

MISFILING OR MISLAID PATIENT OR STAFF RECORDS - REPORTING AND ESCALATION PROCEDURE

Procedure information

Procedure number: 1283

Classification: Corporate

Supersedes: N/A

Version number: 1

Date of Equality Impact Assessment: 05/08/2024

Approval information

Approved by: Sustainable resources Committee

Date of approval: 22.10.2024

Date made active: 04.11.2024

Review date: 22.10.2027

Summary of document:

This document includes the correct procedure to be used by staff when information has been misfiled or mislaid within the Hywel Dda University Health Board.

Scope:

Persistent unavailability of care records leads to gaps in clinical knowledge and also means that the Health Board becomes vulnerable to not being able to respond to patients who wish to see records that are held about them.

Staff records must be treated with the same level of protection as patient records.

To be read in conjunction with:

[320 – Acceptable Use of IT Policy](#) – opens in a new tab

[172 – Confidentiality Policy](#) – opens in a new tab

[836 – All Wales Information Governance Policy](#) – opens in a new tab

[837 – All Wales Information Security Policy](#) – opens in a new tab

[201 - All Wales Disciplinary Policy and Procedure](#) – opens in a new tab

[435 - All Wales NHS Staff to Raise Concerns Procedure \(Whistleblowing\)](#) – opens in a new tab

[1088 - Information Rights Procedure](#) – opens in a new tab

Patient information:

Include links to [Patient Information Library](#)

Owning group:

Information Governance Sub Committee

18/09/2024

Executive Director job title: Director of Finance

Reviews and updates:

1.0 New Procedure

Keywords

Audit, WPAS, Medical Records, Patient Records, Information Governance, Staff files

Glossary of terms

Caldicott Guardian - A Caldicott Guardian is a senior person responsible for protecting the confidentiality of people's health and care information and making sure it is used properly.

Data Protection Legislation - Data protection legislation is about the rights and freedoms of living individuals and in particular their right to privacy in respect of their personal data. It stipulates that those who record and use any personal data must be open, clear and transparent about why personal data is being collected, and how the data is going to be used, stored and shared.

Personal Data - Personal Data is information which relates to a living individual who can be identified from the information itself or by linking it with other information – for example a person's name and address, an online profile, a member of staff's HR record or records relating to individual's such as patients or service users.

Personal Data Breach - A personal data breach means a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data. This includes breaches that are the result of both accidental and deliberate causes.

Senior Information Risk Owner (SIRO) - An Executive Director or member of the Senior Management Board with overall responsibility for information risk across the Health Board.

Special Category Data - Special category data means personal data consisting of information as to:

- Genetic and biometric data
- Political opinions
- Religious or other beliefs
- Trade union membership
- Physical or mental health/condition
- Sexual life

And although not specifically described as special category data, this information requires the same treatment:

- The commission or alleged commission of any offence
- Any proceedings for any offence committed/alleged to have been committed, the disposal of such proceedings or the sentence of such proceedings

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Scope

All staff with access to electronic clinical systems will be affected by the introduction of this procedure. The Health Board needs to be able to evidence that it knows where all of its records reside and, where it does not, that it has a process in place to ensure their effective retrieval. The Health Board also needs to ensure that if misfiling occurs, this is documented, investigated and staff are supported so they feel confident they can fulfil their job roles effectively.

Aim

The aim of this document is to:

- Ensure the availability of records required for all patient care.
- Ensure that any records that cannot be found are reported and investigated.
- Comply with the Data Protection Act 2018 and UK GDPR.
- Educate staff that lack of availability of information is a potential personal data breach.

Objectives

The aim of this document will be achieved by the following objectives:

- Identify and DATIX all incidents of misfiling found on paper and electronic records.
- Identify and DATIX all mislaid files.
- Escalate any potential Personal Data Breaches to the Information Governance team so that action can be taken.
- Where a case has to be answered, inform the Workforce Department to follow the processes outlined within this procedure and which may result in action being taken in line with the Health Board's [Disciplinary Policy and Procedure](#) (opens in a new tab).

INTRODUCTION

Persistent unavailability of care records leads to gaps in clinical knowledge and also means that the Health Board becomes vulnerable to not being able to respond to patients who wish to see records that are held about them. Staff records must be treated with the same level of protection as patient records.

The Health Board needs to be able to evidence that it knows where all of its records reside and, where it does not, that it has a process in place to ensure their effective retrieval. This procedure enables the Health Board to demonstrate its commitment to complying with the Data Protection Act 2018 and UK GDPR.

PROCEDURE

The Procedures follow several steps to identify and escalate potential personal data breaches:
Reporting & Investigating a missing patient or staff record.

In the event of health or staff records being lost or stolen from Health Board premises and/or other locations. The following table shows the step-by-step process that can be followed by staff:

Step	Who	Task
1	Staff Member	Identifies that a paper patient/staff record is missing, or a file contains incorrect information: <ul style="list-style-type: none"> • Was transit from one location to another – not arrived • Within the Acute Hospitals or Health Board offices • At medical records storage
2	Staff Member	Inform Line Manager of missing record, or misfiled information.
3	Staff Member and/or Team Colleagues	Missing records <ul style="list-style-type: none"> • Carry out a thorough search of all areas occupied and used by the team including all desk drawers, cupboards and storage areas that would not routinely be used for storing records. • For files missing in transit, contact both the intended recipient and sender to check that the record has not been delivered but is misplaced at its destination or within the mail system. Contact any other Health Board sites along its transportation route for searches to be undertaken in case it has been incorrectly delivered elsewhere. • This search must not delay the incident being reported on DATIX.
4	Staff Member or Line Manager	Report the missing record or misfiling immediately (and in any event within 24 hours) via DATIX incident reporting system: <ul style="list-style-type: none"> • The name of the staff member reporting the incident. • Patient ID. NHS number may also be recorded in the additional details section. • A brief description of the file's last known movements. • A physical description of the file (e.g. green wallet). • Any other file barcode number associated with that record.
5	Health Records & Information Governance Teams	For files missing in transit, request confirmation of how it was sent: <ul style="list-style-type: none"> • Exactly how it was addressed. • What service was used - Internal vs external post. • Date of sending (with electronic patient records this should be logged on WPAS tracking). • Was an acknowledgement form used and returned to sender. • Was a return address used. • If external mail was used, then identify the tracking number. • The route the post usually takes from sender to recipient – try to identify if it has been mis-delivered. • Has a warning pop up been added to WPAS to say the notes are missing? • Review electronic audit trail in case any other use may have accessed the record.

		<ul style="list-style-type: none"> • Re-check all areas for the missing file.
6	Health Records & Information Governance Teams	Check the audit trail for the electronic files to see if the file tracking is being used correctly. Contact all staff concerned if files are not being tagged correctly.
7	Health Records Teams / Service Area (e.g. Therapies / Workforce)	<p>If lost externally (storage company), retrieve boxes sent for archiving at the same time as the missing file and check for misfiling.</p> <p>If lost internally (Health Board medical records storage), check boxes in vicinity of record, check file locations with similar references. If you are able to identify the date the file was returned check what other files were returned on that date.</p>
8	Health Records Teams	If the record has been missing for 6 months it is reasonable to assume that the original records are not going to become available unless found by chance. Create a duplicate set of records from the temporary set and print the word REPLACEMENT in large, black capital letters on the front of the folder. These can be merged if the original record is found.

When missing Records are found.

When a member of staff identifies or finds a missing record, they must take responsibility to follow this procedure. The following table shows the step-by-step process that can be followed by staff:

Step	Who	Task
1	Staff Member	Inform Line Manager.
2	Staff Member / Line Manager / Health Records	Update the DATIX.
3	Staff Member / Line Manager /	Notify Health I Records or Workforce.
4	Staff Member / Line Manager / Health Records	Make arrangements for the original and replacement records to be merged, disposing of any duplicated documents in the confidential waste.
5	Staff Member / Line Manager / Health Records	Inform Information Governance that the record has been found.

Misfiling within Records

When a member of staff identifies a record contains incorrect information or information about another person, they must take responsibility to follow this procedure. The following table shows the step-by-step process that can be followed by staff:

Step	Who	Task
1	Staff Member	Inform Line Manager.
2	Staff Member / Line Manager / Health Records / Workforce	Identify all the misfiled information within the record and Log the incident on DATIX.
3	Staff Member / Line Manager /	Notify Health Records or Workforce that incorrect information has been found within a record.
4	Staff Member / Line Manager / Health Records / Workforce	Make arrangements for the original record to be rectified e.g. informing IT that a digital record needs to be amended (CarePartner / WPAS / WCP etc). Make arrangements to remove misfiling from an incorrect paper record, and identify the record that the information belongs to. You may need support from Health Records or Information Governance with this. Make sure you dispose of any duplicated documents in the confidential waste.
5	Staff Member / Line Manager / Health Records	Update DATIX and Inform Information Governance that the record has been rectified and is now correct.
6	Information Governance team	If the member of staff who misfiled the information can be identified, invite them to attend IG training.

TRAINING

All staff will be required to have appropriate Information Governance training, additional training can be requested by individuals or line managers. Training will be provided in several formats to accommodate all learning styles and the requirements of staff and The Health Board.

IMPLEMENTATION

Communication exercises have been undertaken to ensure all staff groups are aware of this procedure and the implications of any breaches identified. This will be further supported through Information Governance communications via Globals / Newsletters / IG Awareness on Intranet.

REVIEW

This Procedure will be reviewed in line with the further roll out and enforcement of the policy rules, or sooner, as required.

REFERENCES

Information Commissioner Office <https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/personal-data-breaches/> (opens in a new tab)

APPENDIX 1 – LOGGING A MISSING RECORD ON DATIX

Guidance for logging the incident on Datix – missing files

Incident Type	
* Classification	Records, Information
* Category	Healthcare record
* Sub Category	Missing healthcare record

Additional Information	
* Was any equipment involved in the incident?	
* Did medication have a direct impact on this incident?	
* Does this Incident have Information Governance considerations? The answer should be 'yes' if the incident involves personal or sensitive data, including near misses. For example, a breach of confidentiality, theft, loss or misuse of personal data, information security, etc. For further advice, please contact your information governance team	Yes

Misfiling

Incident Type	
* Classification	Records, Information
* Category	Healthcare record
* Sub Category	Documents misfiled in healthcare record (wrong patient)

Additional Information	
* Was any equipment involved in the incident?	
* Did medication have a direct impact on this incident?	
* Does this Incident have Information Governance considerations? The answer should be 'yes' if the incident involves personal or sensitive data, including near misses. For example, a breach of confidentiality, theft, loss or misuse of personal data, information security, etc. For further advice, please contact your information governance team	Yes