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MOBILE CARE MONITORING

How GDPR affects Care Providers

Person Centred Software

Welcome! The Webinar will begin at 11:00 a.m.

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Welcome

Andrew Coles, Product Manager

GDPR = General Data Protection Regulation

- EU legislation that replaces the Data Protection Act on **25th May 2018**
- Introduces new rights and responsibilities
- Accountability & tougher penalties
- Enhanced protection for people's Personal & Sensitive data
- It is NOT there to prevent sharing of data
- Applies to ALL organisations that process data

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GDPR: Rights of individuals

- The right to be **informed** - why processing the data, privacy notice and transparent
- The right of **access** - access to personal information
- The right of **rectification** - amended if inaccurate or incomplete
- The right to **erasure** - The right to erasure is also known as 'the right to be forgotten'. The broad principle underpinning this right is to enable an individual to request the deletion or removal of personal data whether there is **no compelling reason** for its continued processing

How this might apply to different types of data you are processing?

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Does it apply to Care Providers?

- **Yes**, it applies to **anyone** that processes personally identifiable data about ANY individual
- Care providers in particular will have sensitive data in care plans
- It applies to all forms of data. Paper contains data too!
- But aren't we leaving the EU?
  - The new DPA 2018 implements GDPR into our legislation!
- Data protection isn't a new thing, and the financial impact alone under GDPR is tougher!

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What is your Responsibility?

Data must be:

- Obtained lawfully, fairly and transparent
- Specified and legitimate purpose
- Adequate, relevant and necessary in line with stated purpose
- Processed and kept securely in an appropriate way for the type of data being held
- Accurate and up-to-date for as long as necessary – can you keep it longer?

GDPR Article 5(2) requires that
"the **controller** shall be responsible for, and be able to demonstrate, compliance with the principles."

What is your Personally Identifiable Data?

- Prospects
- Funders
- Service Users
- Staff
- Contact information

Accountability

- **Data Controllers** and **Data Processors** can both be held accountable…so you'll need to:
- Follow comprehensive but proportionate governance measures.
- Make use of good practice tools outlined by Information Commissioner's Office (ICO), such as **privacy impact assessments**
- Minimise the risk of breaches

What is a personal data breach?
ICO defines a breach as "*A personal data breach means a breach of security leading to the destruction, loss, alteration, unauthorised disclosure of, or access to, personal data. This means that a breach is more than just losing personal data*"

Potential of getting it wrong:

- Non-Compliance – potential fines of up to €10m or 2% of turnover
- Failure to report a data breach can attract fines up to €20m or 4% of turnover

Money aside, how does this affect you directly?

- Loss of business
- Impact on your reputation
- Safety and well-being of the people you support

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Causes of data breaches?

Common source of risk of data breach:

- Keeping data inappropriately i.e. too long, too much, irrelevant and unnecessary
- Disclosure to 3rd parties without prior consent
- Use of data in a way unknown to the individual
- Ways in which data is stored

Example of a data breach

- **Whitehead Nursing Home, County Antrim, was fined £15,000 after an unencrypted laptop was taken from the home of a staff member**

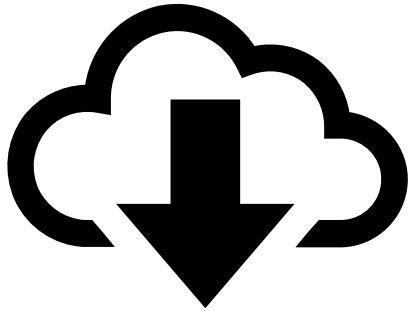
Source: http://www.bbc.co.uk/news/uk-northern-ireland-37190155

All about your Data

What data might you be processing?

- Storing, typing and reading data is processing
- Personal data held by providers:
  - Medical information
  - DNACPR
  - Mental Health
  - Personal preferences
  - Sexuality
  - Financial information
  - Contact details
- Assess the impact of the data being held
  - Sensitivity
  - Safety
  - Fraud
  - Reputation

Data Sources:



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Understand & document your data

You must maintain internal records of processing activities:

- Purposes of the processing
- Description of the categories of individuals
- Categories of personal data
- Details of transfers to third countries including documentation of the transfer mechanism safeguards in place
- Retention schedules
- Description of technical and organisational security measures

