

NHS Informatics Merseyside

Data Protection Officer as a Service

Annual Report (January 2024 to December 2024)

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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 not considered to 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 a '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 2024, 79 of the 83 have signed up to the Data Protection Officer as a Service. This is an increase of 10% from the last reporting period due to the sign up of Bousfield Surgery (N82077), Bousfield Health Centre (N82078), Gillmoss Medical Centre (N82087), GP Practice Riverside (N82091), Sandringham Medical Centre (N82641), Dr Jude's Riverside and Picton Practice (N82646), Stanley Medical Centre (N82651) and Fir Tree Medical Centre (N82676).

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 2024, seven of the eight Liverpool Primary Care Networks have signed up to the Data Protection Officer as a Service.

Introduction

This, the second NHS Informatics Merseyside Data Protection Officer as a Service Annual Report, covers 12 months, from 1 January 2024 to 31 December 2024.

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 2025 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,
- undertake service registration activities for GP Practices,
- undertake service registration activities for Primary Care Networks,
- hold Liverpool GP Practice Data Protection Forum Meetings,
- launch Data Protection Officer as a Service secure website,
- 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

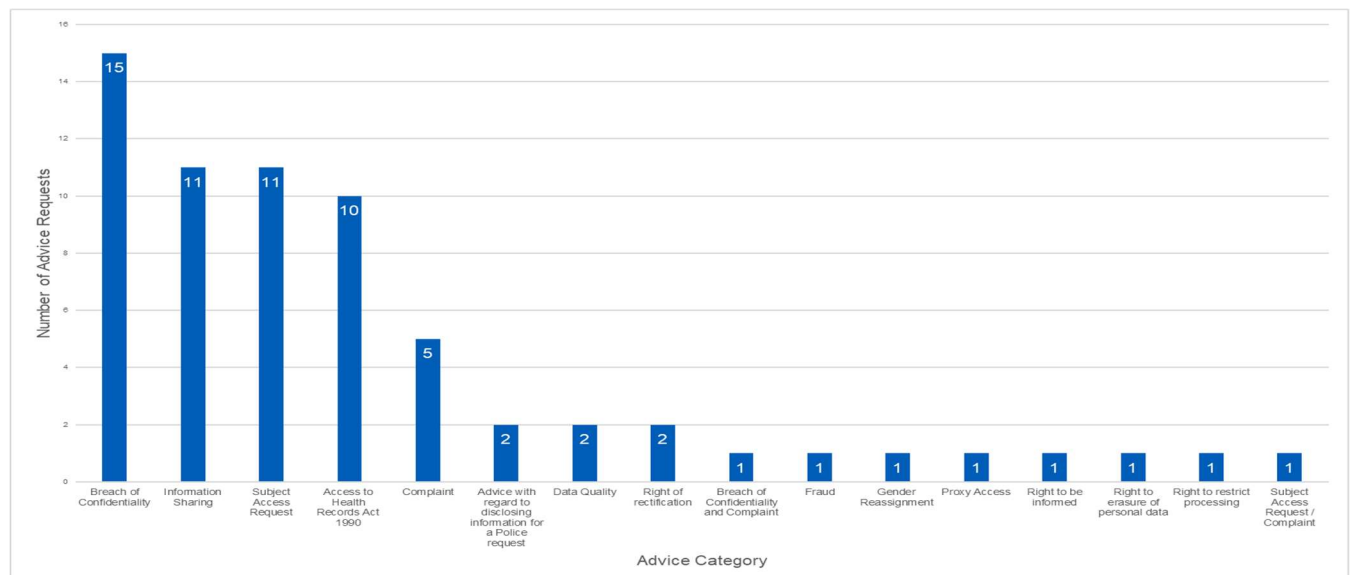
In providing its core business functions to its Partner Organisations, the Data Protection Officer as a Service undertook the following activity during the reporting period:

Data Protection Officer Advice

A Data Protection Officer Advice log records all requests made to the Data Protection Officer as a Service by its Partner Organisations for Data Protection Officer specific advice.

