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 Cyhoeddus
 Minister for Finance and Public Service Delivery



Llywodraeth Cynulliad Cymru
 Welsh Assembly Government

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Peter Black

Ministerial Response to issues raised during the plenary debate on measures taken to protect personal data on Wednesday 04 March 2009.

During the above debate you called for the Assembly Government to adopt a number of measures to improve data security, including:

- an end to the use of mobile devices for storing data, unless in exceptional circumstances and only then after a risk assessment; and
- the introduction of protection for mobile devices such as authentication features, encryption and separation controls.

I can confirm that the Assembly Government has in place an ICT Usage policy which includes rules governing the use of mobile devices and the storage of data. The policy states that all security controls (e.g. authentication) must be used on mobile devices and that staff are responsible for taking appropriate care of devices in their possession. This includes specific guidance on situations where it is not appropriate to use a mobile device.

The policy also states that sensitive personal data must not be stored on a mobile device even if that device is encrypted. In exceptional circumstances risk assessments are completed before any security waivers are granted for the use of mobile devices to store personal data.

You also suggested that all breaches of the Assembly Government's data security code should be treated seriously and regarded as potential misconduct.

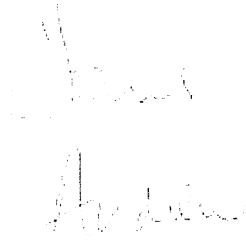
I can confirm that the Assembly Government's security policies include breaches of its data security code in the list of behaviours that are regarded as misconduct. All such incidents are referred to HR for them to consider appropriate disciplinary action.

In respect of the NHS, the Minister for Health and Social Services wrote to NHS Chairs in July 2008 to remind them of their duty of care to patients in protecting their information and confidentiality. In the letter, the Minister states:

"I regard the loss of confidential information as a disciplinary matter. If any member of your organisation fails to protect patient records, I expect managers to take swift action."

The current procurement of National Encryption software tools by Informing Healthcare is one action that is being taken by the NHS, along with training and awareness for staff and other mitigating processes and controls.

I trust this clarifies the situation but if you require further information please do not hesitate to contact me.

A handwritten signature in blue ink, appearing to read "John", is located on the left side of the page. Below it, there is another handwritten mark, possibly a date or initials, which is less legible.