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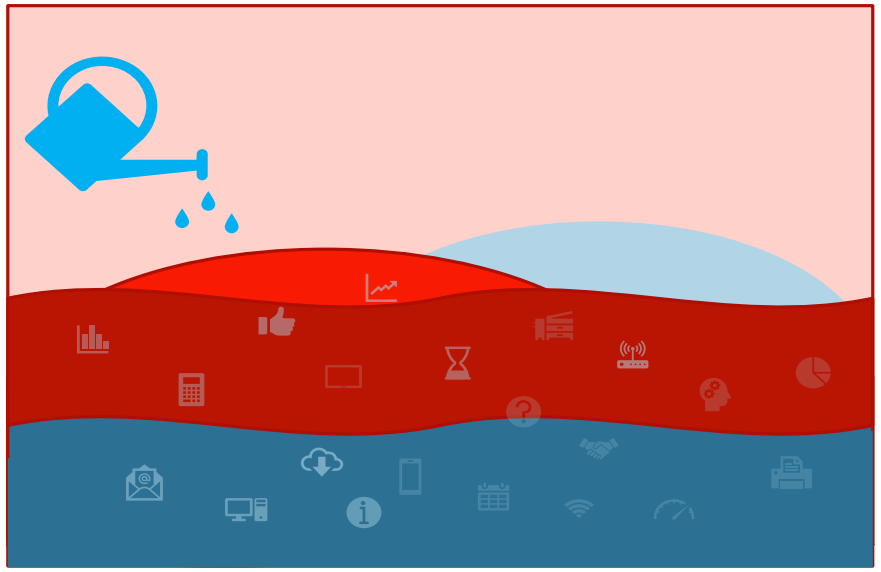
Data Fluidity: where is your data going?



Volume & types of data is increasing….

- How is your data acquired?
- Who can access it?
- Where is it stored?
- How many copies are there?

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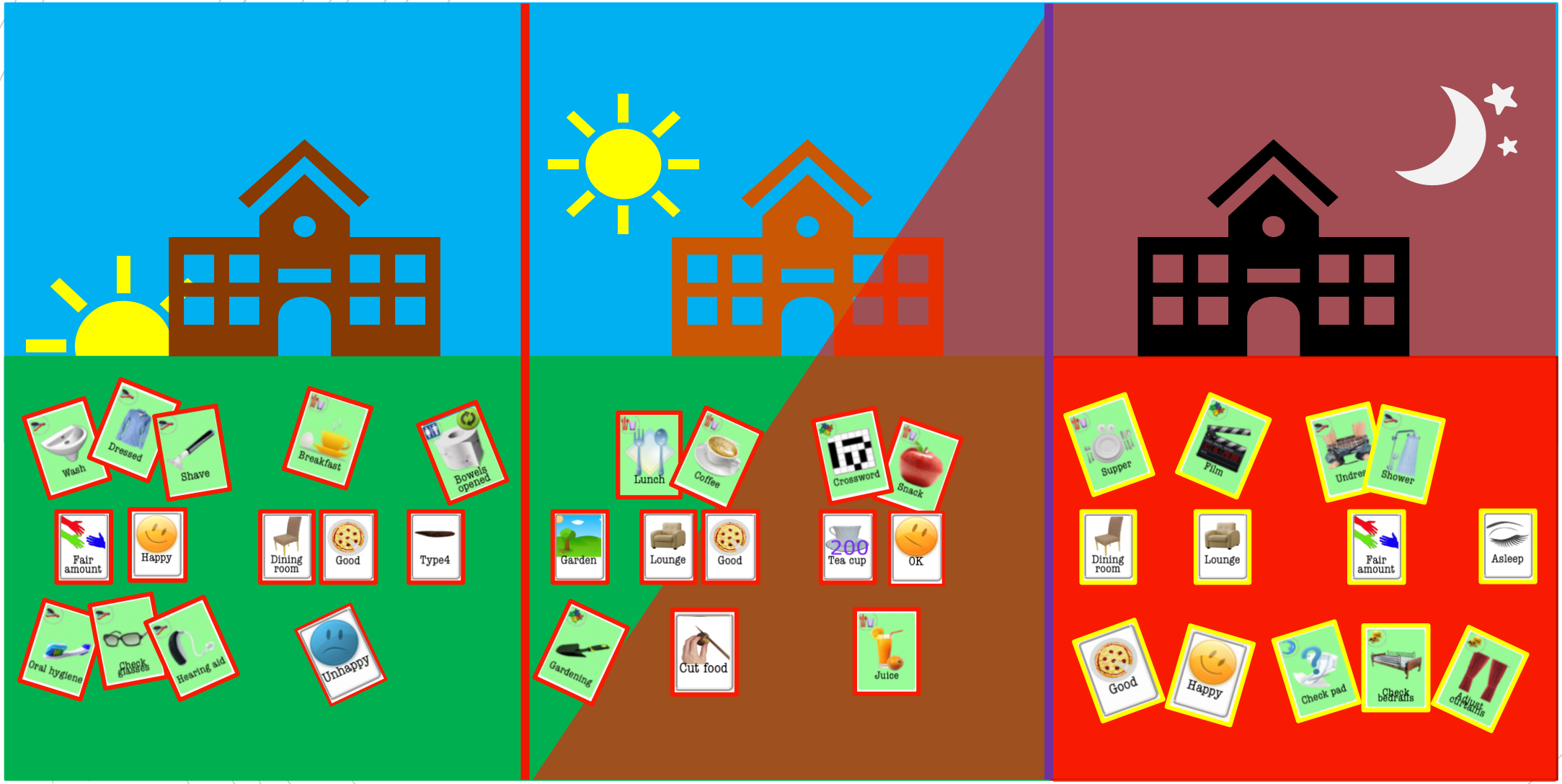
We understand the data we hold



Privacy Impact Assessment

- Identify where a PIA is required
- Describe the information
- How is the data stored? How does it flow? 3rd party disclosure?
- Identify the risks to the Individual & to the organisation
- Cost benefit of solution(s)
- Organisation sign off
- PIA as part of culture and project plans

Why go digital?

