commence the Service until the pandemic was over or working arrangements went back to normal. The Service was officially launched on 5 May 2022.

The General Data Protection Regulation (GDPR) 2016 introduced a duty for organisations to appoint a Data Protection Officer (DPO) if they are a public authority or body, or if they carry out certain types of processing activities.

Section 5 of the British Medical Association (BMA) document '[Investment and evolution: A five-year framework for GP contract reform to implement the NHS Long Term Plan](#)' sets out a series of items to support 'digital-first' access to GP Practices. This identified a new responsibility for (as was then) Clinical Commissioning Groups (CCGs) to offer a 'Data Protection Officer function' to GP Practices in addition to their existing DPO support services.'

The NHS England/NHS Improvement guidance document, [Securing Excellence in Primary Care \(GP\) Digital Services](#), lists the range of support that CCGs are expected to resource, including both the local support for Data Security and Protection Toolkit (DSPT) compliance and the new 'qualified specialist DPO' function.

Liverpool Clinical Commissioning Group invited NHS Informatics Merseyside to quote for the provision of DPO Resource(s) to support the Liverpool GP Practices.

The service is offered to all Liverpool GP Practices and, as of 31 December 2023, 71 of the 83 have signed up to the Data Protection Officer as a Service.

Following requests from Liverpool Primary Care Networks for Information Governance and DPO provision, the Data Protection Officer as a Service was offered to Liverpool Primary Care Networks in August 2023. As of 31 December 2023, eight of the nine Liverpool Primary Care Networks have signed up to the Data Protection Officer as a Service.

Introduction

This, the first NHS Informatics Merseyside Data Protection Officer as a Service Annual Report, covers 18 months, from June 2022 to the end of December 2023. Future reports will focus on a 12-month period e.g. January to December.

The purpose of this report is to provide NHS Informatics Merseyside's Management, NHS Cheshire & Merseyside Integrated Care Board (ICB), Liverpool GP Practices and Liverpool Primary Care Networks with:

- an update of the development of the NHS Informatics Merseyside Data Protection Officer as a Service during the reporting period,
- a review of activity during the reporting period,
- a review of key achievements during the reporting period, and
- a look forward to the next 12 months within the Data Protection as a Service.

Structure

The Data Protection Officer as a Service Team is led by the Head of Information Governance and Data Protection Officer and comprises of the Deputy Head of Information Governance (Primary Care)/Deputy Data Protection Officer and the Information Governance Manager (Primary Care).

Recruitment to the Team is currently underway and further recruitment is planned for 2024 to ensure that the Service continually meets the demands of its Partner Organisations.

Workplan

Each year the Data Protection Officer as a Service will produce a workplan outlining the work of the Service for the coming year. The workplan will include core business functions/business as usual activities but will also include distinct pieces of work the Service plans to carry out. Contained within the workplan are the tasks/actions, primary responsibility, secondary responsibility and a date or dates when the tasks/actions are to be carried out. The main tasks/actions contained within the workplans covering the reporting period were to:

- recruit into the Data Protection Officer as a Service Team,
- produce Partner Organisation specific service schedules,
- undertake service registration activities for GP Practices,
- undertake service registration activities for Primary Care Networks,
- hold introductory meetings with Liverpool Primary Care Networks,
- hold Liverpool GP Practice Data Protection Forum Meetings,
- launch Data Protection Officer as a Service webpages,

