

Freedom of Information request 414-22

Request

1. In this health board, how many data breaches have been recorded so far in the 2022 calendar year? Please also provide the data for the 2021, 2020, 2019, 2018 and 2017 calendar years.
2. In this health board, where a data breach has been recorded in the 2022 calendar year so far, what was the nature of the breach? For example, was patients' private medical information leaked or was personal information released like addresses and phone numbers? Please also provide the data for the 2021, 2020, 2019, 2018 and 2017 calendar years.
3. In this health board, where a data breach has been recorded in the 2022 calendar year, what was the consequence of the breach? For example, was it possible to identify subsequent evidence of malicious use, selling data, or harm to patients? Please also provide the data for the 2021, 2020, 2019, 2018 and 2017 calendar years.

For clarity, I am defining a data breach as follows:

'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. It also means that a breach is more than just about losing personal data.'

Or:

'As a security incident that has affected the confidentiality, integrity or availability of personal data.'

Response

1. and 2. Please find below the data breach information for NHS Borders as requested:

Year	Type of Breach	Occurrences
2017	Total	113
	Breach of Confidentiality	66
	Confidential information emailed to inappropriate destination	18
	Confidential information found in public/inappropriate place	21
	Confidential information sent to wrong recipient	18
	Confidential waste left insecure	1
	Information divulged carelessly	8
	Failing to Secure	24
	Confidential information emailed without appropriate security	2
	Confidential information sent but not received	2
	Hardcopy confidential information sent using inappropriate method	1
	Hardcopy confidential/sensitive data lost/misplaced/stolen	19
	Inappropriate Access	23
Accessed family member record (FW)	9	
Accessed other person's record inappropriately (FW)	1	

	Accessed own record (FW)	13
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2018	Total	130
	Breach of Confidentiality	80
	Confidential information emailed to inappropriate destination	24
	Confidential information found in public/inappropriate place	18
	Confidential information sent to wrong recipient	27
	Confidential waste left insecure	1
	Information divulged carelessly	7
	Information divulged intentionally	3
	Failing to Secure	29
	Confidential information emailed without appropriate security	1
	Confidential information sent but not received	2
	Hardcopy confidential information sent using inappropriate method	1
	Hardcopy confidential/sensitive data lost/misplaced/stolen	25
	Inappropriate Access	21
	Accessed acquaintance/friend record (FW)	2
Accessed clinical records without due reason (Not FW)	3	
Accessed family member record (FW)	5	
Accessed own record (FW)	9	
Accessed work colleague record (FW)	2	

2019	Total	103
	Breach of Confidentiality	60
	Confidential information emailed to inappropriate destination	11
	Confidential information found in public/inappropriate place	13
	Confidential information sent to wrong recipient	23
	Confidential waste left insecure	2
	Information divulged carelessly	10
	Information divulged intentionally	1
	Failing to Secure	15
	Confidential information emailed without appropriate security	2
	Hardcopy confidential information sent using inappropriate method	1
	Hardcopy confidential/sensitive data lost/misplaced/stolen	12
	Inappropriate Access	28
	Accessed clinical records without due reason (Not FW)	3
	Accessed family member record (FW)	7
Accessed other person's record inappropriately (FW)	1	
Accessed own record (FW)	14	
Accessed work colleague record (FW)	3	

2020	Total	76
	Breach of Confidentiality	49
	Confidential information emailed to inappropriate destination	13
	Confidential information found in public/inappropriate place	9
	Confidential information sent to wrong recipient	19
	Confidential waste left insecure	1
	Information divulged carelessly	5
	Information divulged intentionally	2
	Failing to Secure	7
	Confidential information emailed without appropriate security	1
Confidential information sent but not received	1	
Hardcopy confidential/sensitive data lost/misplaced/stolen	5	

	Inappropriate Access	20
	Accessed acquaintance/friend record (FW)	1
	Accessed clinical records without due reason (Not FW)	1
	Accessed family member record (FW)	5
	Accessed other person's record inappropriately (FW)	1
	Accessed own record (FW)	12

2021	Total	98
	Breach of Confidentiality	53
	Confidential information emailed to inappropriate destination	14
	Confidential information found in public/inappropriate place	7
	Confidential information sent to wrong recipient	23
	Confidential waste left insecure	3
	Information divulged carelessly	6
	Failing to Secure	7
	Confidential information emailed without appropriate security	1
	Confidential information sent but not received	2
	Hardcopy confidential information sent using inappropriate method	2
	Hardcopy confidential/sensitive data lost/misplaced/stolen	2
	Inappropriate Access	38
	Accessed acquaintance/friend record (FW)	1
	Accessed clinical records without due reason (Not FW)	2

2022 to August	Total	34
	Breach of Confidentiality	20
	Confidential information emailed to inappropriate destination	1
	Confidential information found in public/inappropriate place	2
	Confidential information sent to wrong recipient	14
	Information divulged carelessly	3
	Failing to Secure	6
	Confidential information emailed without appropriate security	1
	Hardcopy confidential information sent using inappropriate method	1
	Hardcopy confidential/sensitive data lost/misplaced/stolen	4
	Inappropriate Access	8
	Accessed family member record (FW)	4
Accessed own record (FW)	3	
Accessed work colleague record (FW)	1	
Grand Total	554	

3. For the data breach details given above, NHS Borders has no reason to believe any subsequent malicious use, selling of data, or harm to patients occurred.

If you are not satisfied with the way your request has been handled or the decision given, you may ask NHS Borders to review its actions and the decision. If you would like to request a review please apply in writing to, Freedom of Information Review, NHS Borders, Room 2EC3, Education Centre, Borders General Hospital, Melrose, TD6 9BS or foi.enquiries@borders.scot.nhs.uk.

The request for a review should include your name and address for correspondence, the request for information to which the request relates and the issue which you wish to be reviewed. Please state the reference number **414-22** on this request. Your request should be made within 40 working days from receipt of this letter.

If following this review, you remain dissatisfied with the outcome, you may appeal to the Scottish Information Commissioner and request an investigation of your complaint. Your request to the Scottish Information Commissioner should be in writing (or other permanent form), stating your name and an address for correspondence. You should provide the details of the request and your reasons for dissatisfaction with both the original response by NHS Borders and your reasons for dissatisfaction with the outcome of the internal review. Your application for an investigation by the Scottish Information Commissioner must be made within six months of your receipt of the response with which you are dissatisfied. The address for the Office of the Scottish Information Commissioner is, Office of the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife.