



Meeting of East Renfrewshire Health and Social Care Partnership	Integration Joint Board
Held on	30 January 2019
Agenda Item	11
Title	General Data Protection Regulations (GDPR)
<p>Summary</p> <p>To provide the Integration Joint Board (IJB) with an overview of the changes and implications arising from the new Data Protection laws and to present an IJB Privacy Notice which details how personal data belonging to IJB members is used.</p>	
Presented by	Stuart McMinigal, Business Support Manager
<p>Action Required</p> <p>The Integration Joint Board is asked to:</p> <ul style="list-style-type: none"> - Note and comment on the content of the report - Approve the Privacy Notice as attached at appendix 1 - Agree East Renfrewshire Council's Data Protection Officer is appointed as the Data Protection Officer for the IJB 	
<p>Implications checklist – check box if applicable and include detail in report</p> <p> <input checked="" type="checkbox"/> Finance / Efficiency <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Legal <input type="checkbox"/> Equalities <input checked="" type="checkbox"/> Risk <input type="checkbox"/> Staffing <input type="checkbox"/> Property/Capital <input type="checkbox"/> IT </p>	

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EAST RENFREWSHIRE INTEGRATION JOINT BOARD

30 January 2019

Report by Julie Murray, Chief Officer

GENERAL DATA PROTECTION REGULATIONS (GDPR)

PURPOSE OF REPORT

1. The aim of this report is to provide the Integration Joint Board (IJB) with an overview of the changes and implications arising from the new Data Protection laws and to present the Board with an IJB Privacy Notice which details how personal data belonging to the IJB is managed.

RECOMMENDATION

2. It is recommended that the Integration Joint Board:
 - Note and comment on the content of the report
 - Approve the Privacy Notice as attached at Appendix 1
 - Agree East Renfrewshire Council's Data Protection Officer is appointed as the Data Protection Officer for the IJB

BACKGROUND

3. IJB members will be aware that from 25 May 2018 the Data Protection Act 1998 was replaced by new legislation in the form of General Data Protection Regulation (GDPR) and the Data Protection Act 2018.
4. The IJB has information governance responsibilities (separate to those of the Council and NHS Greater Glasgow & Clyde). Predominately, the information collected and utilised by the IJB is statistical and anonymised data. The IJB does however process Joint Board members' personal information in relation to IJB business only, and as such is a Data Controller in terms of the new legislation.

REPORT

5. Data Protection Laws changed on 25 May 2018 when the EU General Data Protection Regulation (GDPR) and the Data Protection Act 2018 came into force.
6. The legislation introduced new rules on how personal data is collected and processed to ensure individuals have greater control and privacy rights over their information. It shortens timescales for certain processes and significantly increases penalties for failure to comply.
7. Formal notifications of the nature of, reasons for and parties involved in data processing and data sharing are mandatory. These are referred to as privacy notices. A copy of the proposed IJB privacy notice is attached (Appendix 1).
8. As the IJB is a data controller it is subject to these regulations, however in practice the IJB handles minimal personal information and therefore the impact on the IJB specifically is anticipated to be limited.

9. As the IJB is a public body, there is a requirement to appoint a Data Protection Officer to monitor internal compliance, inform and advise on data protection obligations and act as a contact point for data subjects and the supervisory authority, the Information Commissioner's Office (ICO). A single Data Protection Officer can be appointed across several organisations and should be an expert in the field and adequately resourced. Given the small amount of personal data processed by the IJB and the fact that any such data is likely to be held on East Renfrewshire Council systems, it is proposed that we utilise East Renfrewshire Council's Data Protection Officer for this purpose.

FINANCE AND EFFICIENCY

10. Failure to comply with GDPR requirements could lead to significant financial penalties.

CONSULTATION AND PARTNERSHIP WORKING

11. East Renfrewshire Council's Chief Legal Officer and NHS GGC Information Governance Manager / Data Protection Officer have both been consulted.

IMPLICATIONS OF THE PROPOSALS

Legal

12. Approval and adoption of the proposals will ensure compliance with the IJB's legislative obligations under the new Data Protection regime and will protect the IJB from financial penalties or claims for damages for breach of those obligations.

Risk

13. Failure to comply with GDPR requirements could lead to significant financial penalties.
14. There are no policy, staffing, property/capital, IT or equalities implications.

