

## **JOB DESCRIPTION**

**Job Title:** Head of Information Governance & Data Protection Officer

**Grade:** 8B

**Location:** Department of Informatics, Transformation Directorate

**Contract:** Full Time

### **1. Job Purpose and Freedom to Act**

Information Governance is recognised within the Trust as an important component of our approach to improved Corporate Governance and Risk Management. We have a programme based approach seeking to achieve sustained improvement and compliance with the Data Security and Protection Toolkit and relevant statutory, regulatory and other requirements. We have a matrix management approach to Information Governance with defined Executive Director Leads, Responsible Managers and Lead Managers.

The Head of IG, as an expert in this area, is the Trust's lead for Information Governance and data protection. The post-holder will take operational responsibility for ensuring the Trust meets its legal and regulatory obligations in relation to Information Governance including confidentiality, information security, and Freedom of Information, GDPR and Registration Authority requirements.

As a Data Protection Officer, the Head of IG is required under the General Data Protection Regulations to exercise their functions independently and therefore has significant autonomy and although reports to the Chief Information Officer, is more likely to be engaging with the Chief Executive Officer (CEO), Medical Director/Caldicott Guardian, Director of Transformation/Senior Information Risk Officer (SIRO), Director of Procurement, Head of Legal Services or a Senior Director regarding a particular investigation or Information Governance issue.

The Head of IG fulfils the role of Trust Data Protection/Privacy Officer, and Registration Authority Manager. As such, the post holder will also provide advice and guidance to all staff and managers on the application of any impacting legislation, and will manage the Trust response to Freedom of Information Act requests.

As the Data Protection Officer this role operates independently and with autonomy, and reports to the Information Commissioner's Office and independently advises on Trust wide policies and actions. The Trust will ensure the Data Protection Officer does not receive any instructions regarding how to fulfil their duties and tasks as a Data Protection Officer in compliance with Article 38 (3) and Article 39 1 of the General Data Protection Regulations.

The post holder has the freedom to take action based on their own interpretation of national policies and guidelines, is guided by legislation, national Information Governance guidance and policies, but is responsible for establishing how these are interpreted and incorporated into the existing Trust practices and procedures.

The post holder is responsible for the interpretation of highly complex data protection, confidentiality and security guidelines and is required to present the interpretations to the Informatics Management team and is expected to set standards and guidelines for others to follow.

The incumbent is also responsible for maintaining the Trust's notification registration with the Information Commissioner and inform all relevant locations of the details of registration and what the responsibilities are within it, and to represent the Trust interests, including Information sharing across the Sustainability and Transformation Programme.

## 2. Main Duties

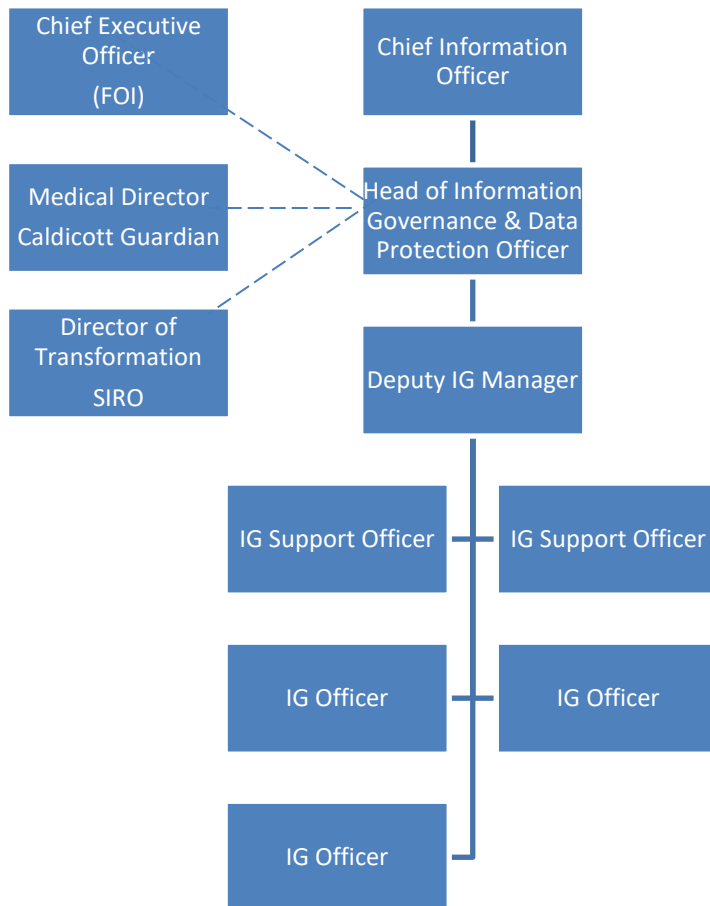
The role of the Head of IG is to lead on the overall development, management and delivery of the Information Governance strategy and work programme. The post-holder will direct and supervise the work of the IG Deputy Manager and Information Governance Officers, and liaise closely with other Trust staff with Information Governance responsibilities so as to ensure the successful delivery of their components of the work programme. The main duties include:

