

20 August 2018

Our Ref: RFI 24339

Dear

**Freedom of Information Act 2000
Information in relation to data protection policies and procedures**

I am writing to confirm that the South Eastern Health & Social Care Trust (the Trust) has now completed its search for information relating to the above which you requested on 23 July 2018.

A response to each of the questions raised has been provided by the HR & Corporate Affairs Directorate and is attached in Appendix A.

If you are unhappy as to how this request has been handled, you have the right to seek a review within the Trust in the first instance. You should write to the Information Governance Department, Lough House, Ards Community Hospital (informationgovernance@setrust.hscni.net) within two months of the date of this response and your complaint will be considered and a response provided, within 20 working days of receipt.

If, after receiving a response, you remain unhappy, you can refer your complaint to the Information Commissioner at The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. It is important to note that if you refer any matter to the Information Commissioner, you will need to show evidence of having gone through the Trust's internal review procedure to try to resolve the matter with the Trust in the first instance.

If you have any queries about this letter, please do not hesitate to contact me. Please remember to quote the reference number above in any future communications.

Yours sincerely

Victoria Smith
Information Governance Assistant

I am writing to you to request the following information from the South Easter Health and Social Care Trust under the FOI Act 2000;

Q1. Copies of any Data Protection policies and/or procedures used by the Trust, including any policies and/or procedures used to protect an individual's confidentiality and data once they have died. Are Trust staff expected to adhere to any such policies and procedures?

A1. Yes, Trust staff are expected to adhere to Trust policy and procedures and related Best Practice of College Guidance, information guidance from the Information Commissioners Office and regulatory guidance.

Please find attached copies of the following:

- Document 1 - *Data Protection Policy Statement (SET/Gen (146) 2016)*
- Document 2 - *Code of Practice on Protecting the Confidentiality of Service User Information (SET/Gen (145) 2016)*
- Document 3 - *Department of Health Code of Practice on Protecting the Confidentiality of Service User Information*
- Document 4 - *Information Commissioners Officer (ICO) Subject Access Code of Practice*
- Document 5 - *Subject Access Request form (SETV2 30 April 2018)*

The Department of Health Code of Practice on Protecting the Confidentiality of Service User Information (Document 3) makes specific reference to "*Maintaining the confidentiality of information after a service user's death*" on pages 18-19.

I would also draw your attention to section E of Subject Access Request form (Document 5) - *Requesting Access to the Records of a Deceased Person*.

Q2. Copies of any policies and/or procedures used by the Trust to store, manage and transport patient/client files and records (including electronic files/records) between Trust premises. Are Trust staff expected to adhere to any such policies and procedures?

A2. Yes, Trust staff are expected to adhere to Trust policy and procedures and related Best Practice of College Guidance, information guidance from the Information Commissioners Office and regulatory guidance.

Please find attached copies of the following:

- Document 6 – *Records Management Policy (SET/Gen (108) 2014)*
- Document 7 – *Records Management Protocol (SET/Prot (33) 2014)*
- Document 8 – *Transferring Personal Information Policy & Procedures (SET/Gen (107) 2014)*

- Document 9 – ICT Security Policy (SET/Gen (115) 2015)
- Document 10 – ICT Email Management Policy (SET/Gen (12) 2018)
- Document 11 – Trust Email Encryption Guide

Q3. Do the Trust inform or seek consent from patients/clients when they need to access their personal information for internal Trust procedures, e.g. investigations? Are the Trust not obliged to do this under data protection legislation?

A3. This will be dependent on the individual particular circumstances and the reason and purpose why the records and level of personal data has been requested. The Trust will assess such a request on a case by case basis in accordance with Trust policies and procedures.

Q4. Taking into account The Access to Health Records (Northern Ireland) Order 1993, in what circumstances do Trust staff have right of access to patient/client files once they have died?

A4. Trust staff would have right of access to deceased patient/client files where there is a justifiable and lawful basis. Please refer to documents 2 and 3 attached.