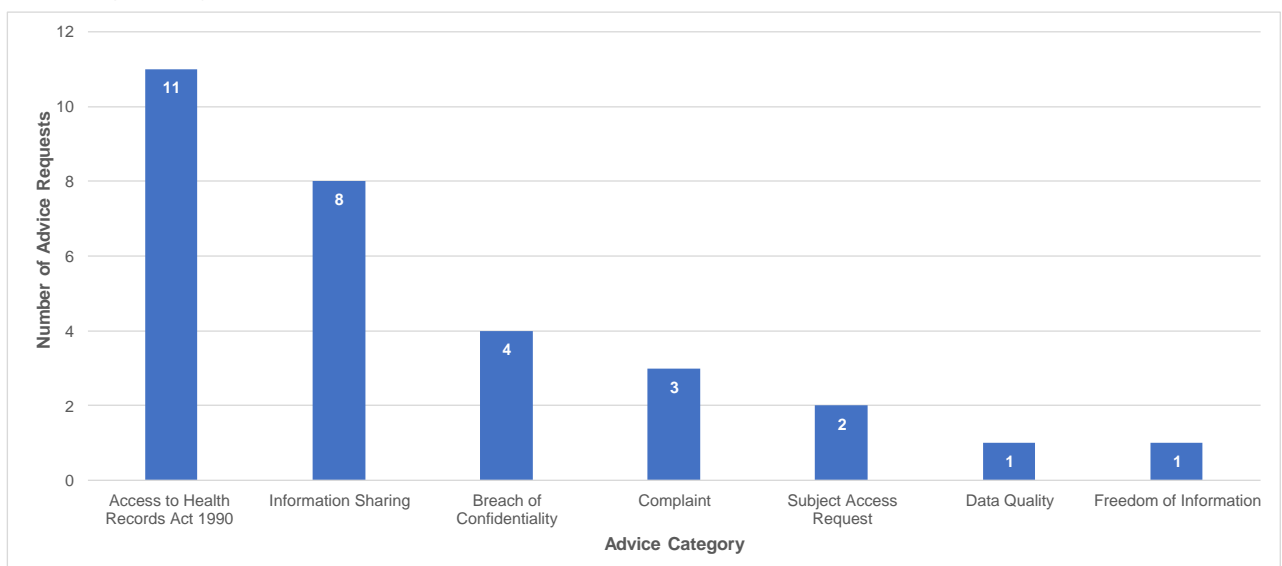
- deal with general information governance queries from Liverpool GP Practices and Liverpool Primary Care Networks,
- provide Data Protection Officer advice to Liverpool GP Practices and Liverpool Primary Care Networks,
- create template documentation,
- create template privacy notices,
- hold Data Security and Protection Toolkit support meetings, and
- undertake Liverpool GP Practice confidentiality audits/site visits.

Activity

In providing its core business functions to its Partner Organisations, the Data Protection Officer as a Service undertook the following activity during the reporting period:

Data Protection Officer Advice

In February 2023, a Data Protection Officer Advice log was created to log all requests made to the Data Protection Officer as a Service by its Partner Organisations for Data Protection Officer specific advice. Thirty entries were recorded in the log, split by the following categories of advice request:



Data Protection Impact Assessments (DPIAs)

During the reporting period approximately 80 DPIAs were received into the Data Protection Officer as a Service and reviewed. The DPIAs were often complex and long.

Data Sharing Agreements/Data Processing Agreements

During the reporting period over 50 Data Sharing Agreements/Data Processing Agreements were received into the Data Protection Officer as a Service and reviewed.

Key Achievements

A number of items were completed during the reporting period.

Recruitment to Data Protection Officer as a Service Team

- The post of Deputy Head of Information Governance (Primary Care)/Deputy Data Protection Officer was successfully recruited to in December 2022.
- The post of Information Governance Manager (Primary Care) was successfully recruited to in August 2023.

Service Schedules

- A Service Schedule for Liverpool GP Practices was drafted during 2023, formatted with the assistance of NHS Informatics Merseyside's Communications Team and published in December 2023.

Liverpool GP Practice Data Protection Forum Meetings

- Six meetings have been held in September 2022, December 2022, March 2023, June 2023, September 2023, and December 2023.

Data Protection Officer as a Service Webpages

- The Data Protection Officer as a Service Team worked with NHS Informatics Merseyside's Communications Team to develop a Data Protection Officer as a Service specific webpage on NHS Informatics Merseyside's public facing website - [NHS Informatics Merseyside - DPOaaS \(imerseyside.nhs.uk\)](https://nhs.uk/informatics-merseyside/dpoaa/). The webpage went live in December 2023.

Template Documentation

- Seven templated policies were devised during 2023 and launched in December 2023:
 - **Access to Records Policy** – a policy to ensure that the GP Practice complies with the provisions of the information access rights under UK GDPR, the Data Protection Act 2018 and Access to Health Records Act 1990
 - **Freedom of Information Policy** – a policy which sets out the Practice's legal obligation to comply with the Environmental Information Regulations 2004 and Freedom of Information Act 2000, in providing

access to the public, service users, staff, journalists and anybody else who wishes to see the Practice's information.

