

## IG Data and Digital Committee Terms of Reference

### (1.0) PURPOSE

The Committee is the principal mechanism for the Integrated Care Board's (ICB) governance, data/digital and management of all its IG, data protection and information security activities. It shall demonstrate compliance with ICB's permissible use of personal and patient-confidential data.

The Group is an accountable sub-committee of the ICB Audit Committee. Its purpose is to support and drive the broader IG Data/Digital agenda, thereby providing upwards assurance that effective IG, Data/Digital is in place within the ICB as an NHS Commissioner.

Longer term, the Committee will also seek to foster and progress the wider "system by default" aims, ethos and collaborative working principles of our Integrated Care System. The Committee shall explore logical opportunities for greater collaboration and joint working between organisations (partners) with sovereign responsibility for the IG-facing elements of commissioning or providing health & care services in our area.

The Committee will also support the ICB's principal role in working to secure the alignment and implementation of national IG and aligned Data / Digital strategic priorities in:

- Aligning development and implementation of *Data Saves Lives* Strategy Commitments:
  - Bringing people close to their data, driving technology in line with the Health Board's Integrated Medium-Term Plan (IMTOP).
  - Monitoring the Cyber Security Action plan.
  - Giving health & care professionals the data, they need to provide the best possible care.
  - Supporting local decision-makers with data.
  - The collective development / implementation of local health & care IG priorities.

### (2.0) COMPOSITION

#### 2.1 Membership

The members of the Committee shall be appointed and reviewed annually by the Audit Committee. The membership can be found in section 2.4 below, alongside quoracy principles for meetings.

#### 2.2 Chair & Vice Chair

The Chair will have sufficient levels of responsibility to provide robust IG challenge regarding governance and data/digital, and should ideally be the ICB Director with IG responsibility, or a suitable alternative. For those occasions whenever the Chair is unavailable (due to absence or temporary conflict of interest), a Vice-Chair will be appointed from among the senior ICB members of the membership.

#### 2.3 Attendance

All members are required to prioritise attendance at meetings, or send suitable, alternative representation (for business continuity purposes) in their absence. The Secretariat must be notified in advance of the meeting of any persons acting as nominated deputies.

Representation will be secured from all ICB teams that commission services; and key partner organisations that support the commissioning of services or use personal data. Along with core IG Leadership individuals with statutory or regulatory roles and responsibilities for data protection or information security as well as Digital leaders across the ICB/System. Functional and/or Subject Matter

Experts will attend to provide progress reports on their specific areas of work and bring pieces of work to the Committee for discussion and approval.

## **2.4 Membership and Quorum** (where “Q” denotes counting towards quoracy)

- ICB Senior Information Risk Owner (Q) - Chair
- ICB Digital Officer (Q) – Deputy Chair
- ICB Data Protection Officer (Q)
- Non-Executive Member of the System (Q)
- ICB Deputy Caldicott Guardian (Q)
- ICB Head of Governance
- ICB Governance Manager and Operational IG Lead (Q)
- Attendance from a minimum of two of ICB’s Directorates (Q)
- At least one representative of Midlands & Lancashire CSU’s IG Team (Q)
- At least one representative of Shropshire & Staffordshire’s Health Informatics Service (Q)
- At least one representative from partner organisations (Q) (*suggested rep – IG Lead, DPO, Caldicott or SIRO*)
- Others TBC: e.g., other attendees as required by the Committee or the agenda*

## **(3.0) MEETINGS**

### **3.1 Frequency and Reports**

The Committee will meet on a quarterly basis: in line with the Audit Committee meetings, this may even lead to a 4 plus 1 approach, the one being year-end when the DSPT submissions are approaching. If an urgent meeting is required in the interim, to fulfil priority Work Programme or to transact other urgent decisions, these shall be permissible with Chair’s approval and notified to members with sufficient notice to secure quoracy as outlined above. The Committee will normally meet via Teams, although other virtual media may be used to support ICB’s agile working principles.

For any urgent papers requiring agreement in between meetings, the Chair will receive the paper and give approval to send the paper to the Committee for a virtual agreement without having to convene a meeting.

### **3.2 Agendas, Papers and Minutes**

These will be comprised of reports or briefings from each IG, Data/Digital agenda lead, containing updates on progress with annual IG (Data Security & Protection Toolkit: DSPT) work programmes, performance updates and any IG-focussed policies requiring approval on behalf of the ICB. These will be distributed five working days in advance of meetings to allow time for members’ due consideration. If submission within this timescale is not possible, the Chair will be notified and reports will be sent out at the earliest available opportunity prior to the meeting date.

As a sub-committee of the Audit Committee, corporate front-sheets should always be used accompanying any paper to be presented to the committee.

Minutes will be kept and formally submitted to the Audit Committee for information.

### **3.4 Other**

The Committee may obtain any professional advice it requires and invite / co-opt as necessary, external experts and/or relevant staff to attend meetings pertinent to their disciplines.

#### **(4.0) CORE OBJECTIVES and WIDER AIMS OF THE COMMITTEE**

The Committee will act as ICB's focal point for the discussion and/or resolution of IG, data/digital issues, helping colleagues and contractors to manage personal and corporate information legally, securely and efficiently. It will support the ICB in the delivery of "Good Governance" by:

- ☑ Overseeing the management of all relevant legislation / legislative requirements, including but not limited to:
  - *Data Protection Act 2018 / UK General Data Protection Regulations (GDPR)*
  - *The NHS Act 2006 and Health & Care Act 2022*
  - *Freedom of Information Act (FOIA) 2000*
  - *Caldicott, ICO and National Data Guardian Reports & Reviews*
  - *NHS Confidentiality and Records Management Codes of Practice*
  - *NHS Data Security & Protection Toolkits (DSPT)*
- ☑ Providing upwards assurance to Audit Committee, and through them into ICB's Unitary Board, that IG legislation is robustly embedded within the organisation.
- ☑ Ensuring the establishment of wider partnerships, corporate standards and the consistent, overarching ICB view on IG, data/digital matters – longer term, expanded to ensure integration of / compliance with IG initiatives and legislation across ICS Partners.
- ☑ Supporting the provision of high-quality care / services by promoting the effective and appropriate use of information and providing staff with appropriate tools / support to enable them to discharge their IG responsibilities.
- ☑ Ensuring that an appropriate, comprehensive IG framework and management support systems and processes are in place, in line with national standards.
- ☑ Working up and performance managing policies & procedures that co-ordinate data protection / confidentiality / security / quality, records management and FOIA activities.
- ☑ Informing audits or external reviews of ICB IG management / accountability arrangements.
- ☑ Ensuring that ICB successfully reports on and manages all risks associated with IG.
- ☑ Progressing ICB's annual IG work programmes supporting annual DSPT assessments (including sign off by SIRO, Audit Committee and Unitary Board as required):
  - To ensure that ICB's approach to information handling is communicated to all staff and public
  - To monitor ICB's information handling activities to ensure compliance with the law and guidance
  - To support and advise the SIRO Framework, Caldicott Function, data protection programmes
  - To ensure that training made available is taken up by staff as necessary to support their role

#### **(5.0) Data/Digital**

The Committee will be responsible for ICB/ICS digital priorities and will be sighted on any and all digital cyber security attacks and ensure infrastructure or systems used will have the appropriate certification.

The Committee will ensure there is effective collaboration with partner organisations and stakeholders in relation to sharing information and digital platforms and ensure digital capabilities are harnessed as enables of great patient care and safety.

To provide assurance to the ICB Board that the digital agenda is being monitored and delivered.

**(6.0) MANAGEMENT AND ACCOUNTABILITY**

The Chair will report to Audit Committee on the Committee's progress and escalate any agenda items which may need approval. The ICB's CEO has overall accountability for ensuring that the organisation operates in accordance with the law, with the support of their staff.

**(7.0) AUTHORITY TO ACT**

The Committee is authorised by the Audit Committee on behalf of Unitary Board to investigate any activity within these Terms of Reference. It is authorised to seek any information it requires from any employee, who are directed to co-operate with any request made by the Group, in line with these Terms of Reference, as part of the IG and Data/Digital work programme.

**(8.0) PERFORMANCE OF THE COMMITTEE**

The Committee shall review its own performance, effectiveness, including its running costs and Terms of Reference, on an annual basis.

**(9.0) Outline Governance Structure**

