

## **An introduction to data protection, Freedom of Information and information security for employees**

**This guidance will provide you with a basic understanding of these areas and your responsibilities in these areas.**

### **What is the Data Protection Act 1998?**

The Data Protection Act 1998 is a law designed to protect the privacy of individuals, especially with regard to the processing of their personal information in a secure manner. The Act covers computer and some structured / relevant filing systems (manual records).

In certain circumstances individuals have the right to see information held by the NHSBSA, and to have it corrected or erased as well as apply for orders to stop the NHSBSA processing their information.

### **How does it affect the NHSBSA?**

The NHSBSA informs the Information Commissioner's Office (they administer the Act) what computer and relevant filing systems the NHSBSA have, what information is held, how it is used and to whom the NHSBSA disclose the information.

Should the NHSBSA or an employee cause another person harm or distress as a result of any breach of the Data Protection Act 1998, the other person could claim compensation.

### **How does it affect me?**

As an employee/contractor you are authorised to use the computer / relevant filing systems and the information held within strictly in connection with your NHSBSA role and for no other purposes. You are not entitled to see all NHSBSA information unless your role allows this. Be careful when disclosing information to other NHSBSA employees/contractors are they entitled to this information and is it in connection with their role?

Any unauthorised use, misuse / abuse or unlawful disclosure of NHSBSA information by an employee/contractor, for which you have personal liability, could result in a criminal offence

being committed. Disciplinary action would also be considered in addition to the criminal offences.

Special care must be taken when disclosing information from NHSBSA systems and this must be conducted in accordance with NHSBSA policies and procedures.

You will receive training in Data Protection, Freedom of Information and Information Security via the LMS within four weeks of your employment commencing. Annual refresher training programmes will be issued for your completion within a target date. Sanctions will be taken if you do not complete the required training within the deadlines.

### **What is the Freedom of Information Act 2000?**

The Freedom of Information Act 2000 (FOIA) is a law designed to allow anyone, anywhere in the world, to have access to information held by public authorities.

Any request for information made to the NHSBSA, that is not treated as “Business As Usual”, is a request for information that needs to be handled under the provisions of the FOIA. Please forward any such requests to [nhsbsa.foirequests@nhs.net](mailto:nhsbsa.foirequests@nhs.net).

### **What are my responsibilities?**

As an employee you will be dealing with confidential and sensitive personal data held by the NHSBSA. You should follow all instructions very carefully when dealing with the NHSBSA information; you will be told what you are allowed to do. You must not undertake any work without proper authorisation from your line manager. If you are unsure about any work you are asked to do, or any disclosure you are asked to make, contact your local representative.

Only properly trained and authorised personnel in consultation with the NHSBSA Head of Internal Governance must undertake disclosures to outside organisations, including the police and other agencies. If you have not been instructed on how to undertake the appropriate checks, always pass on these requests to your local representative.

You will be informed of your specific role within the NHSBSA but in general some easy points to remember are that you must **not**:

- create or process any new system or database containing personal information whether on computer or ‘relevant filing system’ without prior authorisation of the NHSBSA Head of Internal Governance. This includes cloud based services.
- leave people's information in a work area when it is not in use
- leave filing cabinets unlocked if they contain people's information
- leave data displayed on a screen when you are away from your computer

- give your password to anyone unless they are authorised to use it
- choose a password that is easy to guess e.g. your name or car registration etc.
- gossip about NHSBSA information - you never know who will overhear you!
- send anything by fax or email outside the NHSBSA that you wouldn't put on the back of a postcard.
- if you receive a request for information that you would not handle as part of a normal business-as-usual process, then immediately pass the request to your local representative to handle.

Please ensure that you clearly understand what your role in the NHSBSA requires you to do with regard to information security. Review your local procedures covering information security and if you are unsure ask your local representative.

### **What are my rights?**

As an employee of the NHSBSA you have a right to see information held about you. Any changes to the information held must be notified immediately to enable amendments to be completed. Some changes to data may only be made when appropriate proof is supplied.

If you have any queries or concerns on anything in this guide please contact your local representative or you can contact the NHSBSA Information Governance Manager, Chris Gooday ([chris.gooday@nhs.net](mailto:chris.gooday@nhs.net)), on 0191 203 5351 at Stella House, Newcastle upon Tyne.