Liverpool GP Practices

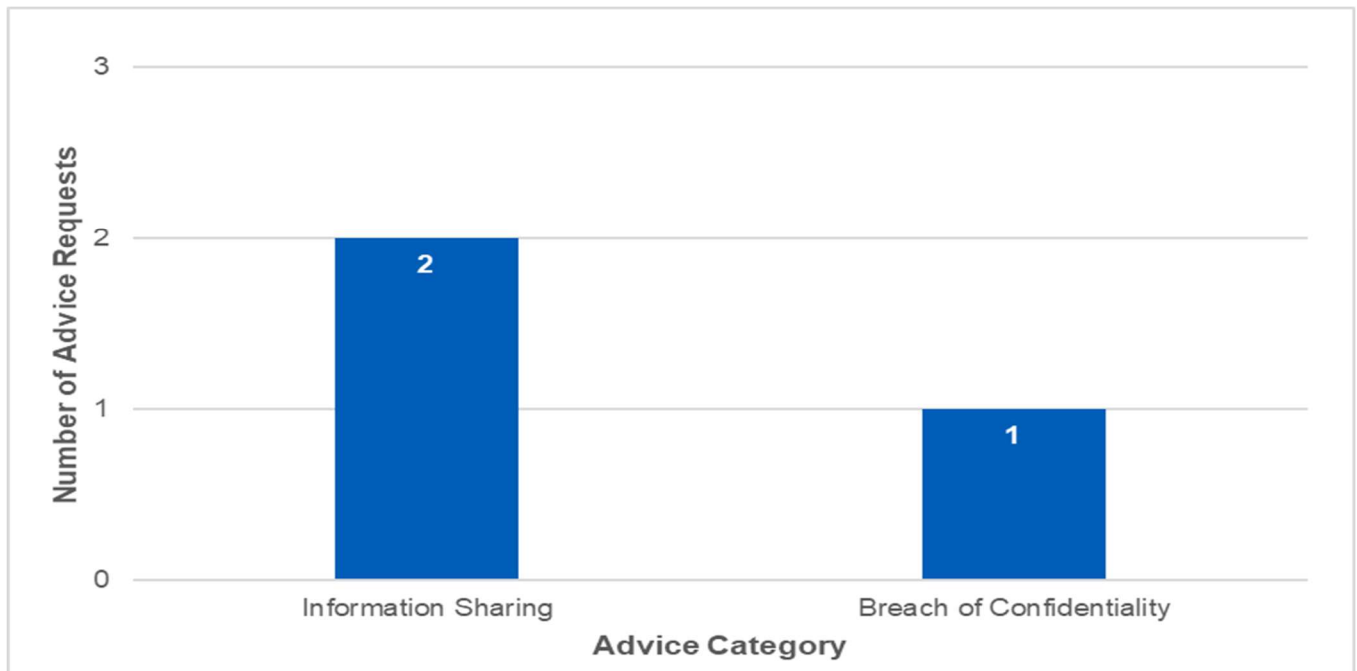
Sixty-six entries were recorded in the log, split by the following categories of advice request



The amount of Data Protection Officer advice queries received has increased by **54.5%** compared to the same period last year.

Liverpool PCNs

Three entries were recorded in the log, split by the following categories of advice request.



Data Protection Impact Assessments (DPIAs)

During the reporting period approximately 46 DPIAs were received into the Data Protection Officer as a Service with over 100 reviews being completed. The DPIAs were often complex and long.

Data Sharing Agreements/Data Processing Agreements

During the reporting period over 40 Data Sharing Agreements/Data Processing Agreements were received into the Data Protection Officer as a Service with over 70 reviews completed.

Key Achievements

A number of items were completed during the reporting period.

