

By email



Our Ref: 10/03/05/lk/050

Marie Griffiths
request-30210-1f8dae3f@whatdotheyknow.com

Health Protection Agency

Communications

Public Information Access
61 Colindale Avenue
London
NW9 5DF

Tel +44 (0)20 8327 6629
Fax +44 (0)20 8327 6633

www.hpa.org.uk
Email: foi@hpa.org.uk

1 April 2010

Dear Ms Griffiths

Re: responsibilities under the Data Protection Act 1998

Thank you for your Freedom of Information request dated 5 March 2010 regarding the Health Protection Agency's (HPA) responsibilities under the Data Protection Act 1998.

Under section 1 (1) (a) of the Act I can confirm that the HPA holds of the information you require.

I have responded to your questions in the order you raised them below.

1. How many requests do you get under DPA each year?

The reported number of subject access requests for personal information (made by the data subject or agents acting on their behalf) and handled under the Data Protection Act is published in our Annual report. Therefore the information you have requested is exempt from disclosure under section 21- *Information accessible to applicant by other means* exemption.

However in accordance with our section 16 duty to provide advice and assistance please see the information you have requested in the table below.

Annual Report	Number of DPA requests
2009	10
2008	13
2007	8
2006	7
2005	We do not hold *

*the HPA became a non-departmental public body on 1 April 2005 following Royal assent of the Health Protection Act 2004. Therefore, the HPA did not exist in 2004 when the data for this Annual Report would have been collated.

Whilst the HPA recognises its obligations under the DPA, for test result requests we always advise members of the public to seek their personal information from their GP or healthcare provider. This is because your healthcare provider is better placed to provide any necessary support and give the information in context, for example, a GP can provide additional guidance to a patient where test results have an impact on the patients' care pathway. If the applicant has already received the information from their healthcare provider and still wants the results from us then we will oblige.

2. How do you verify the authenticity of DPA requests?

The HPA verifies the authenticity of DPA requests by asking for two pieces of confirmatory personal information, for example, date of birth and address together with the applicants signed authority.

3. Do you conduct regular DPA audits/have an auditing policy

The HPA conducts regular internal audits covering all areas of information governance (please refer to attached audit charter). The regular programme of audits would cover the review of arrangements for safeguarding personal information during the course of responding to subject access requests.

The HPA assesses itself annually against the NHS Information Governance Toolkit. Standard 206 – requires established confidentiality audit procedures to monitor access to confidential information. Moreover, the HPA is subject to an annual review by the Care Quality Commission, this includes an assessment of the HPAs information handling procedures.

To ensure continued compliance with relevant statutory and professional obligations and best practice in information governance the HPA:

- has documented procedures for auditing access to personal information in the form of a Caldicott 18 point audit;
- has clearly defined roles and responsibilities for staff responsible for audit;
- provides appropriate training to those involved in audit;
- reports any breaches via a secure centralised management reporting system for reporting incidents, including escalation of breaches to senior management, where appropriate;
- produces lessons learned if examples of breaches or potential breaches can be used to improve current practice and, or raise awareness.

4. do you maintain data on errors in information covered by DPA

The HPA records incidents involving personal data through local reporting mechanisms into a central system. For the last two reporting periods there are no incidents which fall under the criteria for reporting to the Information Commissioner's Office. In addition, in this period there were no information losses whose release could have put individuals at risk of harm or distress.

I can confirm the HPA has never made errors relating to the administration of subject access requests.

(a) If so, please provide data for the past 5 years

This information available in the HPA's annual report, for your convenience, please see table below:

Year	Total number of protected personal data related incidents
2009/10	0
2008/09	0
2007/08	2*
2006/07	0
2005/06	2*

*Note that the incidents were categorised as category II incidents, i.e. they were losses of inadequately protected electronic equipment, devices or paper documents from outside secured premises.

I hope you have found this information useful, however, if you are dissatisfied with this response and would like a copy of the HPA complaints procedure then please contact Mr George Stafford, Complaints Manager at: Health Protection Agency, 61 Colindale Avenue, London NW9 5EQ.

Please note that you have the right to an independent review by the Information Commissioner's Office if a complaint cannot be resolved through the HPA complaints procedure. The Information Commissioner's Office can be contacted by writing to Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

Please contact me if you require any further information or assistance.

Yours sincerely

Leigh Kelly
Freedom of Information Officer
Health Protection Agency