Health Information and Quality Authority

An tÚdarás Um Fhaisnéis
agus Cáilíocht Sláinte

What you should know about Information Governance

A Guide for health and social care staff

Please note the scope of this document is to provide a broad overview of information governance issues as they relate to personal health information in the Irish health and social care setting. This document, aimed at all health and social care staff members, is a first step in raising awareness around information governance. It precedes more detailed guidance that will be published in due course, which will support compliance with National Standards for Safer Better Healthcare developed by the Health Information and Quality Authority.

Contents

What is Information Governance?

At its heart, information governance is about setting a high standard for the handling of personal health information and giving organisations the tools they need to achieve that standard.

Good information governance allows organisations and individuals make sure that personal information such as that contained in a healthcare record is handled legally, securely, efficiently and effectively in order to deliver the best possible care to people who use health and social care services.

Good information governance also helps organisations make sure that the information they have access to is used ethically. This means showing, at all times, the proper respect for the person to whom the information relates.

Information governance provides a means of bringing together all the relevant legislation, guidance and evidence-based practice that applies to the handling of information and offers a consistent way for people working in health and social care to deal with the many different legal provisions, guidance and professional codes of conduct that apply to handling personal health information. This enables organisations to:

• implement standardised information governance policies and procedures for staff to follow
• ensure they comply with the relevant legislation
• make improvements in information governance on a continuous basis, which will lead to improvements in the quality of care being provided.

Ultimately, an organisation should be able to clearly and consistently demonstrate that it can be trusted to maintain the confidentiality and security of personal information.

This can be achieved by helping all staff to practice good information governance and show consistency in the way they handle personal health information. This can avoid duplication of effort, leading to a diverse range of improvements as follows:

Improvements in:	For example:
Patient and service user confidence in care providers	No headlines in the media about patient information being stolen or mislaid
Information handling activities	Not leaving patient files unattended when they are being moved between clinics
Employee training and development	An increase in awareness of how valuable information is and is therefore to be protected

Information governance of personal health information is about having, at all times, regard and respect for the person to whom the information relates.

What are the requirements that make up Information Governance?

Information governance provides a consistent way for all staff to deal with the many different standards, legislation, codes of practice and guidance that apply to information handling, including:

- Data Protection Acts 1988 and 2003, and subsequent regulations

- Data Protection (Access Modification) (Health) Regulations 1989

- Freedom of Information Acts 1997 and 2003, and subsequent regulations

- The Health (Provision of Information) Act 1997

- The Disability Act 2005

- The Statistics Act 1993

- The Social Welfare Acts 1998 and 2002

- The European Convention on Human Rights Act 2003

- The Health Information Bill[1]

- The common law duty of confidentiality

- The implied right to privacy enshrined in the Constitution

- The National Standards for Safer Better Healthcare[2]

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[1] At the time of writing this Guide, a Health Information Bill is being drafted. It is likely that, when enacted, it will contain a number of provisions around the governance of personal health information. However, as it is expected that the Bill will build on existing legislation, the principles outlined in this Guide will still apply.
[2] At the time of writing this Guide these standards are pending Ministerial approval

- The Code of Professional Conduct for Every Nurse and Midwife 2000

- Guide to Professional Conduct and Ethics for Registered General Medical Practitioners 2009

- Protecting the Confidentiality of Personal Information. Centre for Management and Organisation Development (CMOD) 2008.

The Health Information and Quality Authority (HIQA) has developed a self-assessment tool, which enables health and social care organisations to assess their levels of investment in information governance policy and practice.

It is a resource to be used internally for learning and development. It is intended that managers complete the self-assessment tool to identify areas where improvements can be made.

This self-assessment tool covers the five key aspects of information governance as it relates to personal health information including:

- information governance management
- privacy and confidentiality
- data quality
- information security
- secondary use of information.

