

NHS South East London Integrated Care Board ICB Information Governance Sub-Committee Terms of Reference

FINAL – June 2022

1. Introduction

- 1.1 NHS South East London Integrated Care Board (the SEL ICB) is accountable in law for the data it handles and processes. All personal data that the ICB processes falls within the remit of the Data Protection Act 2018, and UK General Data Protection Regulation (GDPR). The ICB must also have due regard for commercially sensitive information it processes.
- 1.2 All of the data under the control of the ICB, or organisations carrying out statutory functions on behalf the ICB, must be handled appropriately throughout its life cycle, from creation to destruction. Adequate safeguards must be in place which are proportionate to the level of risk attached to the information being processed.
- 1.3 Information governance (IG) risk generally falls into four categories, which are:
- Organisational IG;
 - Information management;
 - Information security;
 - Information quality.
- 1.4 The ICB Information Governance Sub Committee (IGSC) is a sub-committee of the Planning and Finance Committee. The IGSC is responsible for managing the IG assurance framework within the ICB.
- 1.5 The effectiveness of the IGSC will be assessed each year as part of the Data Security and Protection Toolkit (DSPT) submission.
- 1.6 These Terms of Reference (ToR) set out the membership, responsibilities and reporting arrangements of the IGSC.

2. Roles and Responsibilities

2.1 The IGSC is the ICB's forum to oversee the management of the IG framework, workplans, security and risk. This includes, but is not limited to:

- Confidentiality and consent;
- Cyber Security;
- Data protection;
- Data quality;
- Information management;
- Information sharing;
- Information security;
- Oversight of the wider ICS IG Group;
- Records management; and,
- Registration authority.

2.2 The responsibilities of the IGSC are to:

- Develop and maintain robust and effective strategies, procedures, policies, systems and processes to ensure an integrated approach to IG and records management;
- Scrutinise the effectiveness of IG strategies, policies and procedures;
- Review and recommend IG strategies, policies and procedures for approval, and ensure they are appropriately disseminated throughout the ICB;
- Support a co-ordinated approach to IG and the IG agenda;
- Ensure a robust IG framework is in place that provides appropriate assurance and management of risk, that they are adhered to and embedded across the ICB;
- Identify resource requirements including capacity and capability and ensure these resources are deployed and managed effectively;
- Identify the appropriate roles and responsibilities to manage key IG risks;
- Monitor the ICB's response to cyber security issues and ensure that risks are managed appropriately;
- Review any IG-related audit plans and/or reports and make appropriate recommendations;
- Manage IG confidentiality and data quality audits;
- Co-ordinate the ICB response to the DSPT and ensure the relevant deadlines are met;
- Review internal and external flows of data to ensure they are appropriate and supported by relevant documentation. This includes those that transfer personal data abroad;

- Set out mandatory and non-mandatory IG training requirements and ensure they are implemented and adhered to and all staff have access to the appropriate training materials;
- Ensure the ICB as a statutory body complies with legislation and other IG requirements such as those identified by the Department of Health and Social Care;
- Support the work of the Senior Information Risk Owner (SIRO), Deputy SIRO, Caldicott Guardian, Deputy Caldicott Guardians, Information Asset Owners (IAO) and Information Asset Administrators (IAA) across the ICB;
- Provide a forum for the scrutiny of the ICB's IG framework and assurance model;
- Review IG and information security incidents/breaches and report on the investigation and outcomes to the ICB Board where appropriate;
- Recommend changes to processes that have caused data breaches;
- Support records management, data quality, and records retention in accordance with the code of practice standards set out by NHSE;
- Monitor and respond to information quality and records management issues throughout the ICB;
- Oversee and ensure ICB staff participate in the annual IG staff survey;
- Seek assurance from relevant directorates within the ICB on the introduction of or changes to projects, systems, or processes by overseeing the completion of data protection impact assessments (DPIAs);
- Identify any changes in legislation, national guidance and other requirements;
- Ensure Caldicott and confidentiality issues are reported to the IGSC and form part of the agenda;
- Comply with the requirements of Registration Authority (RA) for the use of smart cards.

3. Membership

3.1 In order to meet the required standard for the committee, the following functions need to be represented. Where a post holder is listed, they are required to represent the interests of those work streams. If a director is unable to attend the meeting, they may send a deputy or representative in their place. The core membership of this committee is as follows:

Role	Organisation
Senior Information Risk Owner (Chair)	SEL ICB
Deputy Senior Information Risk Owner x 2 (Deputy Chair)	SEL ICB