A software solution is safer than paper and will enable you to comply with GDPR

- Digital Care Records & Evidence of Care
  - Enables better Care
- Transparency, Visibility & Control
- Key stakeholder involvement
- Responsive
- More data, better data, more evidence
- CQC KLOE updates 2017

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Surely paper is safer?

Paper is not secure and can also lead to data breaches

- Costly to track who has copies
- Time intensive to find what you need
- Ineffective
- Multiple copies can be dangerous
- Provides less value than digital
- Cumbersome, expensive storage archives
- Easily lost
- Unprotected

What should I do now?

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First steps

- Register with the ICO for data protection
- Review and document the data you hold
- Understand why you need it and any legal grounds for holding it
- Complete Privacy impact assessments
- Raise awareness of GDPR in your organisation
- Review systems and processes to reduce risk of data breaches
- Appoint responsible person for data protection

Process for approaching GDPR

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Phase	Processes and Documentation	Person Centred Software
Discovery	**Understand your data:** Inventory of personal data held, data flows, storage solution, and Data Privacy Impact Assessment	• GDPR Tool Kit • Reduce Paper • Compliant Infrastructure (Microsoft Azure) / ISO27018
Management	**Data Governance:** Policies, Risk Registers, Authentication, Authorisation, Access Controls and Data Strategy	• User access and authentication • Mobile Device Management • Data retention policy inline with guidelines • Device enrolment and approval • Data Management • Managed solution
Protection	**Prevent and Protection:** Data Breach Process, Security	• Secure and Encrypted data transfer protocols • Pen tested, certified solution
Reporting	**Document, respond and review:** Audit and Reporting Learning, Education and Evolution Notifications and response to requests	• User access report • Data Breach Notification • GDPR Tool Kit • Learning / Training Partners

Actions to take

- Document what data you are holding on to and why
  - Impact assessment
  - Escalation and notification policy
  - Define your organisation's Privacy Policy
- Identify any risks of breaches and how to reduce them
- Educate and train staff on data protection and handling
- Define your Digital Strategy and review it regularly
  - What is your software partner doing to ensure compliance?
  - How is your data managed and protected?
- Include paper 'systems'
- Contracts with Data Processors

Remain in control & be secure

- Engaged with NHS Digital to discuss Health & Social Care integration / hospital transfers etc.
- Our API for providers authenticates and controls access
- Transparency and control with our Relatives Gateway
- Provide a secure platform for your data
- Enable business to grow their digital strategy and experience
- Improve care through electronic care planning & evidence of care
- Secure data transfer processes with appropriate 3rd parties

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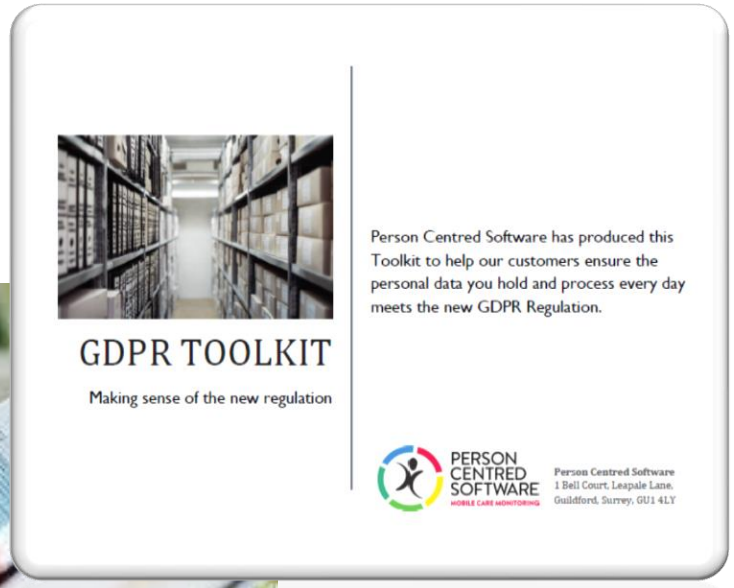
GDPR Toolkit for our customers



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Where to get more help?

- Other local businesses
- Software vendors
- Your DPO (Data Protection Officer)
- Internal working party
- Independent GDPR consultants
- Legal advice
- Business Insurance

ico.
Information Commissioner's Office

https://ico.org.uk/media/1624219/preparing-for-the-gdpr-12-steps.pdf

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www.personcentredsoftware.com