- Act as the Trust's nominated expert for Data Protection, Freedom of Information, Registration Authority Management Governance, Privacy and Data Protection having an in-depth knowledge of the complexity and relevance of appropriate legislation. Apply this detailed knowledge to analysing levels of Information Governance compliance across the organisation, interpreting evidence and using well-developed judgement skills to assess working practices.
- Maintain highly developed specialist knowledge of the law and best practice relating to Information Governance and identify implications of legislative changes for the Trust. Interpret and incorporate national legislation and best practice into Trust policies and processes.
- Lead on the ongoing evaluation of the effectiveness of the Trust's Information Governance processes. Coordinate responses and the Trust's action plan for the NHS Data Security and Protection Toolkit (DSPT). Take lead responsibility for the Trust's DSPT submission and ensure the action plan for ongoing improvements and subsequent work programmes is taken forward by appropriate leads across the organisation.
- To maintain regular liaison and reporting with divisional leads and corporate functions to ensure that Information Governance procedures and processes are implemented consistently and that staff are fully informed about their personal responsibilities
- Develop and undertake audits to provide assurance that appropriate systems are in place to manage confidentiality and information security, and to satisfy applicable external requirements. Develop action plans to address issues identified through the audit process. Liaise with internal and external bodies in the communication of audits action plans / results.
- Provide specialist advice and guidance on the sharing of information, which in some circumstances, may be very sensitive, with other individuals and external healthcare providers.
- Take the lead in developing, reviewing and implementing across organisational information sharing agreements, including local authorities, police, and other health and social care providers with a view to ensuring that the Trust's record of processing activity remains compliance with GDPR and the DPA 2018.
- Lead and develop the delivery of the Information Governance Framework, implementing legislative changes and ongoing service adjustments.
- Undertake full line management responsibility of IG staff including appraisals and performance management as required.
- Hold and manage the budget for the Information Governance team.
- Organising own workload in response to requests from staff, or externally for advice, assistance and / or incident management – likely to occur several times a week. Ensuring deadlines are met. Explaining highly complex, potentially sensitive or contentious legal matters to patients, directors, managers and a range of internal and external staff, where there may be resistance to advice being given.
- Liaise with representatives of external agencies such as – The Information Commissioner's Office, Health and Social Care Information Centre, the Department of Health, NHS Digital, NHSX, local counterparts, external specialists and users / suppliers of information systems or services.
- Contribute to regional and national Information Governance networks / groups, as necessary.

