

Report to the NHS Somerset Integrated Care Board on 29 September 2022

Title: Annual Report 2021/22: Data Security and Protection Toolkit	Enclosure I
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Version Number / Status:	1.0
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Clinical Lead:	N/A
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Summary and Purpose of Paper

The Data Security and Protection Toolkit (DSPT) Annual Report provides oversight and assurance to the Integrated Care Board on progress with completion of the annual assessment to 30 June 2022.

Recommendations and next steps

The NHS Somerset ICB Board is asked to **Note** the Data Security and Protection Toolkit Annual Report and to raise any items of concern or for clarification with the Lead (Kevin Caldwell).

Impact Assessments – key issues identified

Equality	N/A			
Quality	N/A			
Safeguarding	N/A			
Privacy	N/A			
Engagement	No issues identified. The report is included on the Somerset ICB website.			
Financial / Resource	N/A			
Governance or Legal	No issues identified			
Sustainability	N/A			
Risk Description	N/A			
Risk Rating	Consequence	Likelihood	RAG Rating	GBAF Ref
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DATA SECURITY AND PROTECTION TOOLKIT

2021/22 SUBMISSION

1 BACKGROUND

- 1.1 The Data Security and Protection Toolkit (DSPT) is an online self-assessment tool that allows organisations to measure their performance against the National Data Guardian's 10 data security standards.
- 1.2 All organisations that have access to NHS patient data and systems must use the DSPT to provide assurance that they are practising good data security and that personal information is handled correctly.
- 1.3 The DSPT is an annual assessment. As data security standards evolve, the requirements are reviewed and updated by NHS Digital to ensure they are aligned with current best practice.
- 1.4 For 2021/22, as part of the transition to an Integrated Care Board (ICB), Somerset CCG retained responsibility to complete and publish an annual DSPT assessment by 30 June 2022.
- 1.5 For 2022/23, Somerset ICB becomes a Category 1 organisation (the same level as Trusts and CSUs) and is required to complete and publish a DSPT by 30 June 2023.

2 DSPT STRUCTURE AND CONTENT

- 2.1 For 2021/22 the DSPT consisted of 137 assertions within the DSPT, a decrease of 10 assertions from 2020/21. Of these, 88 were mandatory and 49 non-mandatory.
- 2.2 The National Data Guardian's 10 data security standards and number of mandatory and non-mandatory assertions within each for 2021/22 (and change on 2020/21) are:

National Data Guardian Standard	Mandatory Assertions 2021/22	Change from 2020/21	Non-Mandatory Assertions 2021/22	Change from 2020/21
1 – Personal Confidential Data	18	-1	4	-4
2 – Staff Responsibilities	2	No change	1	No change
3 – Training	7	No change	0	-1
4 – Managing Data Access	10	+1	8	-1

5 – Process Reviews	1	-1	3	No change
6 – Responding to Incidents	11	No change	4	-2
7 – Business Continuity	9	No change	3	No change
8 – Unsupported Systems	11	+1	3	No change
9 – IT Protection	16	+1	17	No change
10 – Accountable Suppliers	3	-1	6	+1
Total	88	-3	49	-7

2.3 There were 29 changes to assertions which were either new assertions, existing assertions newly mandated or reworded assertions for 2021/22.

2.4 DSPT self-assessments for all registered organisations are published on the DSPT website and have the following status classifications applied:

- Not Published
- Approaching Standards (mandatory requirements not achieved – improvement plan agreed)
- Standards Met (all mandatory requirements completed)
- Standards Exceeded (meets all mandatory and has a current Cyber Essentials PLUS certification recorded)

3 REVIEW 2021/22

3.1 A DSPT for Somerset CCG was published for 2021/22 within the required timescales at the end of June 2022 but with a status of 'Standards Not Met'. The CCG completed all but two of the required mandatory assertions by the end of June and consequently was unable to publish a compliant DSPT.

3.2 Where an organisation publishes at Standards Not Met, an improvement is automatically generated to identify those mandatory assertions not completed.

3.3 The two assertions which were not completed both related to mandatory training of staff:

Assertion 3.2.1 – Have at least 95% of all staff, completed their annual Data Security Awareness Training?

Assertion 3.4.2 – All board members have completed appropriate data security and protection training.

3.4 At the end of June 2022, of the whole workforce, 88% had completed their training in year since 1 July 2021. Due to the transition to ICB, it had not been possible to achieve 100% of the CCG Governing Body completing their training. As the CCG was closed at 30 June 2022, it was agreed with NHS

Digital that the improvement plan action against assertion 3.4.2 would focus on the ICB Board members in post at 30 June 2022.

- 3.5 The improvement plan was completed in early September 2022 and communicated to NHS Digital.
- 3.6 Although the CCG was unable to publish a compliant DSPT at the end of June 2022, on completion of the improvement plan, the overall percentage of assertions met (mandatory (100%) and non-mandatory (84%) for 2021/22 was 94%.
- 3.7 The self-assessment in June 2022 was reviewed and approved by the Associate Director of Corporate Business (Deputy Senior Information Risk Owner (SIRO)) on behalf of the CCG SIRO.
- 3.8 The Information Governance, Records Management and Caldicott Committee (IGRMCC) maintain oversight of progress to completion of the Toolkit each year, providing operational assurance to the organisation.
- 3.9 The Information Governance team co-ordinate the completion of the DSPT and develop and implement improvement plans with the aim of ensuring the organisation meets its obligations of achieving the required standards for data security and protection.
- 3.10 The two previous years of DSPT assessment were:
- 2019/20 – 92% (144/157 assertions completed)
 - 2020/21 – 95% (139/146 assertions completed)
- 3.11 A summary report of the DSPT detailing responses to each requirement was reviewed by the IGRMCC at its September 2022 meeting.

4 RECOMMENDATION

- 4.1 The ICB Board is asked to note the publication of the annual DSP Toolkit for Somerset CCG and subsequent completion of the improvement plan with the assurance this provides in demonstrating a broadly good level of organisational compliance with data security and protection obligations.
- 4.2 Should Board members have any further queries or require greater detail on any aspect of the DSP Toolkit, please contact Kevin Caldwell, kevin.caldwell1@nhs.net.

16 September 2022