

17<sup>th</sup> October, 2018

**For the Attention of Dr Kate Chamberlain, CEO, HIW**

Dear Dr Chamberlain

At the Morgannwg LDC meeting on 18th September 2018 it was reported by a member that some documents had been lost by HIW during the application process for registration under the Private Dentistry Wales Regulations. Following this other members said that various documents of theirs had been lost during the process. A discussion ensued and the seriousness of the matter was discussed particularly in relation to the Data Protection Act of 1998 and this year's GDPR update. I was instructed to bring this matter to your attention and to attempt to find out the reasons for such a serious loss of data by a regulatory body, who carried the responsibility for this and whether HIW has referred this breach to the ICO since you are aware of the loss of such documents. In addition to this I was asked to enquire what lessons had been learned and what processes had been put in place to ensure safety of data and documents in the future. I was further instructed to bring the matter to the attention of the CDO, but not at this stage to inform the ICO.

I circulated LDC members and other colleagues who regularly and occasionally attend LDC meetings in order to gather accurate evidence of these losses, at the same time assuring colleagues that their anonymity would be maintained. The circulation amounted to around 30 of the dental practices in ABMU, or 39% of the total. I had responses from 8 practices, or 10% of total practices (77) in ABMU. The following are the documents which colleagues who responded have said were lost by HIW:

- 1 practice reported sending completed application package, including supporting documents, by email, receiving an email confirming receipt, then receiving another email saying that no application had been received and having to send a further package.
- 4 Birth certificates lost
- 1 Practice Information Leaflet
- 2 Pre-interview questionnaires for managers
- 2 sets of DBS documents
- 2 sets of practice accounts (2 in each set)
- 1 GDC registration certificate
- 1 certificate of employers' liability insurance

In December 2017 / January 2018 Morgannwg LDC had some considerable correspondence with HIW when we questioned the need for HIW to receive practice financial accounts as part of the registration process, particularly in view of the fact that CQC in England does not request this. One of the specific questions we asked was *'Assuming HIW has the right to demand such information (viz. practice accounts), what processes are in place to protect such data?'* The reply to this question from Andrew Pryce stated *'As part of the Welsh Government HIW is bound by the Data Protection Act 1998. There is a statement on the final page of the application form details what we will use the information for. HIW benefits from the information security processes and systems that would be expected from any government body and all of our staff have undertaken the mandatory training that is required to handle information of this kind. Should we breach our responsibilities to safeguard sensitive information in any way we would be referred to the*

*Information Commissioner's Office.'*

This is indeed ironic when we consider the amount of information reported lost from just 10% of practices in ABMUHB. I have asked BDA Wales if they have comparable information from the other health boards in Wales. As mentioned previously I would appreciate a response acknowledging this dereliction of duty by your organisation and steps that might be taken to correct this.

I await your reply which I will present to the next meeting of Morgannwg LDC on 20 November 2018. The LDC will then decide whether to refer this complaint to the Information Commissioner's Office.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Roger Pratley', written in a cursive style.

**Roger Pratley,  
Secretary, Morgannwg LDC  
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07715593961**