

Process for IG assurance in support of CAG and DAAG applications.

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Introduction

1. This document describes the Information Governance Assurance process for **new and existing** applicants seeking NHS patient information via Section 251 support from the Confidentiality Advisory Group (CAG) or requiring either identifiable data where informed consent has been given or sensitive de-identified data items approved by Data Access Advisory group (DAAG) and those covering access to Registration data approved by Office of National Statistics (ONS).
2. Information governance refers to all the measures put in place to protect the confidentiality and security of personal information while ensuring that it is accurate, up to date, can be relied on when taking decisions and is available to authorised people where and when needed.
3. **It is Department of Health (DH) policy that all organisations that have access to NHS patient information must provide assurances that they are practising good information governance and use the Department of Health's Information Governance (IG) Toolkit to evidence this by the publication of annual IG Toolkit assessments.**
4. In August 2012, in line with this DH policy, there was a change to the Security Assessment process in relation to section 251 applications. The change replaces the desk based review of security documentation (system level security policy) and associated elements of the application process with a requirement for applicants to provide assurance through the IG Toolkit. Therefore, since August 2012, all bodies (new and existing applicants) that are seeking access to NHS patient information via section 251 of the NHS Act 2006 via applications to the CAG are required to provide IG assurances using the IG Toolkit assessment tool by following the process within this document and demonstrating a satisfactory level of compliance.
5. The Health and Social Care Information Centre (HSCIC) have taken similar measures in relation to requests for either identifiable data where informed consent has been given or sensitive de-identified data items and those covering access to Registration data approved by Office of National Statistics (ONS) via the Data Access Advisory Group (DAAG). Applicants can provide assurance that good Information Governance practices are being maintained by:-

- Completing an IG Toolkit assessment (follow process within this document to assist within this requirement) and meeting a satisfactory level of attainment or;
 - Providing details of certification to DAAG directly against international security standard ISO 27002 or;
 - Demonstrating that other assurances are in place (details of which must be provided to DAAG directly).
6. Successful s251 or DAAG applicants preceding this change in process will not be required to complete an IG Toolkit assessment, where a system level security policy (SLSP) has already been approved and valid until renewal/extension/amendment is due. However, it is recommended that applicants prepare for this in advance, to reduce the risk of delays going through the approvals process.

What does the applicant need to do to provide IG assurances?

7. If the applicant is the entity¹ receiving or processing confidential personal information, sensitive data items or relevant ONS data, they must do the following. If a third party entity is processing on behalf of the applicant, they must ensure that the relevant third party does the following:
- Complete an up to date and satisfactory IG Toolkit assessment. This can be undertaken in parallel with the CAG or DAAG application process.
 - Satisfactory status can be achieved by providing appropriate evidence that the entity is compliant with all the IG requirements to a minimum attainment level 2 or where this cannot be met an adequate improvement plan is in place.
 - The IG Toolkit assessment should be maintained on an annual basis (or at least for the full duration of the period stated within the application) and a current version published no later than 31st March every year. The latest **published** version will be reviewed in support of your application to CAG or DAAG.
 - This process also applies to entities outside of England (e.g. Wales, Scotland etc). The IG Toolkit should be used to provide IG assurances until advised otherwise.

What is the purpose of the Information Governance Toolkit?

8. The Department of Health's IG Toolkit (www.igt.connectingforhealth.nhs.uk) helps organisations using personal information to assure themselves and others that they are practicing good information governance, by measuring their compliance against the law and central guidance and determining whether information is

¹ Entity could be an organisation, body, department, research/study team or project, academic researcher etc. from within or outside of England.

handled correctly and protected from unauthorised access, loss, damage and destruction.