- Communicate information to senior managers in relation to information governance requirements. Give formal presentations to key Trust groups including the Trust Board on existing and emerging information governance issues and implementation requirements, influencing co-operation to achieve compliance.
- Exercise leadership and influence within the organisation in matters relating to Information Governance management, in particular, Data Protection Act, Freedom of Information Act, records management and confidentiality, providing detailed, specialist advice involving highly complex facts or situations, which require analysis and interpretation e.g. interpretation of complex legislation relating to Information Governance, and the implications across the organisation
- Formulate, develop and monitor long-term Information Governance programmes and plans, which impact across the organisation. Create an operational Information Governance Framework and provide operational support across the organisation to ensure successful delivery
- As a professional healthcare manager, be accountable for the delivery of Information Governance, ensuring the protection of patient and staff information Trust wide.
- Responsible for proposing, implementing and developing Information Governance related strategies, policies and procedures across the organisation and also for Wiltshire Health and Care as a major part of the job responsibilities.
- Provide specialist advice to the Chief Information Officer, Director of Transformation/Senior Information Risk Officer, Medical Director/Caldicott Guardian, and board-delegated committees as necessary, to ensure the Trust operates within the legal and ethical frameworks.
- Take the lead in ensuring that the personal information of employees and patients is dealt with legally, securely, efficiently and effectively in order to deliver the highest standards of service.
- Lead the Information Governance input into other areas of audit and oversight, and contribute to the overall governance and quality improvement agenda, e.g. CQC Essential Standards for Quality and Safety
- Work closely with, and report regularly to the Caldicott Guardian on any confidentiality or data protection issues, and the Senior Information Risk Officer regarding any Information incidents. The post-holder will specifically co-ordinate the work of the Trust Information Governance Steering Group, and will be expected to contribute to the overall management of the Informatics Department, and services provided.
- Maintain a close working relationship with the Trust's Legal Services by providing expert advice in relation to claims arising from confidentiality and data breaches.
- Investigate suspected and actual breaches of IT security and undertake reporting/remedial actions as required. Report information via the Data Security and Protection Toolkit reporting tool to NHS Digital and the Information Commissioner in accordance with national direction.
- Attend Court or tribunal as the Trust's representative, where applicable, if a data breach case is heard
- Quality assure the Registration Authority process and implement a proactive audit regime on access to patient records in operational systems and the NHS Summary Record, as and when these systems are implemented.
- Lead the development and roll out of training programmes to managers and staff to support Information Governance, ensuring all members of the organisation are aware of, and appreciate the importance of information governance and accept the responsibility for delivery. Provide information governance briefings during Trust induction sessions.
- Represent the Trust as a member of the Strategic Information Governance Network reporting to the Information Governance Alliance under NHSX.
- To ensure that requests for information received from the Police and NHS Fraud departments comply with the Trust's obligations under the EU General Data Protection Regulations and Data Protection Act 2018.

- Hold the position of deputy chair to the Trust's Corporate Records Management Committee.

**3. Organisational chart**



## 4. Qualification, Skills, Knowledge and Experience required

### QUALIFICATION

- Educated to degree level, with further evidence of postgraduate qualifications in related subjects.
- PDP Data Protection Officer Qualification
- Certificate of Education
- PRINCE 2 at foundation certificate level at least

### KNOWLEDGE

- A highly developed specialist technical and detailed knowledge of all current and emerging information governance statutory and regulatory sector specific guidance and best practices.
- A specialist working knowledge of the requirements of security, information governance and other NHS regulations that apply to a public authority.

### PLANNING & ORGANISATIONAL SKILLS

- Demonstrate the ability to provide professional leadership to staff within the department and within the wider organisation
- Highly developed interpersonal and communication skills especially with regards to translating highly complex technical requirements into simple language both via written reports and verbal discussions.
- Negotiating and influencing skills
- Delivery of projects to time, cost and quality
- Highly developed personal organisational skills
- Ability to formulate long term strategic plans which impact the entire organisation due to the projects/plans being IT Infrastructure related plans. Often these involve uncertainty due to the constant changing horizon of IT technologies.

### ANALYTICAL & JUDGEMENT SKILLS

- Ability to think strategically and contribute to development of corporate objectives
- Ability to apply information governance and data protection legislative requirements to deliver strategic benefit to patients and the organisation
- Good problem solving skills
- Excellent investigative and technical troubleshooting skills
- Ability to understand organisational and technical needs and deliver the necessary solutions in a rapidly changing environment
- Skilled in the presentation and interpretation of highly complex information.
- Ability to judge, evaluate and present highly complex facts which require in-depth analysis and interpretation often involving the comparison of a wide range of options.