The tool is available on **www.hiqa.ie**
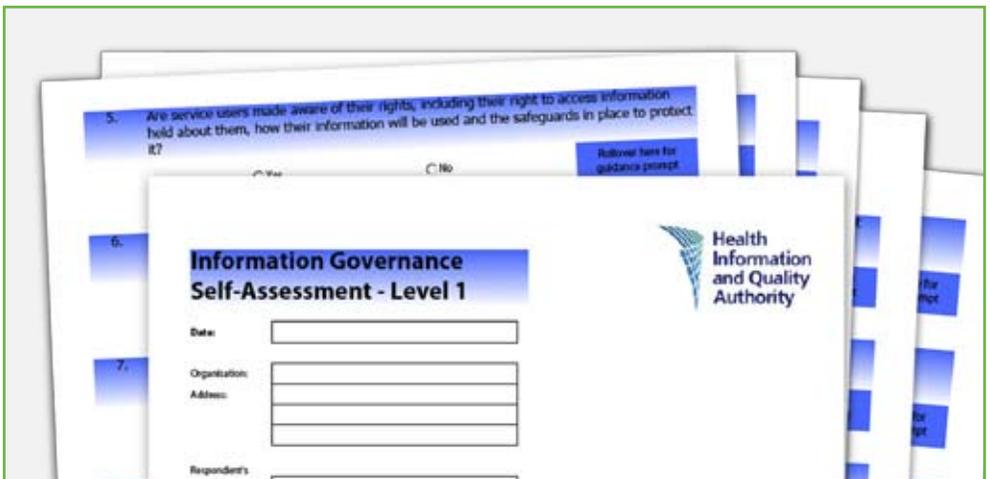
Why you should know about Information Governance

Information governance helps to make sure that as a member of staff you are following best practice guidance on information handling.

Information governance helps all staff providing care services to manage personal information for the benefit of your patients and service users.

By having good information governance practices in place, your patients and service users will know that their records will not be disclosed inappropriately, which will:

• give them greater confidence in your organisational health and social care working practices

• encourage them to be more open to sharing important personal information with you, as the more relevant information you have the better able you are to meet their individual care needs.

Good information governance involves organisations identifying training requirements to help ensure that all staff comply with legislation and best practice when handling personal health information.

Training and development are vital components of information governance, and should be provided by your organisation. By taking part in training available in this area, you can make sure that you are adequately informed about how to:

- be aware of and respect patient and service user information rights

- only use personal information appropriately and in accordance with best available evidence and relevant legislation

- create, file and store documents in line with the best available evidence

- seek assistance with an information governance issue, and know from whom assistance is available

- understand and implement the resources relevant to your area of practice such as:

  - The Health Service Executive's Code of Practice for Healthcare Records Management

  - The Health Service Executive's Suite of National Information Security Policies

  - The Medical Protection Society's MPS Guide to Medical Records in Ireland

  - The ICGP/GPIT's A Guide to Data Protection Legislation for Irish General Practice.

Good information governance practices facilitate the sharing of information, where appropriate, to assist in the efficient delivery of care within and between services.

Good information governance depends on teamwork and good communication among all staff to encourage:

- sharing of good practice ideas across departmental and organisational boundaries

- joint initiatives between health, social care and partner organisations

- shared efforts to reduce duplication for example having to repeat tests unnecessarily because previous results are not available

- the appropriate sharing of information within teams to improve patient outcomes and quality of care, with identifiable information only being shared with those who have a duty of care to the patient.

Benefits of Information Governance

Good Information Governance leads to improvements in information handling

HIQA has developed clear requirements for information handling in the National Standards for Safer Better Healthcare to ensure that information is:

- **held** securely and confidentially
- **obtained** fairly and efficiently
- **recorded** accurately and reliably
- **used** effectively and ethically
- **shared** appropriately and lawfully.

The Standards help organisations ensure that, among other things:

- appropriate management and workforce structures are in place to oversee information governance arrangements

- information is used ethically in a manner that protects the rights and best interests of patients and service users

- information within computerised and paper-based systems is held securely and is accurate and available when and where it is needed. For example, in the event of an unplanned attendance/ admission

- processes and procedures for information and records management are efficient and effective

- the workforce is provided with guidance and appropriate, effective, training

- information is shared appropriately to facilitate the safe transfer and sharing of care.

Annual information governance assessments should be performed internally by management to help identify good practice and highlight areas that need improvement.

The National Standards for Safer Better Healthcare describe high quality safe healthcare and have been designed so that they can be implemented in all healthcare services, settings and locations. In the future, HIQA will monitor compliance with these standards but they have also been developed as a resource for service users to help them understand what they should expect from a high quality and safe service.

Organisations should have policies and procedures in place to help staff to comply with legislation and information governance requirements. When assessing information handling practices, an organisation should carry out a review of the existing policies, procedures and processes in place throughout the organisation. Completing the information governance self-assessment tool available on HIQA's website can help to provide an overview of the current information governance practices in your organisation and identify areas where improvements are necessary. It will also indicate policies that may be out of date or missing key elements. Where policies and procedures are absent or out of date, arrangements for development or updating should be made.

As a member of staff, your responsibility is to comply with the policies, procedures and processes, and share relevant evidence-based practice in information handling with other staff members with responsibility for information governance.