Data Protection Officer as a Service Secure Portal

The Data Protection Officer as a Service Team worked with NHS Informatics Merseyside's Development Team to create a Data Protection Officer as a Service Secure Portal - <https://imdpo.imerseyside.nhs.uk>, which Liverpool GP Practices and Liverpool Primary Care Networks can access to obtain, templates, meeting minutes, etc. The Secure Portal went live in June 2024 and a full launch took place to Liverpool GP Practice Managers and designated deputies during July 2024. As of 31 December 2024, 102 Secure Portal accounts have been issued to Liverpool GP Practices. The sections of the Secure Portal that are live are:

- Documents and Templates
- Data Security and Protection Toolkit

- **Information Governance Guidance**
- **Liverpool GPs Data Protection Forum**
- **FAQs**

The final section of the Secure Portal to go live will be **Projects and Programmes of Work**. This section of the Secure Portal will contain Data Protection Impact Assessments, Data Sharing Agreements and associated documents. The section will go live during the first half of 2025.

Liverpool GP Practice Data Protection Forum Meetings

Four meetings have been held in March 2024, June 2024, September 2024, and December 2024.

Liverpool GP Practice Template Documentation

Two templated policies were devised and launched during the reporting period:

- **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.

Three templated agreement documents were devised and launched during the reporting period:

- **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.

A further eight miscellaneous templates were devised and launched during the reporting period:

- **Information Asset Register Template** – a template to enable the Practice to log its Information Assets and associated information.
- **Supplier List Template** – a template to enable the Practice to keep track of its suppliers and record essential information about each supplier.
- **Information Governance Incident Reporting Log** – a data breach reporting template that enables the Practice to log all its data breaches, monitor for trends and keep track of follow up actions.
- **Information Governance Spot Check Audit – GP Practice Template** – a template that assist Practices conduct their own Practice walkaround audits.

- **Example Information Governance Items - Leavers Checklist** – example information governance items that a Practice can incorporate into its Leavers Checklist.
- **Example Information Governance Items - Starters Checklist** – example information governance items that a Practice can incorporate into its Starters Checklist.
- **Example Information Governance Items - Role Change Checklist** – example information governance items that a Practice can incorporate into its Role Change Checklist.
- **Caldicott Decisions Log Template** – a template to assist Practices track decisions made by their Caldicott Guardian.

These templates, along with all previously published templates, are available via the Secure Portal. They are available to all Liverpool GP Practice to adopt and adapt as their own Practice specific documents.

Liverpool GP Practice Data Security and Protection Toolkit (DSPT) Support

- Four DSPT Support Meetings, for Liverpool GP Practices, were held in February, April, May, and June 2024.
- Enabling all Liverpool GP Practices to have submitted a “Standards Met” 2023/2024 DSPT.

Liverpool GP Practice Confidentiality Audits/Site Visits

During the reporting period 99% of Liverpool GP Practices registered with the Data Protection Officer as a Service received a year 1 confidentiality audit. Eighty-one confidentiality audits were conducted, consisting of eighty GP Practice site audits across seventy-eight individual GP Practice audits and one GP Practice re-audit. One Practice declined the offer of a confidentiality audit. The audit process consisted of the following steps:

1. Publication of available audit dates to Practices,
2. Date and time arranged with Practice,
3. Pre-visit questionnaire issued 2 weeks prior to visit date for return in advance of visit,
4. Attend Practice,
5. Discuss pre-visit questionnaire,
6. Conduct internal walkaround of Practice premises and external perimeter of Practice,
7. Provide verbal feedback on site,
8. Issue report within 2 weeks of visit.

A separate Year 1 Confidentiality Audit Report has been published.

Training

The Data Protection Officer as a Service provided bespoke Information Governance Incident Management training to a Liverpool GP Practice within the reporting period.

Liverpool Primary Care Networks Events

The Data Protection Officer as a Service was invited to take part in break-out room workshops at North Liverpool Primary Care Network's Workforce Event held on 26 and 27 June at Aintree Racecourse.

Ongoing Work

The following items were commenced during 2024 and are due for completion in the next reporting year, 2025:

Liverpool GP Practice Template Documentation

Two templated policies are underway:

- **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.

