

**Data Protection Act 1998  
Undertaking follow-up**

**South West Ambulance Trust  
ICO Reference: ENF0520244**

In February 2015 the Information Commissioner's Office (ICO) conducted a follow-up assessment of the actions taken by, South West Ambulance Trust (the Trust) in relation to the undertaking it signed on 1 August 2014.

The objective of the follow-up is to provide the ICO with a level of assurance that the agreed undertaking requirements have been appropriately implemented. We believe that appropriate implementation of the undertaking requirements will mitigate the identified risks and support compliance with the Data Protection Act 1998.

The follow-up assessment consisted of a desk based review of the documentary evidence the Trust supplied to demonstrate the action it had taken in respect of the following undertaking requirements:

- (1) The data controller shall undertake and document a Privacy Impact Assessment in respect of any data sharing with the CCG and any other organisation. This will include consideration of the necessary legal basis for the provision of personal data and minimise the amount of data, in accordance with the purpose for its processing;**
- (2) The data controller shall ensure that appropriate information sharing agreements are in place and will maintain a register of agreements which it will keep under review;**
- (3) The data controller shall amend their notification to the Commissioner where necessary so that it covers this form of processing and provide a privacy notice to reflect this exchange;**

**(4) All staff shall undertake mandatory data protection training upon commencement of their employment; Completion of such training shall be recorded and monitored to ensure compliance;**

**(5) The data controller shall set up a refresher programme to ensure that data protection training shall be updated at regular intervals;**

**(6) The data controller shall implement such other security measures as it deems appropriate to ensure that personal data is protected against unauthorised and unlawful processing, accidental loss, destruction, and/or damage.**

This evidence provided included the following:

- Mandatory Training Workbook (2014-2016)
- Training Compliance Report (Mandatory Training)
- Specialist Training Report
- IG Toolkit Report
- Evidence of Privacy Impact Assessments (PIAs)
- DP Registration
- Evidence of Information Sharing Agreements
- Patient and Personal Information Leaflet

The review demonstrated that the Trust has taken steps and put plans in place to address the requirements of the undertaking to mitigate the risks highlighted.

In particular the Trust confirmed that it has taken the following steps:

1) PIA's are completed in any new circumstances where they are deemed appropriate e.g.

- Introduction of new Information Assets
- Information Sharing Agreements

The Trust has removed any patient identifiable data from CCG contractual information relating to A&E services. They have one CCG who commissions patient transfer services from the Trust that receives patient identifiable information as part of the contractual arrangements in place. The Trust is also in the process of drafting information sharing agreements with CCGs in two areas.

- To improve patient care through enhanced provision by reviewing the DOS (Directory of Services) currently offered.
- The management of Frequent Callers.

2) Information Sharing Agreements that are in place are listed on the intranet and evidence was provided to demonstrate this.

3) The Trust's Data Protection Registration identifies that they may share information with Healthcare Professionals. The Trust also has a Patient & Personal Information leaflet which states 'other professionals involved in your care may ask us for information about your use of our services'

4) All new staff are now issued with a Mandatory Training Workbook on commencement of employment. The IG section details that IG Mandatory training needs to be completed within one month of starting and directs them to the intranet where the online IG training can be accessed.

5) All staff complete Mandatory IG Training on an annual basis and specialist IG Training is completed by some staff dependant on their role.

6) The Confidentiality & Data Protection Assurance and Information Security Assurance section of the Trust's IG Toolkit submission provides detailed information and evidence in this area.

While the Commissioner is satisfied that steps have been taken to address the requirements of the undertaking, there are still concerns about the training completion figures provided during the course of the desk based review. The Trust should strive to ensure a training completion figure of at least 95% of all staff to enable the Trust to have a good level of assurance that training is being completed appropriately and in a timely manner.

Date Issued: 5 March 2015

***The matters arising in this report are only those that came to our attention during the course of the follow up and are not necessarily a comprehensive statement of all the areas requiring improvement. The responsibility for ensuring that there are adequate risk management, governance and internal control arrangements in place rests with the management of South West Ambulance Trust. We take all reasonable care to ensure that our Undertaking follow up report is fair and accurate but cannot accept any liability to any person or organisation, including any third party, for any loss or damage suffered or costs incurred by it arising out of, or in connection with, the use of this report, however such loss or damage is caused. We cannot accept liability for loss occasioned to any person or organisation, including any third party, acting or refraining from acting as a result of any information contained in this report.***