



NIPEC

EU Exit Operational Risk Assessment and Readiness

Version 1.0: 7th December 2020 to 31st January 2021

Developed by:	NIPEC Business Team - led by Head of Corporate Services
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NIPEC EU Exit Risk Assessment and Operational Readiness

The United Kingdom (UK) left the European Union (EU) on 31st January 2020 and moved into a transition period which ends on 31st December 2020. The transition period will not be extended.

The UK Government and EU Commission are still involved in negotiations to secure a free trade agreement and there is the possibility that a deal may not be fully confirmed by the End of the Transition Period (EOTP).

Purpose

This document details the assessment undertaken by NIPEC (Appendix 1) in the context of Department of Health (DoH) EU Exit Operational Readiness Guidance (Nov, 2020) using this to assess NIPECs risks and identify what, if any actions are required by the organisation in preparation for the End of the Transition Period (EOTP) on 31st December 2020.

Should it be necessary, any risks which are identified will be mitigated within contingency plans for the possibility of a 'no deal' scenario at the end of the EU exit transition period on 31st December 2020.

Overview

Assessment of risk is set against the DoH EU Exit Operational Readiness Guidance (Nov, 2020) which has provided a general update on EU planning with advice for Health and Social Care (HSC) organisations/providers plus action, if required, in

Appendix 1 in the following areas:

1. **Healthcare supply chain** including medicines, vaccines, radiopharmaceuticals, clinical trials, medical devices, clinical consumables, non-clinical consumables, oxygen, blood, organs and tissues, shortages.
2. **Access to healthcare / movement of people;** and,
3. **Data transfer.**

It should be noted that a substantial proportion of the guidance is not applicable to NIPEC as the organisation does not deliver public facing HSC services.

Emergency Preparedness

The organisation will utilise the structures that are currently operating for the Covid-19 emergency, if appropriate, to support NIPEC to respond to any disruption which may be caused or affected by EU exit. Details of the structures can be found in the Emergency Response to COVID-19: Home Working Standard Operating Procedures (NIPEC/20/02).

Previous assessment by NIPEC based on a 'no deal' scenario indicated no actions were required as no risks were identified. This remains the case however NIPEC will review the risks on a regular basis until there is evidence of minimal impact of the EU EXIT across NI.

The organisation continues to engage and network with strategic stakeholders and partners and will keep the assessment of risk under review should the need arise.

If appropriate, NIPEC will work with the DoH, in conjunction with HSC partners, to support the management of any disruption to critical health and social care services and provide assistance if appropriate in the return to normality for the DoH and HSC organisations.

The DoH has required all providers of HSC services to consider and plan for the risks that have the potential to arise due to EU exit. Whilst NIPEC does not deliver public-facing HSC services, this risk assessment has been undertaken to ensure there are no issues which might impact on the organisation as a result of a no deal EU Exit, in support of its role within the HSC arrangements.

NIPEC continues with business continuity planning, taking into account DoH guidance, and will incorporate local risk assessments, and escalate any points of concern on specific issues through normal channels, if appropriate.

Risk assessment and business continuity planning as follows:

1. Review and update internal assessment of risks associated with 'no deal' EU Exit, covering, but not be limited to:
 - The key areas identified nationally and within government guidance.
 - The impact of the Covid-19 pandemic.
 - Locally specific risks resulting from EU exit.
2. Continue normal business continuity planning taking into account the DoH guidance and if appropriate working with wider system partners to ensure plans across the health and social care system are robust.
3. Where appropriate, test existing business continuity and incident management plans against EU exit risk assessment scenarios to ensure these are fit for purpose.

Assessment of Risk

Table 1

Area of Risk	Outcome
<p>1. Healthcare supply chain including medicines, vaccines, radiopharmaceuticals, clinical trials, medical devices, clinical consumables, non-clinical consumables, oxygen, blood, organs and tissues, shortages.</p>	<ul style="list-style-type: none"> As NIPEC does not provide public-facing HSC services this is not applicable to the organisation
<p>2. Access to healthcare / movement of people</p> <p>Movement of People</p> <ul style="list-style-type: none"> The current expectation is that there will not be a significant number of health and social care staff leaving at the EOTP. Organisations can escalate concerns through existing reporting mechanisms to ensure there is regional and national oversight. There is no anticipated cross border disruption within Ireland. Normal business continuity plans will apply and the Department's assessment is that these should be sufficient to cope with any unforeseen incidents that arise. The Department will keep this position under review. <p>Citizens' Rights</p> <ul style="list-style-type: none"> The EU Withdrawal Agreement has solidified citizens' rights for all of those EU citizens in the UK (and vice versa) before the end of transition. This means that all EU nationals that are in the UK before 31 December 2020 have the right to continue to live and work, have their qualifications recognized and continue to access healthcare on the same basis as now. 	<ul style="list-style-type: none"> NIPEC has reviewed staff background and no risks have been identified within this category. Not applicable Risk assessed for NIPEC staff group –no issues identified