It is the responsibility of all organisations to comply with the law, for example to comply with the obligations conferred on organisations by the Data Protection Acts 1988 and 2003. Your organisation can work towards achieving this by assigning responsibilities for information governance issues to named staff, and by ensuring that all staff are made aware of their individual responsibilities and of any penalties for non-compliance.

Training and awareness-raising sessions can help to ensure that all organisational practice is in accordance with policies, procedures and processes and, ultimately, the law. Your organisation should have staff and structures in place to assist and support you in meeting your obligations in this area.

Your responsibility is to complete the information governance training specified by your organisation and to seek assistance from your line manager or person responsible for information governance in the organisation if you require it.

Your organisation's policies, procedures and processes should be regularly reviewed by management and compliance with them should **be audited, with support provided to address any compliance issues identified.**

The outcomes of the review can be measured against the information governance requirements, allowing year on year improvements to be made and any deterioration in standards to be addressed promptly.

The outcomes of the review may indicate that further training is required in some areas, or better staff guidance materials are needed.

Your responsibility is to participate in information governance assessments carried out by your organisation so that compliance can be monitored.

Good Information Governance can help improve patient and service-user care

Information governance can help improve the care and services that your patients and service users receive in a number of ways.

Improving the quality of patient and service user information means that:

- patients and service users will receive the most appropriate treatment or care in a timely manner

- health and social care professionals can confidently rely on the information to make decisions about care, treatment and services

- health and social care professionals will be able to communicate more effectively with other professionals involved in providing services for patients and service users

- the risk posed by duplicate records will be minimised, for example by ensuring that each patient has just one record that contains all of the information necessary for the provision of their care.

Improving the security of patient and service-user information using robust security processes, controls and management means that:

• the confidentiality of patient and service-user information can be maintained

• patients and service users will have increased confidence in the service provider's ability to manage their information securely and are therefore more likely to provide accurate, up-to-date information which ultimately improves the quality of care and services they receive.

Protecting and enhancing patients' and service-users' rights

Individuals' rights regarding the privacy and confidentiality of their personal information are supported through good information governance practices. Individuals' rights in respect of their personal information being shared are also respected. Good information governance practices enable patients and service users to be in control of how their information is used.

Under the Data Protection Acts 1988 and 2003, individuals have a right to access a copy of information held about them and to request that any factual inaccuracies in their records are corrected.

Guidance issued by your organisation

Your organisation should have patient and service-user information materials and guidance that explain how personal information is used, in a format that they can understand. Adhering to the guidance will mean that you are respecting the rights of your patients and service users and they can be assured that their information will be handled in accordance with the law. Organisations should have an effective, easily accessible and widely available procedure in place to enable patients and service users to make known any concerns they have.

It is everyone's responsibility to comply with legislation and national guidance where it exists and any local policies and procedures, to know how patients and service users can obtain a copy of any such information and be prepared to discuss any concerns that are raised, or be able to direct patients and service users to a more knowledgeable member of staff.

Organisations should ensure that there are defined reporting and investigation procedures for information governance breaches so that staff have access to clear advice and guidance networks.

Incidents and near misses (for example, a filing cabinet containing patient records being left unlocked but no adverse event actually occurring as a result) should become learning opportunities to enable employees to avoid similar problems in the future. The reporting of incidents both actual and potential is essential to raising information governance standards in the organisation, so you should make sure you know how to report potential and actual breaches.

If you are aware of an actual or potential breach of information governance policies or procedures your responsibility is to advise the responsible person of the necessity to comply and in most circumstances, to report the matter to your line manager or to the appropriate staff member with responsibility for information governance.

Good Information Governance will improve records management

The effective management of health and social care records is important as it allows information to be available when and where it is needed and also allows for consistency in the way information is recorded.

High-quality records are:

- organised in a manner that minimises the potential for one person's information getting confused with another

- documented, dated and well organised for efficient retrieval

- as detailed as necessary

- accurate and current to the greatest extent possible

- comprehensible and legible.

Detailed guidance on records management is available as a resource in the Health Service Executive's Code of Practice for Healthcare Records Management (available on www.hse.ie). The Code outlines a framework for ensuring consistent, coherent healthcare records management in all public healthcare facilities throughout the country.

Your responsibility is to make sure you comply with the records management policy and assist your organisation to achieve efficient and effective records management.