Liverpool GP Practice Privacy Notices

- A **Patient Privacy Notice** was due for launch during 2024, however following feedback from the Liverpool Place Caldicott Guardian in relation to the Research and Opt-Out/Objects sections, the launch was paused. The Data Protection Officer as a Service have worked with the Liverpool Place Caldicott Guardian to review and revise these sections. We will aim to launch this template during the early part of 2025.
- A **Children's/Easy Read Privacy Notice** was also due for launch during 2024, however, due to the interdependency on the **Patient Privacy Notice** this launch was also paused too. We will also aim to launch this template during the early part of 2025.

Liverpool Primary Care Network Template Documentation

Eight templated policies were commenced during 2024:

- **Access to Records Policy** – a policy to ensure that the PCN complies with the provisions of the information access rights under UK GDPR, the Data Protection Act 2018 and Access to Health Records Act 1990.
- **CCTV Policy** – a policy to ensure that the PCN'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 PCN’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.
- **Data Quality Policy** – a policy to set out the PCN’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 PCN.
- **Information Governance Incident Reporting Policy** – a policy to define the PCN’s approach to managing Information Governance related incidents.
- **National Data Opt-Out Policy** - a policy that sets out the way the PCN will comply with the National Data Opt-Out Programme.

Three templated agreement documents were commenced during 2024:

- **Enhanced Acceptable Usage Agreement** – an agreement which sets out the provisions that PCN 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 within PCNs.
- **Contract of Employment Terms** - example employee data protection clauses which may be used in employment contracts.

Two log templated logs were commenced during 2024:

- **Information Asset Register** - a template to enable the PCN to log its Information Assets and associated information.
- **Information Governance Incident Reporting Log** - a data breach reporting template that enables the PCN to log all its data breaches, monitor for trends and keep track of follow up actions.

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:

“The DPST toolkit sessions are brilliant, especially leading up to the submission date. The information, advice, and templates are invaluable. I found myself submitting a few days early this year, whereas normally it would be right up to the deadline. I also use the DPO service for things that I may know but I just want that reassurance myself that I’m doing the right thing, especially if we have an unusual access request or even just the day to day stuff.”

“.....thanks for the chat, I feel more confident dealing with this issue now.”

“.....CQC fed back to the Practice that they were impressed with the work done to support the toolkit and the documentation provided to the Practice for DSPT requirements.”

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. The Data Protection Officer as a Service did not receive any comments during the reporting period.

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 seventy-eight individual Liverpool GP Practices and one Liverpool Primary Care Network.

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 2025 the Data Protection Officer as a Service will continue to look at new ways to communicate and engage with GP Practices and Primary Care Networks.

Future Plans

In addition to work mentioned elsewhere within this report, some specific plans the Data Protection Officer as a Service has for 2025 are:

New Business

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

Liverpool GP Practice Year 2 Confidentiality Audits

Following on from the Year 1 programme of confidentiality audits carried out in the reporting period, during 2025 a year 2 confidentiality audit will be developed and a programme of confidentiality audits carried out within Liverpool GP Practices. The Year 2 confidentiality audit will look to dive deeper into a select number of areas from the Year 1 confidentiality audits. This approach will give Practices a further level of assurance in relation to their data protection compliance. The Data Protection Officer as a Service will aim to commence the Year 2 confidentiality audits end of beginning of April and will undertake approximately eight to nine confidentiality audits per month.

Training

During 2025, the Data Protection Officer as a Service will look to run specific workshops/training sessions to support:

- Specific areas identified through the Year 1 confidentiality audits,
- 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 Data Security and Protection Toolkit (DSPT) Support Meetings

In the same manner as Liverpool GP Practices, the Data Protection Officer as a Service will conduct a series of Data Security and Protection Toolkit (DSPT) support sessions to assist PCNs in completing their DSPT submissions. The DSPT requirements for PCNs differ from those for GP Practices.

Primary Care Network Template Documentation

Further template documentation will be developed to support Liverpool Primary Care Networks.