<ul style="list-style-type: none"> • The Department is working with DHSC and others to fully understand what the agreement means for EU citizens and how rights might be assessed and supported. <p>EU Settlement Scheme</p> <ul style="list-style-type: none"> • The EU Settlement Scheme deadline for applications is 30 June 2021. By this date all EU citizens who have been in the UK before 31 December 2020, who wish to regularise their immigration status in the UK, should have applied. 	<ul style="list-style-type: none"> • Not applicable • Risk assessed for NIPEC staff group –no issues identified.
<p>3. Data transfer risks</p> <ul style="list-style-type: none"> • It is imperative that personal data continues to flow between the UK, EU and EEA member states, where necessary following the UK’s departure from the EU. • Transfers of personal data from the UK to the EU/EEA should not be affected in a “No Deal Scenario”. It would continue to be lawful under domestic legislation for health and social care organisations to transfer personal data to EU/EEA and adequate third countries, as is the case now. • However at the point of transition, the UK may not be deemed by the EU as an “adequate” country, as the EU may not at that point have completed an adequacy assessment for the UK and therefore it may not be added to the list of adequate third countries by 	<ul style="list-style-type: none"> • Not applicable to NIPEC • Not applicable to NIPEC • Not applicable to NIPEC

<p>the end of the transition period.</p> <ul style="list-style-type: none"> • This would mean the transfer of personal data from the EU/EEA to the UK will be restricted unless other conditions under GDPR (Chapter V) can be met. • The Department, HSC and NIFRS have been engaged in preparation for EU Exit and the impact on personal data transfer arrangements upon which many of their services, particularly cross border, rely. Contracts and current administrative agreements/ MoUs have been reviewed to ensure appropriate mitigations are in place to enable data to continue to be shared, (mainly on the basis of the addition of Standard Contractual Clauses (SCCs) into existing contracts). • A judgement by the EU Court of Justice in July 2020 (referred to as the Schrems II Judgement) invalidated the US Privacy Shield adequacy decision and raised potential future concerns over the validity of Standard Contractual Clauses. If in the future the EU raises concerns as to the ability of UK laws to provide an appropriate level of protection for personal data transferred, this may compromise EU to UK transfers based on SCCs. • Failure to secure EU acceptance of existing mitigations, using SCCs is relevant to HSC cross border services that rely on timely exchange of personal, sensitive information The NICS awaits further guidance from 	<ul style="list-style-type: none"> • Not applicable to NIPEC • Not applicable to NIPEC • Not applicable to NIPEC • Not applicable to NIPEC
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<p>DCMS.</p> <ul style="list-style-type: none"> Mitigation plans on Data Transfers are in place, and continue to be regularly reviewed but the majority rely on the use of SCCs within updated contracts and administrative agreements. DoH issued an Assurance Checklist in July 2019, October 2019 and July 2020 to Arms-Length Bodies (ALBs), seeking assurances that data transfer mitigation plans are in place and can be evidenced. 	<ul style="list-style-type: none"> Not applicable to NIPEC
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Communications and escalation

NIPEC has ensured its Audit and Risk Committee and Senior Management Team is sighted on risk assessment and if appropriate will be updated on required actions as they are identified in relation to EU Exit preparation. Steps have been taken to raise awareness amongst staff.

Reporting, assurance and information

As appropriate NIPEC will ensure there is timely and if necessary additional reporting to the DoH on a proactive and responsive basis.

As appropriate NIPEC will:

- Continue preparation for EU exit as part of resilience planning, addressing any risks and issues identified through risk assessments that need to be managed by the organisation.
- Continue to keep business continuity plans updated to ensure continuity of supply in a 'no deal' scenario.

Workforce

- NIPEC notes the end of transition may impact on workforce but at this point this is considered to be unlikely.

- The EU Settlement Scheme has been circulated to all NIPEC staff who are EU nationals.

Professional regulation (recognition of professional qualifications)

- There are no professional staff in NIPEC (including UK citizens), at this time whose qualification has been recognised or applied for in the UK before the end of transition.

Data Transfer

NIPEC will:

- Undertake regular reviews of activity that may lead to potential transfers of personal data from the EU/EEA to the UK, especially those that are critical to patient care and/or would have a serious impact upon the system if they were disrupted-***Not applicable.***
- Undertake regular reviews of data transfer mitigations to ensure partner organisations remain confident in ability to share health and care information- ***Not applicable.***
- Note that many organisations tend not to disaggregate personal and non-personal data. As such, please be aware that restrictions on personal data may have knock-on effects on data more generally. ***This has been noted and will be enacted as appropriate in the bi-annual review of the Information Asset Register by HoCS/DPO.***
- Follow the advice from DCMS and the Information Commissioner's Office (ICO) on data protection in a 'no deal' scenario, which can be viewed on [gov.uk](https://www.gov.uk) and on the [ICO website](#), in particular to determine where to use and how to implement mitigation actions such as standard contractual clauses. ***This has been noted and will be enacted as appropriate in the bi-annual review of the Information Asset Register by HoCS/DPO.***