



Higher National Unit specification: general information

Unit title: Legal Protection of NHSS Patient Data

Unit code: FG6A 35

Superclass: PA

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Version: 01

Unit purpose

This Unit has been developed to enable candidates to understand and apply appropriate legislation designed to protect patient data within the National Health Service in Scotland (NHSS). The aim of this legislation is to protect patient confidentiality and is of the utmost importance to staff involved in patient care. Legislation applies to patient data which has been manually and/or computer generated; and also relates to storage and transmission of patient data. This Unit would be useful to candidates actively involved in patient administration or those wishing to work in this field.

On completion of the Unit the candidate should be able to:

- 1 Explain the concepts and principles of legislation which protects patient data.
- 2 Explain the organisational framework relating to protection of patient data within the NHSS.
- 3 Describe and explain compliance procedures in respect of legislation protecting patient data.

Recommended prior knowledge and skills

Access to this Unit is at the discretion of the centre. However, it would be beneficial if the candidate had achieved either a relevant qualification or recent relevant experience.

Higher National Unit specification: general information (cont)

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Credit points and level

1 Higher National Unit credit(s) at SCQF level 8: (8 SCQF credit points at SCQF level 8*)

**SCQF credit points are used to allocate credit to qualifications in the Scottish Credit and Qualifications Framework (SCQF). Each qualification in the Framework is allocated a number of SCQF credit points at an SCQF level. There are 12 SCQF levels, ranging from Access 1 to Doctorates.*

Core Skills

There may be opportunities to develop the Core Skill of *Problem Solving* at SCQF level 6, and the Core Skills component of *Written Communication (Writing)* at SCQF level 6, although there is no automatic certification of Core Skills or Core Skills components with this Unit.

Context for delivery

If this Unit is delivered as part of a Group Award, it is recommended that it should be taught and assessed within the subject area of the Group Award to which it contributes. This Unit is included as optional in the framework of the HNC/D Administration and Information Technology (AIT).

Assessment

Evidence for this Unit may be generated through a combination of case studies and responses to restricted and/or extended response and/or multiple choice questions.

Assessment for Outcomes 1 and 2 will be under supervised, open-book conditions, and Outcome 3 under open-book conditions.

Higher National Unit specification: statement of standards

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The sections of the Unit stating the Outcomes, Knowledge and/or Skills, and Evidence Requirements are mandatory.

Where evidence for Outcomes is assessed on a sample basis, the whole of the content listed in the Knowledge and/or Skills section must be taught and available for assessment. Candidates should not know in advance the items on which they will be assessed and different items should be sampled on each assessment occasion.

Outcome 1

Explain the concepts and principles of legislation which protects patient data.

Knowledge and/or skills

- ◆ Data Protection Act
- ◆ Freedom of Information (Scotland) Act
- ◆ Access to Medical Reports Act
- ◆ Electronic Communications Act
- ◆ Access to Health Records Act

Evidence Requirements

Candidates need to provide evidence to demonstrate their Knowledge and/or Skills by showing that they can:

Explain the relevant legal concepts and principles relating to current legislation for protection of patient data.

The must include the Data Protection Act and **two** from the following:

- ◆ Freedom of Information (Scotland) Act
- ◆ Access to Medical Reports Act
- ◆ Electronic Communications Act
- ◆ Access to Health Records Act

Candidates must explain how each of the three pieces of legislation is applied in the context of a given scenario, or scenarios.

Assessment must be carried out in open-book, supervised conditions.

Where re-assessment is necessary a different sample of the Evidence Requirements should be covered on each assessment occasion.

Higher National Unit specification: statement of standards (cont)

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Assessment Guidelines

This Outcome may be assessed by one or more case studies. Although questions should be unseen, candidates could be given the case study/studies in advance, approximately 7-10 days prior to assessment.

A different sample of the remaining knowledge and skills should be assessed on each assessment occasion.

Outcome 2

Explain the organisational framework relating to protection of patient data within the NHSS.

Knowledge and/or Skills

- ◆ Information Commissioner
- ◆ Caldicott Guardian
- ◆ Data Protection Officers

Evidence Requirements

Candidates will need to provide evidence to demonstrate their Knowledge and/or Skills by showing that they can:

- ◆ Explain the roles and responsibilities of the Information Commissioner, Caldicott Guardian and Data Protection Officers in protection of patient data within the NHSS.

Assessment will be carried out in open-book supervised conditions

Assessment Guidelines

Assessment may take the form of an investigation and/or case study

Higher National Unit specification: statement of standards (cont)

Unit title: Legal Protection of NHSS Patient Data

Outcome 3

Describe and explain compliance procedures in respect of legislation protecting patient data.

Knowledge and/or Skills

- ◆ Access to patient data.
- ◆ Electronic and manual storage of patient data.
- ◆ Electronic transmission of patient data.
- ◆ NHSS staff responsibilities in relation to data protection and confidentiality.

