

Reference:	FOI.3078.20
Subject:	Person identifiable information
Date of Request:	1 May 2020

Requested:

I forward the following Information request regarding Person Identifiable Information (PII).

1. Would you please confirm the date you attained the post of Hywel Dda University Health Board (HDUHB), Data Protection Officer (DPO)?
2. Would you please confirm that patient's clinical records are sensitive PII?
3. Would you please confirm that PII was part of General Data Protection Regulation (GDPR)?
4. Would you please confirm that GDPR was incorporated into the Freedom of Information Act (FOI) by an amendment on 5th May 2018?
5. Would you please confirm the PII number that required a body to designate a person (DPO) to be responsible for PII processing and comply with legislation pre 5th May 2018?
6. Would you please confirm the number of PII (Employees and Patients) that was held and processed each year by HDUHB pre 15th May 2018.
7. Would you please confirm the names of HDUHB Data Protection Officers pre 5th May 2018 and their period of Office?

Response:

1. Hywel Dda University Health Board (UHB) confirms the Head of Information Governance took up the post of Data Protection Officer (DPO) on successful appointment in November 2018.
2. The UHB confirms a patient's medical records are considered special category data as described within Article 9 (1) of the General Data Protection Regulation (GDPR), and Part 1 Section 10 (1) of the Data Protection Act (DPA) 2018.
3. The UHB confirms, prior to GDPR, all individuals and organisations had an obligation to comply with the Data Protection Act 1998. On 25 May 2018, GDPR was brought into force by the European Union and subsequently the UK Government introduced the Data Protection Act 2018 (also in force since 25 May 2018) to be utilised alongside the GDPR.

Data Protection legislation from its origin has been implemented to protect the rights of the individuals, allowing them the right to understand what information is held and how the information is being processed, and what rights they have.

Personally Identifiable Information (PII) is a term used to describe Personal Data, i.e. information that either alone or together with other information can be used to identify an individual.

4. GDPR provides the overarching guidance to be followed by all countries within the European Union (EU). The Data Protection Act 2018 is what is more commonly referred to as 'Member State Law' within the GDPR and this requires the individual countries to have their own

legislation in place to support the GDPR and provide additional guidance on the processing of PII. The Freedom of Information Act 2000 was amended on the 25 May 2018 to incorporate the new GDPR and DPA regulations.

5. Under the current Data Protection Legislation you must appoint a DPO if you are a public authority, as stated in Article 37 of GDPR. The UHB is a public authority.
6. The UHB is unable to provide accurate information in answer to your request. However, the UHB serves a population of approximately 384,000 patients and the 2017/18 annual report recorded that the UHB had an average of 8,544 employees.
7. Prior to 25 May 2018 the UHB did not have an appointed DPO as it was not a requirement of the law. The overarching responsibility for compliance with the Data Protection Act 1998 was shared with the Senior Information and Risk Officer (SIRO), Deputy SIRO, Caldicott Guardian, Deputy Caldicott Guardian and the Information Governance Manager.