9. Where partial or non-compliance is revealed, the IG Toolkit helps to identify appropriate measures, (e.g. assign responsibility, put in place policies, procedures, processes and guidance for staff), with the aim of making cultural changes and raising information governance standards through year on year improvements. The ultimate aim is to demonstrate that the entity can be trusted to maintain the confidentiality and security of personal information. This in-turn increases public confidence that ‘the NHS’ and its partners can be trusted with personal information.
10. The IG Toolkit contains lists of requirements for each setting/organisation type against which entities assess their attainment level (See this link for further information on different requirement sets.
<https://nww.igt.connectingforhealth.nhs.uk/requirementsorganisation.aspx?tk=411425764557518&cb=b0d2b46d-d089-4356-97cf-dd3948cbc457&lnv=2&clnav=YES>).
11. The attainment levels range from 0 to 3 and loosely correlate to the information in the table below. The levels are cumulative, e.g. you can only score at level 2 if you have all the evidence required for level 1 and 2. Some requirements have an option to select ‘not relevant’ (NR) but this should only be used when appropriate. If this option is not available, and it is felt that the requirement is not relevant, a request for exemption can be submitted to the IGT Helpdesk (details below) with details of the requirement number and reason for exemption. Requests will be reviewed and granted in cases where appropriate.

ATTAINMENT LEVELS	
0	there is insufficient evidence to attain level 1
1	Work has begun to develop the policies, procedures and/or processes that are necessary to become compliant
2	there are approved and implemented IG policies and procedures in place that have been made available to all relevant staff
3	staff compliance and the effectiveness of the policies and procedures is monitored and assured

The Steps

12. There are slightly different steps to follow dependent on prior engagement with the IG Toolkit completion process or setting/organisation type. See A,B or C below to guide you to the relevant steps:-
 - A. **New IG Toolkit User** – Register with the IG Toolkit, complete and publish an assessment. See sections 13 to 18.
 - B. **Existing IG Toolkit User (Secondary User Organisation, Hosted Secondary Use Team/Project, NHS Business Partner, Social Care Delivery, Any Qualified Provider and Commercial Third Party views)** - Ensure you have completed and published an up to date IG Toolkit assessment. See section 15 to 18.

- C. Existing IG Toolkit User (Other organisation types)** - Ensure you have completed and published an up to date IG Toolkit assessment. See section 14 to 18.

How do I register to use the IG Toolkit?

13. To carry out an IG Toolkit assessment you must be registered on the IG Toolkit website. CAG or DAAG applicants will generally be classified on the IG Toolkit as:
- Hosted Secondary Use Team/Project, OR
 - Secondary Use Organisation.

The IG Delivery Team will decide which requirement set is the most appropriate for your entity when they are dealing with your registration request.

14. To request registration with the IG Toolkit or to request the review of an IGT assessment, complete the form in appendix A and send via email to the National Helpdesk (exeter.helpdesk@nhs.net) for the attention of **IGTK 3rd line Policy**.

For new IGT users a member of the IG Delivery Team will register your entity details and nominated person to complete the IG Toolkit assessment online. If you do not know your organisation code (i.e. ODS code), one will be issued. Once the registration is complete the named individual will receive log in details by email.

How do I complete the IG Toolkit assessment?

15. Before you start completing your assessment please read the Help guide '[How to Complete Your Assessment](#)'. The guide will show you:
- How to access the guidance section for a particular IG Toolkit requirement - you should read the guidance before you start to answer a particular requirement so that you fully understand the content of the requirement and what you need to do to fulfil that requirement.
 - How to access each of the attainment levels and the types of evidence that will demonstrate compliance - so you can determine where your entity currently is in relation to those levels and then score appropriately.
 - How to attain appropriate scores for each requirement.
 - How to add evidence or comments to support the scores you have entered - if you do not upload your evidence, please make sure you enter supporting comments against **each attainment level claimed for each requirement**. The comments should contain sufficient detail to enable reviewers/auditors to ask for documentary evidence by name and be assured that it relates to the correct requirement - e.g. the name of a procedure, how it meets the evidence requirement, where it is located and who is responsible for it.
 - How to mark a requirement as 'not relevant' (NR) or apply for an exemption (EX).

What if I am not at level 2 or above for a requirement?

16. If there are any requirements on which you do not achieve a minimum of level 2, you should use the 'Add actions' IG Toolkit functionality to set out:

- What improvements you will make,
- When the improvements will be made and
- Who will be responsible for making the improvements

Completing improvement actions enables anyone authorised to review the details of your assessment to create an improvement plan that contains all the planned actions, comments and evidence on one screen, thus speeding up the review process. **Please note that the improvement plan will be sent to the CAG or DAAG to support your satisfactory attainment subject to conditions.** You can find more information on adding improvement actions in the '[Improvement planning](#)' Help guide.