Evidence Requirements

Candidates will need to provide evidence to demonstrate their Knowledge and/or Skills by showing that they can:

Describe and explain appropriate compliance procedures in relation to **two** of the following:

- ◆ access to patient data
- ◆ electronic and manual storage of patient data
- ◆ electronic transmission of patient data
- ◆ NHSS staff responsibilities in relation to data protection and confidentiality

Assessment will be carried out under open-book conditions.

Where re-assessment is necessary a different sample of the Evidence Requirements should be covered on each assessment occasion.

Assessment Guidelines

Assessment may take the form of an investigation and/or case study

Higher National Unit specification: support notes

Unit title: Legal Protection of NHSS Patient Data

This part of the Unit specification is offered as guidance. The support notes are not mandatory.

While the exact time allocated to this Unit is at the discretion of the centre, the notional design length is 40 hours.

Guidance on the content and context for this Unit

This Unit is optional within HNC/D Administration and Information Technology (G9M7 15/ G9M8 16) and PDA Medical Administration (G8KV 47) although it may form part of other Group Awards or be taken as a free-standing Unit.

The focus of this Unit is on legislation and the framework in place within the NHSS relating to protection of patient data to safeguard patient confidentiality. The content must therefore be constantly reviewed to take account of emerging legislation and candidates should be encouraged to utilise the information made freely available on relevant websites, both NHSS and Scottish government. The context for all Outcomes should be that of an NHSS employee working in an administrative capacity, dealing with patient data in either a hospital or GP environment.

Centres should ensure that they keep teaching material and assessments up to date with any changes to legislation and/or relevant emerging legislation.

Guidance on the delivery and assessment of this Unit

Outcome 1

The case study/studies used for assessment should reflect current and emerging legislation and related questions should allow candidates to demonstrate the distinction between the relevant Acts. Some formative class assessments would therefore be useful in this context. Depending on the content of each case study/studies it may be possible to conduct any re-assessment with an alternative set of questions or it may be necessary to use a new case study. A different sample should be used on each assessment occasion, so if the case study used covers all of the knowledge and skills within the Outcome it may be possible to produce questions relating to the knowledge and skills items that were not included in the first assessment occasion.

Outcome 2

The focus of this Outcome is on the organisational structure in place to protect patient data within the NHSS. As much of this information can be accessed through NHSS and Scottish Government websites, delivery should encourage students to research and become familiar with the relevant websites to obtain required information.

Higher National Unit specification: support notes (cont)

Unit title: Legal Protection of NHSS Patient Data

Outcome 3

This Outcome concentrates on how NHSS organisations comply with current legislation and covers issues such as access to patient data, storage/retention of records, safeguards to protect data during electronic transmission as well as the responsibilities of all staff involved. It would be of benefit if students were encouraged to undertake some research for this section and some input from an NHS Information/Data Protection Officer would be extremely helpful here.

Opportunities for developing Core Skills

This Unit requires candidates to evaluate complex information in the form of various pieces of legislation and then explain how these affect different aspects of an NHSS practice. This may provide opportunities to develop the Core Skill of *Problem Solving* at SCQF Level 6 and the Core Skill component *Written Communication (Writing)* at SCQF level 6.

Open learning

All Outcomes are appropriate to Open and Flexible Learning approaches with tutor support at all stages. Delivering centres will be responsible for ensuring authenticity of candidate's work.

Disabled candidates and/or those with additional support needs

The additional support needs of individual candidates should be taken into account when planning learning experiences, selecting assessment instruments, or considering whether any reasonable adjustments may be required. Further advice can be found on our website www.sqa.org.uk/assessmentarrangements.

History of changes to Unit

Version	Description of change	Date

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General information for candidates

Unit title: Legal Protection of NHSS Patient Data

This Unit has been developed to enable you to understand and apply appropriate legislation which protects patient data within the National Health Service in Scotland (NHSS). The aim of this legislation is to protect patient confidentiality, which is of the utmost importance to all staff involved in patient care. Legislation applies to patient data which has been manually and/or computer generated; and also to storage and transmission of patient data

The legislation covered in this Unit is designed to offer legal protection to patients. This Unit aims to provide thorough knowledge of all aspects of protection of patient data in relation to the relevant legislation.

Outcome 1 looks in detail at the concepts and principles of current and emerging legislation and the distinction between the various Acts currently in force.

Outcome 2 covers the organisational framework within the NHSS to ensure protection of patient data, including the roles and responsibilities of the key personnel.

Outcome 3 enables you to demonstrate how relevant legislation is complied with in relation to patient data. This includes rights of access to patient data and its security when used, stored and transmitted electronically.

This Unit may be assessed by a combination of open-book and supervised assessments, including case studies, restricted response questions or multiple-choice questions.