Role	Organisation
Caldicott Guardian	SEL ICB
Deputy Caldicott Guardian x 2	SEL ICB
Borough-based IG Leads	SEL ICB
IG Compliance Manager	SEL ICB
IG Subject Matter Expert Manager	SEL ICB
Strategic IG Lead & ICB Data Protection Officer	SEL ICB
Strategic IG Lead & GP Data Protection Officer	SEL ICB
IG Officer x 2	SEL ICB
Business support and compliance manager - IT and IG	SEL ICB
ICT Service Provider Representative	SEL ICB
Business Intelligence Representative	SEL ICB
Integrated Commissioning (Adults and Children) Representative	SEL ICB
Quality Representative	SEL ICB
Primary Care Representative	SEL ICB
Planned Care Representative	SEL ICB
Finance Representative	SEL ICB
Continuing Healthcare Representative	SEL ICB
Medicines Optimisation Representative	SEL ICB
Safeguarding Representative	SEL ICB
Corporate Representative	SEL ICB

3.2 Borough-level representatives will be invited as and when required based on the remit of the agenda.

- 3.3 The Chair of the IGSC will be the ICB SIRO.
- 3.4 Members may nominate a deputy to represent them in their absence and make decisions on their behalf.
- 3.5 The Chair may nominate the Deputy Chair to chair the meeting in their absence.
- 3.6 The roles referred to in the list of voting members above describe the substantive roles and any equivalent successor roles and not the individual title or titles.
- 3.7 The IGSC may invite or allow non-voting attendees ('Attendees') to attend meetings.
- 3.8 Attendees may present at IGSC meetings and contribute to relevant IGSC discussions but are not allowed to participate in any formal vote.

4. Decision-making

- 4.1 The SEL ICB core members set out in Section 3 are designated voting members. Each voting member shall have one vote with resolutions passing by simple majority. In the event of a tied vote, the Chair shall have the casting vote.

5. Quorum

- 5.1 The IGSC will be considered quorate when at least six voting members are present, and this must include:
- The SIRO or a Deputy SIRO;
 - The Caldicott Guardian or a Deputy Caldicott Guardian;
 - A representative from at least four of the six boroughs - Bexley, Bromley, Greenwich, Lambeth, Lewisham and Southwark.
- 5.2 If any representative has a conflict of interest on a particular item of business, they will not count towards the quorum for that item of business. If this renders a meeting or part of a meeting inquorate, then a non-conflicted person may be

temporarily appointed or co-opted onto the IGSC to satisfy the quorum requirements.

- 5.3 If a meeting is not quorate, the Chair may adjourn the meeting to permit the appointment or co-option of additional members if necessary.
- 5.4 The Chair may agree to undertake a virtual meeting in order to allow a decision to be made in the absence of a formal meeting using the protocol for virtual decision making.

6 Secretariat

- 6.1 The ICB will provide administrative support to the IGSC in terms of organising the meetings, and will provide support in terms of providing the agenda, associated papers and minute taking.

7. Frequency of IGSC Meetings

- 7.1 The IGSC will meet as a minimum, four times per year. The IGSC Chair may call additional meetings or cancel meetings as appropriate.

8. Notice of Meetings

- 8.1 Notice of an IGSC meeting shall be sent to all IGSC members no less than five working days in advance of the meeting.
- 8.2 The meeting notice shall contain the date, time and location of the meeting.

9. Agendas and Circulation of Papers

- 9.1 Before each IGSC meeting, the papers of the meeting will be sent to every IGSC member no less than five days in advance of the meeting.
- 9.2 If an IGSC member wishes to include an item on the agenda, they must notify the Chair no later than seven working days prior to the meeting. The decision

as to whether to include the agenda item is at the absolute discretion of the Chair.

10. Recording of Meetings

- 10.1 Draft minutes, actions, recommendations and key decisions from IGSC will be recorded and presented at the following IGSC.

11. Reporting Responsibilities

- 11.1 The IGSC will recommend IG policies/procedures to the Planning & Finance Committee for review and approval.
- 11.2 The IGSC will present an annual report of its work to the Planning & Finance Committee on an annual basis.

12. Delegated Authority

- 12.1 The IGSC is sub-committee of the ICB Planning & Finance Committee.

13. Conflicts of Interest

- 13.1 Conflicts of interest shall be dealt with in accordance with the ICB's Conflicts of Interest Policy and NHS England statutory guidance for managing conflicts of interest.
- 13.2 The IGSC shall have a Conflicts of Interest Register that will be presented as a standing item on the IGSC's agenda. In addition, an opportunity to declare any new or relevant declarations of interest will be listed as a standing item on the IGSC's agenda.

15. Key Links

- 15.1 The IGSC will maintain key links with the following internal stakeholders:
- ICB Board members and executive leadership team
 - ICB heads of department or heads of service.

The IGSC will maintain key links with the following external stakeholders:

- NHS providers;
- Local authorities;
- NHS Digital;
- Information Commissioner's Office;
- Regional Strategic Information Governance Network ('SIGN'); and
- NHS England.

16. Annual Review

16.1 These Terms of Reference will be formally reviewed annually, reflecting experience of the IGSC in fulfilling its functions and the wider experience of the ICB.

16.2 These Terms of Reference may be changed or amended by agreement of the IGSC and on being approved by the ICB Board.

Final - for Board Approval