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Bwrdd Iechyd Prifysgol  
Bae Abertawe  
Swansea Bay University  
Health Board

Cadeirydd/Chair: **Emma Woollett**  
Prif Weithredwr/Chief Executive: **Tracy Myhill**

**gofalu am ein gilydd, cydweithio, gwella bob amser**  
**caring for each other, working together, always improving**

Rydym yn croesawu gohebiaeth yn y Gymraeg ac yn y Saesneg. We welcome correspondence in Welsh or English.

Dyddiad/Date: 10<sup>th</sup> November 2020  
Ein Cyf / Our Ref: 20-J-028

☎ 01639 648363

✉ FOIA.Requests@wales.nhs.uk



Corporate Services  
Headquarters  
1 Talbot Gateway  
Baglan  
Port Talbot, SA12 7BR

Dear ,

I refer to your Freedom of Information Act Request acknowledged by ourselves on 16<sup>th</sup> October 2020. Your request sought information relating to health record access.

### **National Intelligent Integrated Audit Solution (NIIAS)**

**1. I understand the above system can detect potential inappropriate access to patient health records, specifically what kinds of activity would trigger a notification? For example, perhaps same surname, staff member own record. Please detail all potential reasons.**

NIIAS uses intelligent data triangulation and audit logs to detect when an employee may have misused their access rights. It then provides notifications to the Information Governance (IG) Team for particular activity that may be of concern. These include:

- Where an employee accesses their own health record;
- Where an employee accesses the record of a family member;
- Where an employee accesses the record of a near neighbour;
- Where an employee accesses the record of a work colleague;
- Where an employee accesses the records of multiple patients with the same Surname (15 most popular surnames excluded);
- Where an employee accesses the records of deceased patients;
- Where an employee accesses a patient's historic record without accessing the patient's current record first.

N.B. SBUHB only routinely monitors, records and reports on those staff accesses to "own health record" and "family member's record". NIIAS may also be used for non-routine investigations to ascertain facts following complaints from staff or patients.



**Pencadlys BIP Bae Abertawe, Un Porthfa Talbot, Port Talbot, SA12 7BR / Swansea Bay UHB Headquarters, One Talbot Gateway, Port Talbot, SA12 7BR**

Bwrdd Iechyd Prifysgol Bae Abertawe yw enw gweithredu Bwrdd Iechyd Lleol Prifysgol Bae Abertawe  
Swansea Bay University Health Board is the operational name of Swansea Bay University Local Health Board

**2. How many notifications have been received over the last three years? If possible, do you have records of how many of these notifications have resulted in formal investigation and then disciplinary?**

Between 1st October 2017 & 30th September 2020 the following number of notifications were received from the NIIAS management console for the 2 categories of activity monitored by SBUHB:

- Access to own record – 527
- Access to family member record – 133

Of these, the following numbers were escalated by the IG Department to Line Managers for further investigation:

- Access to own record – 69
- Access to family member record – 133

**3. And or can you provide details from HR logs of the total disciplinaries for staff accessing health records inappropriately and the sanction issued (if point 2 generates too much work).**

Please note that the ER Tracker system was introduced in August 2019, therefore we can only provide information on cases which were live at that point, or opened since. No data is available prior to August 2019. Case classification on ER Tracker does not distinguish between the reasons for the breach, only that there has been a breach of confidentiality picked up by the NIIAS system. These figures incorporate both of the categories of activity detailed above.

29 cases are/have been recorded on ER Tracker since 1st August 2019.

19 cases have been concluded and closed with the following outcomes;-

- Case closed prior to completion - <5\*
- Dismissal - <5\*
- Dismissal appeal lodged - <5\*
- Final written warning - <5\*
- First written warning issued - <5\*
- Manager to resolve informally with employee - <5\*
- No further action – 5 cases
- Verbal warning issued - <5\*

10 cases remain open and under investigation

\* Where fewer than 5 has been indicated we are unable to provide you with the exact number of cases as due to the low numbers, there is a potential risk of identifying individuals if this was disclosed. We are therefore withholding this detail under Section 40(2) of the Freedom of Information Act 2000. This information is protected by the General Data Protection Regulation (GDPR) and Data Protection Act 2018 and its disclosure would be contrary to the data protection principles and constitute as unfair and unlawful processing in regard to Articles 5, 6, and 9 of GDPR. This exemption is absolute and therefore there is no requirement to apply the public interest test.



I hope this information is helpful. If you require anything further please contact us at [FOIA.Requests@wales.nhs.uk](mailto:FOIA.Requests@wales.nhs.uk).

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 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 or register your complaint via [FOIA.Requests@wales.nhs.uk](mailto:FOIA.Requests@wales.nhs.uk).

If after Internal Review you remain dissatisfied you are also entitled to refer the matter to the information commissioner at the Information Commissioner's Office (Wales), 2<sup>nd</sup> Floor, Churchill House, Churchill Way, Cardiff, CF10 2HH. Telephone Number: 029 2067 8400.

Yours sincerely



Pam Wenger  
**Director of Corporate Governance**

