Lothian NHS Board

Mainpoint
102 West Port
Edinburgh
EH3 9DN

Telephone: 0131 536 9000
www.nhslothian.scot.nhs.uk

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Our Ref: 11429
Enquiries to loth.freedomofinfomation@nhs.scot

FREEDOM OF INFORMATION – DATA BREACHES

I write in response to your request for information in relation to data breaches.

Question 1: What information is stored and for how long?

Answer: NHS Lothian hold demographic details and special category data including health information. All records are held in line with Records Management Code of Practice for Health and Social Care.

Question 2: What kind of data is shared with external parties?

Answer: Data is shared when appropriate agreements are in place with external parties covering this sharing. The agreement would clearly state the type of data being shared. This is dependent on the necessity of the sharing.

Question 3: Does the NHS have the right to sell any medical data, even anonymised data, to external parties?

Answer: No

Question 4: Which external organisations have you shared patient's data with since January 2023?

Answer: Integrated joint boards, Police Scotland where appropriate, local authorities, health and social care partnerships. Trusted third party organisations.

Question 5: Which members of staff are allowed to access patients' information?

Answer: Only staff who have a need for their job role are permitted to access patient information. Examples of these are clinical staff, nursing staff and administration staff

Question 6: How does the NHS secure data so that only authorized members of staff access patients' information?

Answer: Physical records are stored in restricted areas with authorised staff requiring a specific ID badge that allows access via an electronic system. Electronic record access is only given to authorised staff who require this as part of their job role.

Question 7: What system is currently in use to store patient's data?

Answer: Trak

Question 8: Does your system to store patients' data detect if the data has been accessed by a member of staff who is not involved in the treatment of a patient? If so, what's the process the NHS follows after a breach of data has been discovered?

Answer: NHS Lothian has invested in a privacy breach detection tool called FairWarning that monitors potential inappropriate access to health records. If inappropriate access has been found, a formal investigation is undertaken.

Question 9: How many breaches of data have you had since January 2023? And were any staff members disciplined as a result of data breaches? If so, how many please and what action was taken against them? eg Were they dismissed and/or was Police Scotland informed?

Answer: 14 breaches since January 2023. 6 staff members dismissed. 6 staff members reported to police.

Question 10: Have any new measures been put in place in the last two years to further protect patients' personal data?

Answer: NHS Lothian constantly review guidance and internal communications to make sure staff are aware of their responsibilities.

I hope the information provided helps with your request.

If you are unhappy with our response to your request, you do have the right to request us to review it. Your request should be made within 40 working days of receipt of this letter, and we will reply within 20 working days of receipt. If our decision is unchanged following a review and you remain dissatisfied with this, you then have the right to make a formal complaint to the Scottish Information Commissioner within 6 months of receipt of our review response. You can do this by using the Scottish Information Commissioner's Office online appeals service at https://www.foi.scot/appeal. If you remain dissatisfied with the Commissioner's response you then have the option to appeal to the Court of Session on a point of law.

If you require a review of our decision to be carried out, please write to the reviewer at the address at the top of this letter. The review will be undertaken by a Reviewer who was not involved in the original decision-making process.

FOI responses (subject to redaction of personal information) may appear on NHS Lothian's Freedom of Information website at: https://org.nhslothian.scot/FOI

Yours sincerely

ALISON MACDONALD
Executive Director of Nursing Midwifery and AHPs
Cc: Chief Executive