- **CCTV Policy** – a policy to ensure that the Practice's approach to CCTV is clearly laid out.
- **Data Protection Impact Assessment Policy** – a policy to ensure that risks to the rights and privacy of individuals are minimised while allowing the aims of the new/changed processing operations to be met whenever possible.
- **Data Protection Policy** – a policy which set out the Practice's commitment to the confidentiality of personal information, its responsibilities regarding the disclosure of such information and to ensure all staff whether directly employed or contracted are aware of their responsibilities towards the confidentiality of personal information.
- **Information Governance Incident Reporting Policy** – a policy to define the Practice's approach to managing Information Governance related incidents.
- **National Data Opt-Out Policy** – a policy that sets out the way the Practice will comply with the National Data Opt-Out Programme.

The policies are available to all Liverpool GP Practice to adopt and adapt as their own Practice specific policies.

- Twenty one further templates, associated to the seven policies, were devised during 2023 and launched in December 2023. These templates related to the following:
 - **Access to Health Records Act 1990** – letter templates and application forms
 - **Subject Access Request** – letter templates and application forms
 - **Freedom of Information Act 2000** – letter templates

Privacy Notices

- A Staff (Employee) Privacy Notice template was devised during 2023 and launched in December 2023. The Privacy Notice is available to all Liverpool GP Practice to adopt and adapt as their own Practice specific (Employee) Privacy Notice.

Data Security and Protection Toolkit (DSPT) Support Meetings

- Six DSPT Support Meetings were held in June 2022, February, March, April, May and June 2023.

Confidentiality Audits/Site Visits

- Confidentiality Audits/Site Visits documentation created during 2023:

- Information Governance Spot Check Pre-Visit Questionnaire
- Information Governance Spot Check Audit Template
- Information Governance Spot Audit Report Template
- Information Governance Spot Check Timetable Matrix
- Two GP Practice confidentiality audits were carried out:
 - Park View Medical Centre – Due to the Practice closing and vacating the building.
 - Sefton Park Medical Centre – A trial run confidentiality audit was conducted to test out the documentation in advance of a programme of audits planned in 2024.

Liverpool Primary Care Networks

- Eight out of nine Liverpool Primary Care Networks signed up to the Data Protection Officer as a Service

Ongoing Work

The following items were commenced during 2023 and are due for completion in the next reporting year, 2024:

Data Protection Officer as a Service Secure Portal

- The Data Protection Officer as a Service Team commenced work with NHS Informatics Merseyside's Development Team to create a Data Protection Officer as a Service Secure Portal, which Liverpool GP Practices and Liverpool Primary Care Networks can access to obtain, templates, meeting minutes, etc. The Secure Portal is due to go live during February 2024

Template Documentation

- A further four templated policies were commenced during 2023:
 - **Data Quality Policy** – a policy to set out the Practice's approach to data quality.
 - **Data Security Policy** – a policy to establish and maintain the security and confidentiality of information, information systems, applications used by the Practice.
 - **Photography & Video Policy** – a policy to provide Practice staff with a clear framework for taking and using photography and video safely.
 - **Records Management Policy** – a policy to define the Practice's approach to creating and using records.

The Data Protection Officer as a Service aims to launch the templated policies during February 2024.

- Three templated agreement documents were commenced during 2023:
 - **Enhanced Acceptable Usage Agreement** – an agreement which sets out the provisions that Practice System Administrators must adhere to in their enhanced access roles.
 - **Volunteer Confidentiality and Data Protection Agreement** – an agreement which sets out a volunteer's responsibilities for confidentiality and data protection while volunteering with the Practice.
 - **Contract of Employment Terms** - example employee data protection clauses which may be used in employment contracts.

The Data Protection Officer as a Service aims to launch the templated agreements during February 2024.

Privacy Notices

- A **Patient Privacy Notice** template was commenced during 2023. The Data Protection Officer as a Service aims to launch this template during March 2024. Once launched the Patient Privacy Notice will be available to all Liverpool GP Practice to adopt and adapt as their own Practice specific Patient Privacy Notice.
- The Data Protection Officer as a Service Team commenced work during 2023 with NHS Informatics Merseyside's Communication's Team to create a **Children's/Easy Read Privacy Notice**. The Data Protection Officer as a Service aims to launch this template during March 2024. Once launched the Children's/Easy Read Privacy Notice Privacy Notice will be available to all Liverpool GP Practice to adopt and adapt as their own Practice specific Children's/Easy Read Privacy Notice Privacy Notice

Compliments, Comments & Complaints

NHS Informatics Merseyside's Data Protection Officer as a Service is committed in ensuring that the Service provided to its Partner Organisations is always of the highest possible quality. We value the opinions of our Partner Organisations so we can continually make improvements to our Service.