This requires:

- **standardised records creation, including naming and filing**

- **appropriate storage of records to prevent damage, loss or theft**

- **controlled access to records**

- **speedy location and retrieval of records when and where they are needed**

- **records retention processes that are based on national guidance and legislative requirements**

- **records that have been approved for disposal should be destroyed under confidential conditions and in line with environmental health regulations**

- **that there be a permanent register kept of all records that have been destroyed that identifies the person to whom the record related, the time period covered by the record, date of disposal and who was responsible for disposal of the record.**

Making Information Governance a success
Information Governance involves new ways of working

Health and social care staff members should work closely together to help reduce unnecessary practices and minimise duplication of effort, both within and between organisations.

The focus will be on appropriately sharing the information between health and social care professionals to support integrated care, leading to:

- more effective use of the time and skills of the workforce

- less annoyance to the patient or service user at having to repeat information they have already given

- a reduction in unnecessary duplication of tests caused by an absence of up-to-date information.

Good information governance relies on greater patient and service-user participation. For this reason, it is essential that health and social care providers listen to the preferences and needs of patients and service users and, where appropriate, act on them to enable the delivery of person-centred care.

Organisations should actively seek patient and service user participation in decisions about treatment and management of their personal information and monitor "user satisfaction" with information handling practices, for example through public, patient and service-user involvement groups or surveys.

What can you do to make Information Governance a success?

There are several things you can do to help improve information governance practices in your organisation:

Support change
Information governance pulls together all the information handling standards, legislation and guidance that already exist into one framework.

Participate in education and training opportunities

Participate in assessments of information governance in your area

Help your team achieve best practice
Make sure you follow the relevant procedures or processes in your organisation, as failure to do so could impact on the whole team.

Don't be afraid to speak up about shortcomings
If you have any concerns about practices in your department, inform other members of your team or raise the issue with your supervisor or manager.

Ensure that if errors occur they give rise to learning
It is important that lessons are learned from incidents, thereby allowing evidence-based practice for the future. A culture of blame is not conducive to improvements being made.

Share your learning and good practice
If you identify ways in which information handling can be improved in your work area share your ideas with your colleagues.

Encourage others to share their knowledge and good practice
Your colleagues will feel more valued and respected and will be more likely to report good practice in the future if they know that their ideas are listened to and where appropriate, action taken to implement them.

There are also more specific actions you can take as an individual to help make Information Governance a success

Keep personal health information secure: Ensure confidential information is not unlawfully or inappropriately accessed.

Comply with your organisation's computer safety procedures. At a basic level this means taking precautions like not sharing your access passwords with others. Ensure you "log out" once you have finished using a computer. Do not leave paper records unattended. Lock rooms and cupboards where personal information is stored.

Keep personal health information confidential: Only disclose personal health information to those who legitimately need to know in order to carry out their role.
The information the health and social care team needs to know may be different from the requirements of some administrative and clerical support staff and members of the workforce should only access as much information as they need to carry out their role. Bear in mind that you could be overheard and do not discuss personal information about your patients and service users on the bus, in corridors, lifts or the canteen.

Organisational compliance with the Data Protection Acts 1988 and 2003 depends on employees acting in accordance with the law. This legislation, which places a number of obligations on organisations, states that information, is obtained lawfully and fairly if individuals are informed of the reason their information is required, what will generally be done with that information and who the information is likely to be shared with.

Ensure that the personal health information you use is obtained fairly: Inform patients and service users of the reason their information is being collected.

Patients and service users should also be informed whether any potential use of their information is optional. Practices for the capture of additional consent, as necessary, for the use of information for purposes other than direct treatment or management of that treatment, should be in place.

Make sure the information you use is correct: Ensure the information you record is accurate, legible and complete, and verify personal information with patients and service users.

Information quality is an important part of information governance. There is little point in putting procedures in place to protect and manage information carefully if the information is inaccurate. You should give patients and service users the opportunity to check information held about them and allow them to point out any mistakes. You should encourage them to inform the organisation if any of their details have changed. Ensure patients and service users are aware of the importance of providing accurate information.

Make sure the records/documents you create are appropriately accessible: All members of the workforce should comply with policies and procedures for document creation and filing.

Organisations need to be able to locate and retrieve information, where and when it is needed. You can assist this process by adhering to the procedures for record/document creation, for example file names, version control and filing/storage.

Share personal information appropriately and lawfully: Obtain consent before sharing personal information with others.

As much information as possible should be provided to patients and service users about how their information will be used through a statement of information practices that is publicly displayed.

This should outline how information may be disclosed in the future for the benefit of the patient, or for purposes not directly related to, or indeed completely separate from the patient's own treatment.

Before using or disclosing personal health information ask yourself if the patient or service user would be surprised that their information would be used in this way and consider whether additional consent is required.

Comply with the law and local policies and procedures: Ignorance of the law is not usually a defence for breach.

