

Date: 16 November 2021
Our reference: N/21/3390

Dear Requestor

RE: Freedom of Information Request

With reference to your request for information I can confirm in accordance with Section 1 (1) of the Freedom of Information Act 2000 that we do hold the information that you have requested. A response to each part of your request is below.

In the request you asked:

1. How many Data Protection breaches occurred in relation to Continuing Healthcare (CHC) Patient Data from the period 1st January 2020 - 30th September 2021?

The CCG records show there were four CHC reported information incidents reported between 1 January 2020 – 30 September 2021.

2. For each incident, please confirm the month and year it occurred, provide a summary of what happened, the amount of patient data involved, actions taken to manage the incident, any further action taken post incident and whether the breach was reported to the Information Commissioner's Office and/or the patient affected.

CCG records show:

Month/Year	Incident Summary	Amount of Data	Actions Taken	Reported to patient affected	Reported to the ICO
September 2020	Email sent in error to the operational CHC team commissioned by the CCG	Several patients care and support plans which included financial breakdown of packages	Information successfully recalled. Work undertaken with the CCG representative to address the human error	Not recorded	No – As per Local Guidelines
September 2020	Disproportionate detail regarding a specific patient was shared with CCG CHC panel	Information included was not relevant for sharing with the panel member and although this did not	Patient raised a complaint Information recalled	Patient already aware as incident raised	No – As per Local Guidelines

	members and patient	have an impact on decision-making for the panel it was disproportionate	Complaint was investigated and identified that checks were not completed prior to sharing with panel members and therefore excessive data about the patient provided by the provider were included within the panel information pack	from patient complaint	
March 2021	CCG CHC panel agenda shared with Local Authority representatives of the panel containing information about an out of area commissioned resident	Involved one patient care and support package detail	Information recalled	Decision made to not inform patient	No – As per Local Guidelines
March 2021	Email sent in error with patient identifiable data regarding a referral to a care agency	One Patient	Information recalled	Decision made to not inform patient	No – As per Local Guidelines

As per standard process when an incident is raised, training and processes are checked for all instances and training offered if applicable and processes revised/adjusted where relevant.

3. Please send me a copy of your Data Protection Breach Policy/Procedure.

Please see attached document.

4. Please confirm whether you provide the CHC service directly or it is provided by a third-party provider such as a CSU?

The CCG's CHC assessment and review service is delivered by two teams; one covers the Greater Nottinghamshire locality and is delivered by City Care, a social enterprise organisation, and the other covers Mid-Nottinghamshire which is delivered by an in-house Team.

5. Please provide any guidance issued to staff regarding the reporting of data protection breaches since 1st January 2020.

All staff have been advised about the updated Incident Reporting and Management Policy (attached) and reminded about reporting data breaches/information incidents through the regular staff bulletins.

In addition, please can you confirm how many subject access requests the CCG received from 1st January 2021 - 30th September 2021, broken down for each month and for each subject access request received, confirmation whether they were answered within one month.

Please see below table.

	Number	Answered within one month
Jan	2	2
Feb	2	2
Mar	1	1
April	2	2
May	2	2
June	3	3
July	0	N/A
August	1	1
Sept	0	N/A

If you are unhappy with the way in which your request has been handled, NHS Nottingham and Nottinghamshire Clinical Commissioning Group have an internal review procedure through which you can raise any concerns you might have. Further details of this procedure can be obtained by contacting Lucy Branson, Associate Director of Governance via lucy.branson@nhs.net or by writing to NHS Nottingham and Nottinghamshire CCG, Sir John Robinson House, Sir John Robinson Way, Arnold, Nottingham, NG5 6DA.

If you remain dissatisfied with the outcome of the internal review, you can apply to the Information Commissioner's Office, who will consider whether the organisation has complied with its obligations under the Act, and can require the organisation to remedy any problems. Generally, the ICO cannot make a decision unless you have exhausted the complaints procedure provided by NHS Nottingham and Nottinghamshire Clinical Commissioning Group. You can find out more about how to do this, and about the Act in general, on the Information Commissioner's Office website at: <https://ico.org.uk/for-the-public/>

Complaints to the Information Commissioner's Office should be sent to: FOI/EIR Complaints Resolution, Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF
Telephone 0303 123 1113 or report a concern: <https://ico.org.uk/concerns/>

Yours sincerely

Freedom of Information Officer on behalf of *NHS Nottingham and Nottinghamshire Clinical Commissioning Group*.

notts.foi@nhs.net

All information we have provided is subject to the provisions of the Re-use of Public Sector Information Regulations 2015. Accordingly, if the information has been made available for re-use under the [Open Government Licence](#) (OGL) a request to re-use is not required, but the license conditions must be met. You must not re-use any previously unreleased information without having the consent of NHS Nottingham and Nottinghamshire Clinical Commissioning Group. Should you wish to re-use previously unreleased information then you must make your request in writing (email will suffice) to the FOI Lead via notts.foi@nhs.net. All requests for re-use will be responded to within 20 working days of receipt.