

# Bradford District Care NHS Foundation Trust

## Data protection audit report

Executive summary  
January 2016

## 1. Background

The Information Commissioner is responsible for enforcing and promoting compliance with the Data Protection Act 1998 (the DPA). Section 51 (7) of the DPA contains a provision giving the Information Commissioner power to assess any organisation's processing of personal data for the following of 'good practice', with the agreement of the data controller. This is done through a consensual audit.

The Information Commissioner's Office (ICO) sees auditing as a constructive process with real benefits for data controllers and so aims to establish a participative approach.

Bradford District Care NHS Foundation Trust (the Trust) agreed to a consensual audit by the ICO of its processing of personal data.

An introductory meeting was held on 13 August 2015 with representatives of the Trust to identify and discuss the scope of the audit.

## 2. Scope of the audit

Following pre-audit discussions with the Trust it was agreed that the audit would focus on the following areas:

Data protection governance – The extent to which data protection responsibility, policies and procedures, performance measurement controls, and reporting mechanisms to monitor DPA compliance are in place and in operation throughout the organisation.

Data sharing - The design and operation of controls to ensure the sharing of personal data complies with the principles of the Data Protection Act 1998 and the good practice recommendations set out in the Information Commissioner’s Data Sharing Code of Practice.

### 3. Audit opinion

The purpose of the audit is to provide the Information Commissioner and the Trust with an independent assurance of the extent to which The Trust, within the scope of this agreed audit, is complying with the DPA.

The recommendations made are primarily around enhancing existing processes to facilitate compliance with the DPA.

<b>Overall Conclusion</b>	
<b>Reasonable Assurance</b>	<p>There is a reasonable level of assurance that processes and procedures are in place and delivering data protection compliance. The audit has identified some scope for improvement in existing arrangements to reduce the risk of non-compliance with the DPA.</p> <p>We have made two reasonable assessments where controls could be enhanced to address the issues identified.</p>

## 4. Summary of audit findings

### **Areas of good practice**

There are a suite of information governance policies which are signed off and monitored by the Information Governance Group.

The Trust have various means of raising staff awareness of IG issues and staff interviewed had a good knowledge of the importance of processing personal data compliantly.

There is a clear process in place for data sharing with information sharing agreements in place which are signed off by the Caldicott Guardian and contain necessary clauses for security and retention.

### **Areas for improvement**

Although the Trust have a Risk Policy in place there is a need to develop information risk and privacy impact assessment procedures to ensure that existing and new information risks (for both systems and data sharing) are identified and addressed in a robust and consistent manner.

Oversight of data protection compliance could be improved by the introduction of clear targets for KPI's and a comprehensive action plan developed and monitored by the Information Governance Group.

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**The matters arising in this report are only those that came to our attention during the course of the audit and are not necessarily a comprehensive statement of all the areas requiring improvement.**

**The responsibility for ensuring that there are adequate risk management, governance and internal control arrangements in place rest with the management of Bradford District Care NHS Foundation Trust.**

**We take all reasonable care to ensure that our audit report is fair and accurate but cannot accept any liability to any person or organisation, including any third party, for any loss or damage suffered or costs incurred by it arising out of, or in connection with, the use of this report; however such loss or damage is caused. We cannot accept liability for loss occasioned to any person or organisation, including any third party, acting or refraining from acting as a result of any information contained in this report.**