Your organisation will have spent time and money ensuring that its policies and procedures comply with the law and do not breach patient and service user rights. Whilst you may not need to know what all the specific rights are, if you comply with these polices and procedures you are unlikely to break the law.

Work with your patients and service users and take steps to ensure their rights and choices are respected

Be aware of your responsibilities:
You have a duty to protect the confidentiality of patient and service user personal information both under the policies and procedures of your organisation and through legislation.

If anyone asks or pressures you to breach this duty discuss the issue with your manager and/or information governance lead in your organisation. If a legitimate need to disclose without consent is identified, senior personnel must make the decision.

Communicate clearly:
Ensure that the advice and guidance you give to patients and service users is clear.

You should be able to clearly explain why you require the information you have requested, the purposes to which personal information may be put and with whom the information may be shared. If your organisation has an information leaflet, use it to reinforce what you have said.

Encourage patients and service users to be actively involved in decisions about their care:
Patients and service users have a right to be involved in decisions about their care and it is important they can access their information to facilitate informed decision making.

Be open and honest with your patients and service users and ensure they have sufficient information to make an informed decision about the use of their personal information.

Know who to contact for advice:
Make sure that patients and service users are aware of the routes through which a complaint about the use of their information can be made.

Key Points
Information Governance ensures that personal information is dealt with legally, securely, efficiently and effectively

It is important that you:

- Understand what information governance is

- Know how information governance applies to your role

- Do your best to improve and encourage good practices in your department

- Support information handling improvements across your organisation

- Be receptive to the change process

- Be a team player

- Ensure your patients and service users are fully informed

- Take advantage of training and development opportunities.

Remember:
Information Governance is the responsibility
of all staff.

You must have respect and regard for the privacy,
confidentiality, security and quality of all personal
health information.

Appendix

Self Assessment: Introduction

This information governance self-assessment tool is designed to highlight areas where urgent action is required or where improvements may be made. It is a resource to be used internally for learning and development. The self-assessment and the brief guide to information governance are intended to be a first step in assisting organisations in meeting the baseline requirements in information governance. The assessment tool is available to download on the Authority's website at **www.hiqa.ie**

The self-assessment is an interactive list of questions to which service providers are asked to simply answer "yes" or "no" to determine their compliance with information governance requirements and practices. Prompts are provided for each question with the purpose of providing additional information and guidance to service providers to assist them in improving their information governance practices.

The self-assessment should be completed by a member of the organisational management team that holds responsibility for information governance in the organisation. This manager should have knowledge and experience of policy development and implementation.

Depending on the size of the organisation, management may feel it is appropriate for the self-assessment to also be conducted at different levels or within different units

in order to identify specific areas within the organisation that require further attention - this will also help to identify areas of good practice within specific teams that could be shared across the organisation. The self-assessment tool has been prepared and recommended by the Authority, but management are expected to use their discretion and autonomy to determine how it can best serve the needs of their individual organisations and devise a strategy for regular completion of the self-assessment and a method to monitor improvements in the area of information governance.

The self-assessment contains two separate levels of development. The first level is comprised of the absolute minimum/basic information governance requirements, most of which are provided for in legislation. The second level represents compliance with the more advanced requirements, which all organisations should be working towards achieving. The Authority recognises it may take more time to put these in place, but through a process of completing the self-assessment, putting together an action plan, implementing it and completing the self-assessment again on a continuous basis, each organisation should be aiming to answer "yes" to every question in both levels.

5. Are service users made aware of their rights, including their right to access information held about them, how their information will be used and the safeguards in place to protect it?

○ Yes   ○ No   Rollover here for guidance prompt

Information Governance
Self-Assessment - Level 1

Health Information and Quality Authority

Date:

Organisation:
Address:

Respondent's
Name:
Position:
Phone:

1. Is the organisation fully compliant with legal requirements on information governance?

○ Yes   ○ No   Rollover here for guidance prompt

2. Is there an overarching information governance framework/policy for the organisation?

○ Yes   ○ No   Rollover here for guidance prompt

3. Is there a designated information governance lead within the organisation available for consultation on information governance matters?

○ Yes   ○ No   Rollover here for guidance prompt

4. Is there a statement of information practices for the organisation?

○ Yes   ○ No   Rollover here for guidance prompt

About the Health Information and Quality Authority

The Health Information and Quality Authority (HIQA) is an independent organisation. It has the legal power and responsibility for improving the quality, safety and value of health and social care in Ireland (excluding mental health services).

HIQA is also responsible for:

- setting standards

- monitoring and inspecting services

- providing guidance on health information

- carrying out health technology assessments