CONCLUSIONS

18. Implementation of the proposals set out in the report above will ensure compliance with GDPR requirements.

RECOMMENDATION

- 19 It is recommended that the Integration Joint Board:
- Note and comment on the content of the report
 - Approve the Privacy Notice as attached at appendix 1
 - Agree East Renfrewshire Council's Data Protection Officer is appointed as the Data Protection Officer for the IJB

REPORT AUTHOR AND PERSON TO CONTACT

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BACKGROUND PAPERS

Guide to the General Data Protection Regulation – UK Information Commissioner
<https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/>

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PRIVACY NOTICE RELATED TO IJB MEMBERS – NON EMPLOYEES

The East Renfrewshire Integration Joint Board (IJB) is responsible for the planning and delivery of health and social care services within East Renfrewshire. The IJB works with its constituent bodies, NHS Greater Glasgow & Clyde and East Renfrewshire Council to improve outcomes for patients, services users, carers and their families.

The Integration Joint Board has information governance responsibilities (separate to those of the Council and NHSGGC) in relation to its delegated functions which, insofar as that information constitutes personal data, require consideration of, and compliance with, the Data Protection Act 2018 and GDPR.

Our purposes for using personal information

We process personal information to enable us to administer the Board.

Most of the information which the IJB collects and uses is statistical or anonymised data but we do hold personal contact details for board members to aid communication, call meetings and issue relevant board documentation.

The East Renfrewshire IJB uses Joint Board Member personal information for contact purposes related to the IJB business only. We will not use the personal information you provide us with for marketing or any other purpose.

Our legal basis for using personal information

In terms of the Public Bodies (Joint Working)(Scotland) Act 2014, East Renfrewshire Council and NHS Greater Glasgow and Clyde set out, by agreement, the integration of certain health and social care functions and delegated these functions to the Integration Joint Board.

East Renfrewshire IJB is a data controller in respect of any personal data it processes in fulfilling this role and is required to have a lawful basis on which to process such personal information. The lawful basis for using personal information is to perform the tasks of the IJB in the public interest and as set out in law.

Retention period of the information we hold

The Integration Joint Board will hold your information in accordance with East Renfrewshire Council file retention policy.

Your information will be destroyed under confidential conditions after its file retention date. For more information on file retentions please see

<https://www.eastrenfrewshire.gov.uk/retention-schedule>

Your rights

You have the right to:

Be informed of the use of your information by the IJB

This notice is intended to give you relevant information to meet this right.

Access your information and if necessary, have it corrected

Under the Data Protection Act 2018 and General Data Protection Regulation (GDPR), you can make a formal request (known as a [Subject Access Request](#)) for the following information:

- clarification that your personal data is being processed by the East Renfrewshire Integration Joint Board
- a description and copies of such personal data
- the reasons why such data is being processed
- details of to whom it is or may be disclosed

Request rectification of your personal data

You have the right to request that the IJB corrects any personal data held about you that is inaccurate.

Request that the IJB restricts processing of your personal data

You have the right to request that the IJB restricts the processing of your data if you think the personal data is inaccurate, the processing is unlawful, the IJB no longer need the personal data but you may need it for a legal purpose or you object to the IJB processing for the performance of a public interest task.

The right to have your personal data erased

You have the right to request your data is erased if the personal data is no longer necessary for the purpose which it was originally collected or processed for.

To object to the processing of your data

You have the right to object to the IJB using your personal data. The IJB will have to demonstrate why it is appropriate to continue to use your data.

Complaints

If you have an issue with the way the IJB handles your information or wish to exercise any of the above rights in respect of your information you can contact the East Renfrewshire Council Data Protection Officer by post at:

The Data Protection Officer

East Renfrewshire Council

Council Headquarters

Eastwood Park

Giffnock

G46 6UG

Or by email at DPO@eastrenfrewshire.gov.uk

You have the right to complain directly to the Information Commissioner's office (ICO). The address of their head office is:

Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5EF

Telephone : 0303 123 1113

Alternatively, you can report a concern via their website at www.ico.org.uk

The ICO also have a regional office at 45 Melville Street, Edinburgh EH3 7HI

Telephone: 0303 123 1115

e-mail: scotland@ico.org.uk

While you can go directly to the ICO, the IJB would welcome an opportunity to address any issues you have in the first instance.

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