Your Ref/ eich cyf	
Our ref/ ein cyf:	CTHB_323_17
Date/ dyddiad:	24 October 2017
Tel/ ffôn:	01443 744916
Fax/ ffacs:	01443 744888
Email/ ebost:	Julie.butler@wales.nhs.uk
Dept/ adran:	Corporate Development

GIG CYMRU NHS WALES | Bwrdd Iechyd Prifysgol Cwm Taf University Health Board

Sent by email to: D. Moore [request-424318-74367d01@whatdotheyknow.com]

Dear D Moore,

Freedom of Information Request: Our Reference   CTHB_323_17

Thank you for your request for information received on 22 September 2017, regarding unauthorised access of patients' records by rogue staff. Please find the response from Cwm Taf University Health Board set out below:

You asked:

This request concerns the unauthorised access of patient records by rogue staff.

1. Please provide the name of the computer system you use to flag up details of potential unauthorised accesses.
2. Between 1 January 2016 and 30 June 2017, please provide the number of potential unauthorised accesses that were flagged up.
3. Between 1 January 2016 and 30 June 2017, please provide details of the number of individuals found to have:
     i. accessed their own record; and
     ii. those of other patients.
3. Of those who accessed other patients' records, please provide the number of records each accessed.
4. Where disciplinary action was taken, please provide details of the outcomes - x number received a verbal warning, Y number received a written warning etc.
5. Please provide screenshots of a blank electronic patient record. If different categories of staff have access to different patient information, please provide screenshots showing the differences. Also specify the categories of staff to which each screenshot relates.

Return Address:

Ynysmeurig House, Navigation Park, Abercynon, CF45 4SN

Chair/Cadeirydd: Dr C D V Jones, CBE   Chief Executive/Prif Weithredydd: Mrs Allison Williams

Cwm Taf University Health Board is the operational name of Cwm Taf University Local Health Board/Bwrdd Iechyd Prifysgol Cwm Taf yw enw gweithredol Bwrdd Iechyd Lleol Cwm Taf

Our response:

This request concerns the unauthorised access of patient records by 'rogue' staff.

1. **Please provide the name of the computer system you use to flag up details of potential unauthorised accesses.**

   The National Intelligent Integrated Auditing Solution (NIIAS) is used as a pro-active monitoring tool for detecting potential unauthorised accesses made by system users. It is very important to note from the outset that the notifications provided within NIIAS are "potential" unauthorised accesses identified by the data triangulations used within the system. Many of these notifications will be perfectly legitimate accesses made by staff while undertaking their duties.

   To provide some further context:
   1.1 NIIAS is a relatively new national system adopted by the NHS in Wales and additional national IT applications have been added at various points in time and continue to be added to the range of systems utilised by NHS staff. Therefore the figures across a specific time period are not necessarily comparative.

   1.2 Figures are not comparative across NHS Wales organisations as the actual systems used and numbers of users can vary significantly from organisation to organisation.

   In addition to the use of NIIAS, the majority of systems used within the organisation generate individual audit logs that can if required and on occasion are also used in auditing access.

2. **Between 1 January 2016 and 30 June 2017, please provide the number of potential unauthorised accesses that were flagged up.**

   It is important to note that the Health Board has a staged approach to the implementation of NIIAS and up until recently, has been raising awareness generally in relation to the Data Protection Act and the introduction of NIIAS and has to date, targeted the monitoring of staff accessing their own health record.

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Notifications directly from the NIIAS system for staff members* accessing their own records are provided below. N.B. Figures may include duplicate notifications i.e. where there has been more than one access made by an individual.

(*Staff Members may include parties external to Cwm Taf UHB or other NHS staff who require system access to undertake duties on behalf of NHS Wales).

2016	
Month	**Number of Notifications for Own Record Report**
January	156
February	151
March	174
April	148
May	148
June	179
July	187
August	133
September	103
October	116
November	113
December	97

2017	
Month	**Number of Notifications for Own Record Report**
January	103
February	104
March	134
April	127
May	144
June	153

(Please note context provided at 1.1)

Regular and consistent monitoring of NIIAS notifications commenced from the 28 August 2017 with a focus on notifications relating to staff accessing their own record only.

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Please see below figures for the time period currently monitored:

Time Period	Number of Staff Accessing their Own Record
28/08/17 – 03/09/17	37
04/09/17 – 10/09/17	46
11/09/17 – 17/09/17	42
18/09/17 – 24/09/17	31
25/09/17 – 01/10/17	38

3. **Between 1 January 2016 and 30 June 2017, please provide details of the number of individuals found to have:**

   i. accessed their own record; and
   ii. those of other patients.

The organisation has a staged approach to the implementation of NIIAS and to date has focused its monitoring and any related actions on notifications relating to staff accessing their own health records only. The related information is provided above in response to question 2.

4. **Of those who accessed other patients' records, please provide the number of records each accessed.**

As stated the organisation has not yet started pro-actively monitoring potential breach accesses made to other patients' records using NIIAS. The current monitoring focuses on staff accessing their own record only.

5. **Where disciplinary action was taken, please provide details of the outcomes - x number received a verbal warning, Y number received a written warning etc.**

Members of staff who have accessed their own records receive a notification e-mail warning that they have breached their access rights and confirming the records that they are legitimately allowed to access in order to undertake their duties.

Further access to own records are escalated to the line manager to undertake action as required.

During the time period noted in the response to question 2, eight escalations were provided to line managers for further assessment and action if necessary. A record of any such action taken by the line manager is not held centrally within NIIAS.

6. **Please provide screenshots of a blank electronic patient record. If different categories of staff have access to different patient information, please provide screenshots showing the differences. Also specify the categories of staff to which each screenshot relates.**

   The organisation uses a large number of systems containing patient records, with various roles and individual access permissions within these systems.

   Whilst the information is held by the Health Board, the Freedom of Information sets a limit on the cost of compliance with a request. This limit is set at £450.

   Your request would require a significant amount of work to explore all access variations within all systems holding patient records. We estimate that the cost of compliance would be in excess of £450. Accordingly, I find that the cost of compliance with your requests would be excessive such that the exemption at Section 12 (1) of the Freedom of Information Act is engaged.

I trust that this provides the information that you require. Under the terms of the Health Board's Freedom of Information policy, individuals seeking access to recorded information held by the Health Board are entitled to request an internal review of the handling of their requests. If you would like to complain about the Health Board's handling of your request please contact me directly at the address below. If after Internal Review you remain dissatisfied you are also entitled to refer the matter to the Information Commissioner at the following address:

- Information Commissioner's Office - Wales
  2nd Floor, Churchill House, Churchill Way, Cardiff, CF10 2HH
- Telephone: 029 2067 8400 / Email: wales@ico.gsi.gov.uk

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You should note, however, that the Information Commissioner would normally expect you to have exhausted our internal complaints procedures before dealing with such an application. Further guidance may be found on the Information Commissioner's website: http://www.informationcommissioner.gov.uk.

Cwm Taf University Health Board routinely publishes details of all Freedom of Information Act requests received in its disclosure log. The Disclosure Log can be found at www.cwmtafuhb.wales.nhs.uk.

Please do not hesitate to contact me if you have any queries.

Yours sincerely

Gwenan Roberts
Head of Corporate Services

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