Compliments

A **compliment** can be defined as customer feedback, which tells the Data Protection Officer as a Service that it has provided a service well, or how helpful a member of the Team has been. Below is a selection of anonymised compliments received into the Data Protection Officer as a Service during the reporting period:

“Thank you for your time and advice again today, as always, your expertise is always appreciated.”

“.....so grateful for all of the suggested amendments and corrections that you have made. By far, these two documents have been scrutinised more and most helpfully than anything else for the C&M ICS-wide D&D Programmes.”

“.... thanks for everything you’ve done to help manage this extraordinary case, it really is appreciated.”

“It’s been an absolute pleasure to have worked with you, and certainly the legacy of the Data Protection toolkit meetings is proof of some of the collaboration.....”

Comments

A **comment** can be defined as an idea, suggestion or opinion on how the Data Protection Officer as a Service could improve its services. Below is an example of one suggestion which was received into the Service:

MS Teams Platform for DPO – *“Is it worth establishing this as a resource for sharing across practices folks so that we can access stuff in one place?”*

Complaints

A **complaint** can be defined as dissatisfaction with the service provided by the Data Protection as a Service. The Data Protection Officer as a Service did not receive any complaints during the reporting period.

Information Governance Incidents

All information governance related incidents within Liverpool GP Practices and Liverpool Primary Care Networks are logged and managed via their local incident reporting procedures, however the Data Protection Officer as a Service will:

- Provide templates for breach reporting
- Provide advice and guidance on incident reporting procedures
- Advise of reporting thresholds of individual incidents
- On behalf of Liverpool GP Practices and Liverpool Primary Care Networks, co-operate with the Information Commissioner’s Office in any matters relating to data protection compliance and in relation to breach notifications

Communication & Engagement

Being visible to and accessible by our Partner Organisations is important. The Data Protection Officer as a Service will always be a “friendly”, “supportive” and “personal service.” The Service will undertake activities to ensure that Partner Organisations are always able to identify the individuals the Service is being delivered by. The Data Protection Officer as a Service recognises the significance of effective communication and engagement in achieving this and building working relationships.

During the reporting period the Data Protection Officer as a Service Team visited eight Liverpool GP Practices and three Liverpool Primary Care Networks.

As well as conducting face-to-face visits to Liverpool GP Practices and Liverpool Primary Care Networks, the Data Protection Officer as a Service Team also:

- sent individual GP Practice and Primary Care Network emails,
- sent group GP Practice and Primary Care Network emails,
- conducted individual MS Teams calls with GP Practices and Primary Care Network,
- held 1-1 drop-in MS Teams calls with GP Practices, and
- held various group MS Teams based forums or meetings with GP Practices.

During 2024 the Data Protection Officer as a Service will look at new ways to communicate and engage with GP Practices and Primary Care Networks. This will include the use of Microsoft Sway to create visually striking newsletters.

Future Plans

In addition to work mentioned elsewhere within this report, some specific plans the Data Protection Officer as a Service has for 2024 are:

New Business

The Service will continue to explore any opportunities to work with new Partner Organisations.

Confidentiality Audits/Site Visits

Following on from the trial run confidentiality audit carried out at Sefton Park Medical Centre during December 2023, a full programme of confidentiality audits for Liverpool GP Practices and Liverpool Primary Care Networks will commence in February 2024. The Data Protection Officer as a Service will undertake approximately six to seven confidentiality audits per month.

Training

During 2024, the Data Protection Officer as a Service will look to run specific workshops/training sessions to support:

- Specific template policy or procedure launches
- Practice staff undertaking specialist information governance roles such as Caldicott Guardian, Senior Information Risk Owner (SIRO), etc.

Primary Care Network Template Documentation

As undertaken during 2023 for Liverpool GP Practices, to support Liverpool Primary Care Networks the Data Protection Officer as a Service will develop template documents such as policies and agreements for adaptation and adoption.