What happens when I publish the assessment?

17. The IG Delivery Team will receive an automatic notification when organisation types listed below publishes their IG Toolkit assessment. So no further action required by the applicant other than waiting for a response from the IG Delivery Team.

- Secondary User Organisation
- Hosted Secondary Use Team/Project
- NHS Business Partner
- Social Care Delivery
- Any Qualified Provider
- Commercial Third Party

All other organisation types should notify the IG Delivery Team by completing the form in Appendix A and email it to exeter.helpdesk@nhs.net for the attention of **IGTK 3rd Line Policy** (as there is no automatic notification for other organisation types).

18. Once the notification is received by the IG Delivery Team, they will review your assessment within 3 to 5 working days. They will contact you to inform you of their findings which will be one of the options below:

- **Satisfactory** - Your assessment is satisfactory as all scores are at level 2 or above and these scores are supported by the evidence you have provided. The CAG or DAAG (as relevant) will be informed that the assessment is satisfactory and that your application can continue.
- **Satisfactory subject to Improvement Plan** - Your assessment is acceptable as although you have scores at less than level 2 you have added improvement actions setting out how you will attain level 2 within a reasonable period of time. The CAG or DAAG (as relevant) will be informed that the assessment is satisfactory subject to execution of the improvement plan and that your application can continue.

- **Not Satisfactory-** Your assessment is not satisfactory either because there is insufficient evidence or comments entered to provide assurance, or you have not entered sufficient improvement actions for requirements scored at less than level 2. Your assessment will be un-published and you will be provided with advice regarding what you need to do so that your application can proceed. The CAG or DAAG (as relevant) will not be contacted until you have provided a satisfactory assessment. Once you have made the amendments and re-published the assessment it will be reviewed again.

Please note: Your application to CAG or DAAG will not be approved until the IG Toolkit assessment(s) have been confirmed 'Satisfactory' by the IG Delivery Team. The CAG and DAAG still reserve the right to seek further assurance or clarification from the applicant in relation to the IG Toolkit assessment or improvement plan actions, if deemed necessary.

Where to go for help

IG Toolkit helpdesk - If you have any general questions regarding the IG Toolkit or IG requirements, or progress of your security submission. Make it clear in the subject matter or query detail that you are completing the IGT in support of your CAG or DAAG application.

<https://www.igt.connectingforhealth.nhs.uk/ContactUs.aspx?tk=411425764557518&lnv=5&cb=f11e46a9-81b2-4754-85f2-78167bad7535>

Information Governance Toolkit website: <https://www.igt.connectingforhealth.nhs.uk/>

CAG application help – If you have any questions regarding your section 251 application or the approval process - <http://www.hra.nhs.uk/hra-confidentiality-advisory-group> or email HRA.CAG@nhs.net. Please note questions around the completion of the IG Toolkit must be addressed to exeter.helpdesk@nhs.net

DAAG application help – If you have any questions regarding your request for sensitive data held by the Health and Social Care Information Centre contact daag@ic.nhs.uk

Appendix A

Request for registration on the Information Governance Toolkit (IGT) website or request for an IGT assessment review in support of CAG or DAAG applications

Complete the form below and email to the Exeter.helpdesk@nhs.net for the attention of **IGTK 3rd Line Policy (Call type CAG/DAAG IGT)**.

Request for registration on IGT YES/NO

Request for review of a published IGT assessment YES/NO

1	The name of the body making an application to CAG or HSCIC DAAG.	
2	The name of the entity ² receiving or processing personal confidential information or de-identified sensitive data items.	
3	The organisation code ODS code (if known) of the entity named under 2 above.	
4	The full address of the entity named under 2 above (including post code) if ODS code is unknown.	
5	Which application will the IG Toolkit assessment support? (delete as appropriate)	DAAG? Yes/No or CAG? Yes/No
6	The unique reference number provided by the CAG or DAAG.	
7	Project/Study title on CAG or DAAG application.	
8	The composition of the project/team using patient information - for example is it an individual, team or project hosted within a larger organisation, or an organisation in its own right.	
9	The contact details of the person requiring registration on the IG Toolkit to complete an assessment.	Full name: Tel: Email:

² Entity could be an organisation, body, department, research/study team or project, academic researcher etc. from within or outside of England.