### EXPERIENCE

- At least five years' experience of working in senior managerial level within a healthcare setting specifically managing information governance, data protection, confidentiality department in a medium to large multi-disciplinary organisation.
- Experience of leading a complex team with conflicting priorities.
- Experience of working with disparate clinical stakeholders and a track record of successful engagement in projects and programmes of work.
- Evidence of commitment to delivering high quality service to patients and the Trust

- Using knowledge, skills and experience of processes and technology to achieve efficiency savings
- Leading and effecting successful change
- Experience of leading the information governance work for complex governance systems – including the Lorenzo EPR solution.
- Proven experience of resolving complex information, confidentiality and disclosure issues and communicating these to staff at all levels.
- Proven experience of conducting data protection impact assessments, risk identification and information glows.
- Evidence of implementation of information governance, data protection, confidentiality and records management best practice.
- Experience of working at a national level with NHS key stakeholders and the privacy regulator. Awareness of the public sector environment, and specifically, of the NHS Information Governance framework.
- Experience of Information Security Assurance
- Experience of Project Management and managing projects.
- Experience in the development and delivery of training courses and associated materials and have the ability to motivate all staff groups through Information Governance workshops and training programmes.
- Experience of cross-departmental working within an healthcare environment;
- Knowledge and understanding of the complexities of protecting person-based data in IT systems.
- Drafting Strategy and Policy documents.

## 5. Key tasks

### STRATEGY AND STRATEGIC LEADERSHIP

- Data Protection Officer (DPO) will monitor internal compliance, inform and advise the Trust of its data protection obligations, provide advice regarding Data Protection Impact Assessments (DPIAs), and act as a contact point for data subjects and the Information Commissioner in the event of a data breach or non-compliance with the legislation.
- Represent the Trust at the Strategic Information Governance Network meetings hosted jointly by the Department of Health and NHS Digital and X;
- Maintain and review the Trust's Data Protection Registration with the Information Commissioner's Office (ICO) and ensure that the Trust's internal processes and procedures comply with the legislative requirements;
- Overseeing and validating evidence collected to support the Trust's IG work programme including the completion of the annual NHS Digital Data Security and Protection Toolkit assessment;
- Brief the Trust on the current level of the Trust compliance reports to members of the IGSG, and Divisional Managers;
- Working with the Director of Transformation and Chief Information Officer to ensure the Trusts functions remain compliant with all statutory, regulatory and sector specific data protection, confidentiality, security and records management policies, procedures and guidance;
- Ensure the Trust has effective information sharing arrangements with external stakeholders/partners to support and facilitate effective and efficient patient care;
- Continually reviewing the Trust's IG framework and policy to ensure it is fit for purpose across the Trust;
- Co-ordinating the work of the Information Governance Steering Group (IGSG);
- Produce and develop plans to achieve the Information Governance standards required by the Trust and ensure key stakeholders are fully engaged with their roles and responsibilities;
- Ensure the Trust is aware of, and implements relevant legislation, as this is developed

## SERVICE DESIGN

- Ensure that the Trust has robust information governance, data protection and confidentiality procedures which comply with established best practice, including system security, confidentiality, data protection and disaster recovery.
- To be responsible for the management information governance processes within the Informatics department including full documentation and version controls.
- To provide expert information governance advice and guidance to all areas of the Trust to ensure that all new processes, systems and procedures implemented within the Trust comply with relevant impacting statutory, regulatory and Central Government guidance.
- Responsible for the development of all internal training relating to records management information governance across the Trust.
- Responsible for the management and development of information systems (the whole IT Infrastructure) across the organisation as a major job responsibility.

## WORKING CONDITIONS & EFFORT

- This role requires the ability to juggle complex issues whilst dealing with demands from Executive Directors, clinicians and Senior Managers
- The role requires flexibility in approach with working hours with occasional evening and weekend working being required
- The role requires communication with external contacts of high profile service providers
- High levels of concentration and mental effort required whilst handling frequent interruptions to answer complex queries from stakeholders and staff members
- The role is primarily office based and there is a requirement to use VDU equipment more or less continuously on most days

## COMMUNICATION AND WORKING RELATIONSHIP SKILLS

- The post holder must have the skills and experience to receive, interpret and communicate highly complex service related matters, at the highest level. This may be internal, external, written and/or verbal.
- Be able to communicate clearly and concisely to a wide range of groups at all levels throughout the Trust, e.g. national initiatives and Facilities Directorate issues
- The post holder will be required to communicate orally and in writing to the Trust Board and its delegated committees.
- Maintain good working relationships with clinical and non-clinical staff at all levels within the Trust and externally
  - Chief Executive Officer
  - Director of Transformation
  - Medical Director/Caldicott Guardian
  - Chief Information Officer
  - Trust Solicitor
  - Clinicians
  - Trust Board
  - Executive Directors
  - Directorate Management Teams
  - Procurement
  - Finance Department
  - Medical Records
  - Administrative Staff



- External Suppliers
- Commissioners
- Sustainability and Transformation IG Working Group
- National IG stakeholders
- Information Commissioner's Office
- Others, as required

## CONFIDENTIALITY AND DATA PROTECTION ASSURANCE

The post-holder will be responsible for ensuring that Trust Policies, procedures and guidance relating to Confidentiality and Data Protection conform to the requirements of current legislation and the DSPT and are robustly applied throughout the Trust. The post-holder will be the Trust Data Protection Officer.

- Work closely with the Health Records Manager to ensure that the Trust fully complies with all principles and requirements of the Data Protection Act 2018;
- Work closely with, and report regularly to the Caldicott Guardian and SIRO (Senior Information Risk Officer) on any Confidentiality or Data Protection issues;
- Actively promote and publicise Confidentiality and Data Protection awareness throughout the Trust by organising training and providing written procedures that are widely disseminated and available to all staff;
- Ensure that appropriate action is taken when non-compliance is identified and to investigate breaches of confidentiality, inappropriate use of systems and related transgressions and act as investigating office to formal disciplinary level as appropriate;
- Ensure that monitoring reports are produced and use these as a tool to ensure action is taken to tighten and adjust procedures;
- Lead on the implementation of a mechanism for defining and maintaining information flows within the Trust and between the Trust and partnership organisations, providing advice where necessary;
- Review all Research and Patient and Public Involvement proposals for compliance with Data Protection legislation in accordance with national Research Governance standards. Formally advise the Trust R & D Committee on general data protection and confidentiality matters in order to meet local and national requirements.

## INFORMATION SECURITY ASSURANCE

The post-holder will act as Lead Manager for this aspect of the IG work programme.

The post-holder will ensure effective monitoring on all aspects of information security including assessments of security risks and threats, and will advise on controls to determine the effectiveness of the Trust's information security. The post-holder will:

- Ensure that the Trust complies with the IT Security Standards contained in the DSPT and ISO27001 (International Security Standard) and Computer Misuse Act 1990 by taking a proactive approach in measuring compliance and highlighting areas on non-compliance;
- Work with the Trust's Senior IT Team to establish standards, policies and procedures covering all aspects of IT Security and reporting;
- Ensure compliance with IT Security regulations by Trust Staff and be consulted at the earliest possible stage following suspected or actual security incidents or breaches in order to investigate inappropriate use of systems and related transgressions and act as investigating office to formal disciplinary level as appropriate;

## CLINICAL INFORMATION ASSURANCE AND DATA QUALITY

The post-holder will ensure that the Trust conforms to the standards in the DSPT in relation to Data Quality by working with the lead manager for Clinical Information Assurance and Data Quality, proactively monitoring performance, and establish with the relevant staff standards, policies and procedures covering all aspects of Data Quality.

## RISK MANAGEMENT

The post holder will:

- Ensure that an IT risk register is maintained by the Department and assess its fitness for purpose;
- Ensure that the IT Department maintains its element of the Trust Risk Register;
- Liaise regularly with the Trust Risk Manager to ensure Information Governance Risks and Incidents are reviewed.

## TRAINING AND AWARENESS

The post holder will lead on the development and delivery of Information Governance training for Trust staff both in formal sessions and in informal team settings, and will:

- Ensure the delivery of Information Governance awareness through Corporate Induction;
- Encourage the development of awareness sessions for all levels of Trust staff;
- Ensure that the training programme and staff awareness material are regularly reviewed and updated where necessary.

## OTHER

The post holder will be required to:

- Undertake any other duties commensurate with the grading and scope of the post.
- Accurately record information and ensure data quality standards within the Trust are adhered to. This may include the monitoring, reporting and aiding in the correcting of errors made by others using information systems if authorised so to do.
- Maintain patient safety through rigorous and consistent compliance with Trust policies for the prevention and control of infection, including hand hygiene. To undertake appropriate mandatory training and updates in infection prevention and control.
- Attend the Executive Walk rounds as the IG Quality Lead.
- Safeguard and promote the welfare of children and young people in compliance with Trust and staff responsibilities under Section 11 of The Children Act 2004; to follow Trust safeguarding children and child protection policies and guidelines and undertake appropriate mandatory training and updates in safeguarding children/child protection.'
- Adhere to Trust Policies in relation to Safeguarding Adults, staff will ensure that they work with other agencies to protect all adults from abuse at any time.

