

Cover page	
Meeting	Trust Board
Paper Title	Patient Story – Use of the Data Protection Act
Date of meeting	4 April 2019
Date paper was written	27 March 2019
Responsible Director	Deirdre Fowler: Director of Nursing, Midwifery and Quality
Author	Ruth Smith: Lead for Patient Experience
Executive Summary	
<p>The Trust is committed to listening and acting upon patients experiences of the services we provide. Patient stories are identified as an important resource to obtain feedback, gain an understanding, learn from experiences and support improvement and innovation.</p> <p>Whilst it is recognised that an individual patient story is not representative of all patient healthcare experiences, each story is valid as it does reflect the individual’s experience.</p> <p>This patient story is presented as a short film in which the husband of a patient attending an appointment within the Trust describes the use of the Data Protection Act 2018 and the impact this had upon him. The story is shared from the husband’s perspective using his own words to describe his experience.</p> <p>The Board are invited to watch the film in which the patient’s husband shares the account of his experience within the Trust, and note the learning and recommendations which have been taken from this.</p>	
Previously considered by	

The Board is asked to:			
<input type="checkbox"/> Approve	<input type="checkbox"/> Receive	<input checked="" type="checkbox"/> Note	<input checked="" type="checkbox"/> Take Assurance
To formally receive and discuss a report and approve its recommendations or a particular course of action	To discuss, in depth, noting the implications for the Board or Trust without formally approving it	For the intelligence of the Board without in-depth discussion required	To assure the Board that effective systems of control are in place

Link to CQC domain:

Safe

Effective

Caring

Responsive

Well-led

Link to strategic objective(s)

*Select the strategic objective which this paper supports*

- PATIENT AND FAMILY Listening to and working with our patients and families to improve healthcare
- SAFEST AND KINDEST Our patients and staff will tell us they feel safe and received kind care
- HEALTHIEST HALF MILLION Working with our partners to promote 'Healthy Choices' for all our communities
- LEADERSHIP Innovative and Inspiration Leadership to deliver our ambitions
- OUR PEOPLE Creating a great place to work

Link to Board Assurance Framework risk(s)

We need real engagement with our community to ensure that patients are at the centre of everything we do (CRR 1186)  
 We need positive staff engagement to create a culture of continuous improvement (CRR 423)

Equality Impact Assessment

- Stage 1 only (no negative impact identified)
- Stage 2 recommended (negative impact identified and equality impact assessment attached for Board approval)

Freedom of Information Act (2000) status

- This document is for full publication
- This document includes FOIA exempt information
- This whole document is exempt under the FOIA

Financial assessment

There is no financial impact associated with the paper

## Main Paper

### Situation

The husband drove his wife to hospital, dropping her at the main entrance to enable his wife to attend her appointment whilst he parked the car. When he went to the department where he understood his wife had an appointment he experienced difficulty in finding her. He experienced the Data Protection Act 2018 being used as a barrier to locating his wife.

This led to a formal complaint being sent to the Trust in November 2018. The investigation followed the Trust's complaints policy and opportunities for learning were identified.

### Background

The Trust has a legal duty to keep personal information secure and to respect confidentiality when personal information is held in trust. This requires all staff to be aware of their responsibilities as set out in the Trust's Data Protection, GDPR and Confidentiality Policy.

Confidentiality and data protection are covered by several pieces of legislation including the Data Protection Act 2018, General Data Protection Legislation, the Human Rights Act 1998 and by the common law duty of confidentiality.

Everyone has a role to play in helping to keep the organisation's patient information safe and secure. Consent to share confidential personal information should be obtained whenever possible although in some cases this may not be reasonably practical. When considering the sharing of personal, sensitive information staff should consider the Caldicott Principles:

- Justify the purpose for using the information
- Only use it when absolutely necessary
- Use the minimum that is required
- Access should be on a strict 'need to know' basis
- Everyone must understand their responsibilities
- Understand and comply with the law

To comply with the law and with central NHS guidelines relating to Data security awareness/ Information training is mandatory for all NHS staff.

### Assessment

Whilst the Trust has a responsibility to protect patient information, it is acknowledged that further steps can be taken to guide and support staff in dealing with situations to improve the patient and carer experience.

It is important that all staff understand and recognise that patients and their family may be feeling anxious about their appointment, what the doctor may say or concerned about their health. These feelings make patients and their family stressed and therefore more sensitive to how they are treated or communicated to. Staff need to be equipped with the skills required to assist patients and relatives, creating positive outcomes and experiences from each interaction.

Next steps:

- Ensure that all staff have been made aware of the information governance (IG) fact sheet developed in response to this story
- To circulate the information governance guidance on handling telephone and face to face enquiries which has been produced following this experience being shared to assist staff

- Seek staff feedback on occasions when they are unsure of what information they can give
- Ensure that IG /Data Security Awareness training covers scenarios and situations faced by staff
- Maintain the IG guidance available to staff on the intranet
- The story will be shared wider within the Trust to raise awareness and subsequent learning with our current and future workforce.

#### Recommendation

The Board is asked to receive the patient story and note the work being undertaken to support staff in compliance with information governance requirements, whilst being understanding to the anxieties of patients and carers accessing services within the Trust.