



INFORMATION GOVERNANCE 19

INAPPROPRIATE ACCESS

1. Introduction. Having served in the Armed Forces for 22 years and then worked in the NHS for the last 19 I'm rarely shocked or surprised by much. However, in the last 5 months since starting this role at N3i, I have been taken aback by the number of incidents being reported of staff employed at GP Practices accessing records that they do not have the legal basis to view.
2. Now let's start by calling this what it is. **It is breaking the law**. And we all need to play a part in putting a stop to it.
3. Why do people break the law? There are three main reasons so let's address them here:
 - 3.1. Risk of being caught. All our electronic systems maintain a full audit functionality of who looks at which record. All users must know this. The assessment they make then is that no one will access the report and they will not be caught. This is based on the fact users do not really hear about these cases, due in some extent to the fact we correctly maintain confidentiality around the whole investigation process. And those who do get caught, and often dismissed, don't talk about it.
 - 3.2. Consequences of their actions. As noted above when a user is caught accessing records inappropriately there is an HR process which often leads to dismissal. But staff are not aware of this due to the confidentiality of the process and the user is very unlikely to discuss it openly.
 - 3.3. Motivation. Some users when caught accessing records inappropriately have stated they did it due to "idle curiosity" or sheer boredom and in these cases the number of records accessed can be quite high. In GP Practices it tends to be more specific with experience showing that staff look at records of friends or acquaintances, family (including their own), work colleagues and neighbours.
4. It's my assessment that the factors above have led to the perception amongst staff that its very rare for anyone to be caught accessing records inappropriately, and that if they do there will not be significant action taken, as they simply never hear about it happening. We must change that perception and get the following messages across to all staff loud and clear.

Whilst you may have the access rights to do so, opening a patient record when you do not have a specific work-related task or need is breaking the law

- You stand a very high likelihood of getting caught
- You will face a disciplinary hearing and may be dismissed
- All such incidents must be reported to the Information Commissioner's Office who can and do review them and may take further action including taking you to court
 - Under GDPR the person whose record you access must be told of the access

If you have any queries about this, or any Information Governance issue, please contact the N3i service desk marking your query IG. The contact details for the service desk are:

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