## 6. Working to the Trust's Values & Behaviours

### Patient centred and safe

- You will put patients and carers at the centre of your thinking, however indirectly you work for them, remembering the overall Trust aim to provide high quality local services for the population.
- You will adopt a positive approach to change, offer ideas for improving services and direct or indirect patient experience in a collaborative manner.

### Professional

- You will understand your own emotions and recognise the impact on others.
- You will behave in an open, honest, professional and inclusive manner, upholding personal and organisational values and acting as a role model to others.
- If using a social networking site or other on line forum you will act responsibly at all times and uphold the reputation of *your work area* and the organisation.

### **Friendly**

- You will show warmth and empathy towards your colleagues and other agencies, making it clear you are always happy to help.
- You will show compassion and kindness towards others, giving time to listen before responding to need
- You will show respect to colleagues, treating them equally regardless of their background.

### **Responsive**

- You will approach your duties and tasks in an organised, planned and structured way.
- You will use every opportunity to communicate with your team and other colleagues as appropriate.
- You will always challenge unacceptable practice and know how to raise concerns.

## **7. Most Challenging Part of the Job**

### **Unpredictability**

Often required tasks to change without notice to deal with an immediate problem – usually several times a day. Ensuring external deadlines are met. Explaining complex legal framework to patients/relatives/staff who may well not want to hear what they are being told.

### **Working Conditions & Effort**

Use of VDU for long periods

Requirement to travel to external meetings

Ability to visit all areas of the Trust

### **Physical Effort**

Advanced Keyboard skills required for the input, manipulation and interrogation of complex information. Due to the nature of the work the IG manager must be able to physically access all areas of the site and be prepared to carry out external IG compliance visits.

### **Mental Effort**

Due to the very diverse nature of this post, extreme concentration is required most of the time. This concentration is frequently prolonged over 2-3 hours and happens daily.

The work patterns for the job are highly unpredictable with frequent interruptions due to the post holder's specialist and expert knowledge in a variety of key Trust knowledge fields.

The post requires the Data Protection Officer to become the advocate for the patient regarding issues of confidentiality, security and legislative compliance.

### **Emotional Effort**

Due to the line management responsibilities of this post, there are occasions when it is necessary for the individual to be exposed to distressing or emotional circumstances which include meeting with individuals (both staff and patients) who are distraught/ frustrated and/or aggressive.

The investigative part of the post can lead to very emotional and distressing scenes, especially when presenting the results of the investigation or complaint.

The IG Manager as the Privacy and Data Protection Officer(s) for the Trust is on occasion required to gather evidence on behalf of the Police and Court containing distressing information and reports.

As the IG Manager the post holder is required to appear, and give evidence on behalf of the Trust, at disciplinary, fitness to practice and legal proceedings. This is a highly demanding role which required a great deal of emotional, mental and physical effort and discipline.

## 8. Conditions of Service

### Full time contract – 37.5 hours per week

**Hours:** Full time

**Holidays:** As per Agenda for change

**Salary:** AFC Band

This job description is intended as a guide to the general duties required of this post, which may vary from time to time. It does not form part of the terms and conditions of employment

Employees are required to co-operate with management and safety representatives on matters relating to the Health and Safety at Work Act

This post is bound by the Trust regulations on confidentiality

This post is subject to an Exception Order under Section 4(2) of the Rehabilitation of Offenders Act 1974.

The post holder is required to maintain patient safety through rigorous and consistent compliance with Trust policies for the prevention and control of infection, including hand hygiene. To undertake appropriate mandatory training and updates in infection prevention and control

Safeguard and promote the welfare of children and young people in compliance with Trust and staff responsibilities under Section 11 of The Children Act 2004; to follow Trust safeguarding children and child protection policies and guidelines and undertake appropriate mandatory training and updates in safeguarding children/child protection.

By following Trust Policies in relation to Safeguarding Adults, staff will ensure that they work with other agencies to protect all adults from abuse at any time.

## 9. Job description agreement

### Job Holder

Name

Signature

Date

---

### Chief Information Officer

Name

Signature:

Date:

---