

Fair Warning





NHS Lanarkshire takes the confidentiality of personal information and its responsibilities under the Data Protection Act very seriously.

Even if with good intentions, anyone looking at a clinical record or personal information without authorisation could face disciplinary action.

The **FairWarning® system** introduced in NHS Lanarkshire on **2 December 2013**. This system monitors and detects potential unauthorised access to patient information within electronic systems. It is licensed by the Scottish Government and tracks NHS Lanarkshire's electronic information systems in real time, flagging suspicious activities for further investigation.

Key Responsibilities for all

- Understand and adhere to confidentiality responsibilities.
- Avoid unauthorised access to patient information, including accessing records of media-interest individuals, accessing information without a legitimate reason, or accessing their own records.
- Follow the Protecting Patient Confidentiality NHS Scotland Code of Practice.
- Access only the information necessary for legitimate duties.
- Be aware of personal and professional accountability in line with professional standards of conduct, ethics, and performance.

The document emphasises that unauthorised access, even with good intentions, can lead to disciplinary action. It reassures that most users respect confidentiality and that FairWarning® enhances the assurance of patient information safety.

Everyone who wishes to access Clinical Portal & ECS is required to complete a form with personal and business details, agreeing to adhere to the guidelines and informing the Lanarkshire Health Board of any changes in their details.

- **Know and adhere to confidentiality responsibilities.**
- **Avoid unauthorised access to patient information**, including:
 - Accessing records of people of media interest.
 - Accessing information without a legitimate reason.
 - Accessing their own records.
- **Follow the Protecting Patient Confidentiality NHS Scotland Code of Practice.**
- **Access only the information necessary for legitimate duties.**
- **Be aware of personal and professional accountability** in line with professional standards of conduct, ethics, and performance.

NHS Lanarkshire:

- **Monitor electronic information systems in real time** using the FairWarning® system.
- **Detect and flag potential unauthorised access** to patient information.
- **Investigate unusual or suspicious activity** and specific accesses to patient records.
- **Ensure confidentiality and compliance with Data Protection legislation.**
- **Provide assurance that patient information is safe** and handle breaches appropriately.

FairWarning® detects unauthorised access by:

- **Monitoring NHS Lanarkshire's electronic information systems in real time.**
- **Flagging potential instances of unauthorised access** to patient information.
- **Highlighting unusual or suspicious activity** for further investigation.
- **Enabling investigation of accesses to specific patients' records.**
- **Enabling investigation of accesses made by specific members.**

Do not access your own information.

Accessing your own records for any purpose using access permissions granted in respect of a job function is not allowed. This includes checking for clinical results, booking clinical appointments or ascertaining CHI numbers. There are established local Subject Access Request procedures to provide employees with access to their records.

Do not access family members' information.

Accessing your family's or partner's records for any purpose is not allowed, even if they have given you permission. Accessing your child's record is also not permissible. This includes checking a date of birth so you do not forget a birthday or checking an address so you can send a Christmas card.

Do not access neighbours' information.

Accessing neighbours' records, even at their request, is not permitted unless the neighbour is a patient, and you are directly involved in their treatment. Neighbours can be identified by FairWarning through postcode matching.

Do not access your colleagues' information.

Accessing colleagues' records, even at their request, is not permitted unless the colleague is a patient, and you are directly involved in their treatment. This includes checking things like dates of birth, so you can maintain the departmental birthday fund.

Do not access a high-profile patient's information.

All individuals are entitled to the same level of privacy and confidentiality no matter who they are. Certain individuals generate a higher level of interest. FairWarning allows all access to their data to be monitored and justification for access to be investigated.

Do not breach when training staff.

When demonstrating a clinical system to a colleague do not use your own record or theirs. Show them the system using the next patient being seen to ensure appropriate access. Where a system has a training module, this should always be used in the first instance.

Avoid other inappropriate access.

Large numbers of records being accessed over a relatively short period of time could indicate casual browsing, which will be flagged by FairWarning. An example of behaviour to avoid is checking addresses of members of a dance class that you run. Regular accesses with the same username over a 24-hour period could indicate password sharing. As with all highlighted potential breaches this would be fully investigated. Users should not share their password and log-in details with colleagues. You are responsible for any unauthorised access using your details.

