



OFFICIAL

Data Release Assurance Board – October 2017 meeting v1.0

Date	4 October 2017	
Time	09:30-11:30	
Venue	Skipton House, London	
Present	XXXXX	National Director for Disease Registration & Deputy SIRO (Chair)
	John Newton	Chief Knowledge Officer & SIRO
	XXXXX	PHE Lead for Official Statistics
	XXXXX	Director of the National Chlamydia Screening Programme
	XXXXX	Data & Information Policy and Partnership Lead
	XXXXX	Chief Clinical Information Officer
	XXXXX	Caldicott Guardian
	XXXXX	Lead for Office for Data Release
	XXXXX	Caldicott Guardian
	XXXXX	National Screening Data and Information Lead
	XXXXX	Governance and Service Delivery Programme Manager, Office for Data Release
	XXXXX	Programme Support Officer, Office for Data Release
Apologies	XXXXX	Consultant in Public Health Strategy at PHE & Deputy Caldicott Guardian (HP Protection)
	XXXXX	Director of Programmes UK National Screening Committee Health and Wellbeing
	XXXXX	IG Advisor
	Professor Kessel	Associate Caldicott Guardian
	XXXXX	Associate Director Knowledge and Intelligence Team (or PHE Lead for Official Statistics)

1. Introductions and apologies

17/039 The Chair, John Newton welcomed members of the Board. Apologies were received from:

- Consultant in Public Health Strategy at PHE & Deputy Caldicott Guardian (HP Protection)
- Information Governance Advisor
- Director of Programmes UK National Screening Committee Health and Wellbeing
- Associate Caldicott Guardian
- Associate Director Knowledge and Intelligence Team

2. Minutes of the previous meeting and matters arising

17/040 The minutes of the previous meeting were approved. The approved minutes would be made publically available on Gov.UK following approval by PHE Gateway (<https://www.gov.uk/government/publications/data-release-assurance-board-minutes>).

17/041 The Board reviewed the actions of the last meeting that where not scheduled on this agenda, the matters arising were discussed as follows:

17/042 *Dissemination of management papers by the SIRO*

The Board noted the action was completed and the paper to Management Committee on PHE's information governance priorities has been shared.

17/043 *Corporate roll out of the PHE Data Release Register*

Itemised as Item 4

17/044 *Review of ownership and assignment of outstanding actions of HGIAS audit,*

Itemised as Item 5.

17/045 *Audit of the Caldicott Guardian function*

Itemised as Item 6.

17/046 *Action plan to support the role out of a robust and visible Caldicott Guardian network*

Itemised as Item 6

17/047 Root cause analysis of ODR turnaround times

The Board received an update of performance of the ODR in the turnaround of approvals within 60 working days of submission of a validated application. The Board noted that the ODR had undertaken a root cause analysis of outliers. It was affirmed that the previously unadjusted interval from date of completed submission to release had now been resolved from 95 business days to 67 business days. The ODR reaffirmed to the Board that business as usual is a key priority for the ODR. Responsiveness of the ODR continues to improve; however, efficiencies could be made by the migration of ODR approvals onto a public facing digital platform to lessen the administrative burden placed upon Data Access and Confidentiality Managers.

17/048 The Board noted the ODR will continue to audit all approvals which take in excess of 60 working days and identify opportunities to enhance the training available to Data Access and Confidentiality Managers to enable efficiencies.

17/049 The Board noted the importance of ensuring that there is a focus on customer satisfaction and examples were provided by the ODR of proactive approaches to the management of customer relationships.

17/050 The ODR noted that there remain capacity issues within the team reflecting increase demand from service users and the evolving legislative landscape.

17/051 Update to ODR Work Programme – progress and amendments

Progress on work programme activities itemised as Item 7.

Amendment to the vision statement remains pending with ODR.

3. Governance of PHE data processing

17/052 The Board discussed and agreed that an independent non-executive member should be recruited to chair the Data Release Assurance Board; to ensure the effectiveness of PHE's governance arrangements for data sharing for secondary purposes and to assure the Accountable Officer that PHE is consistently upholding the highest standards of accountability and assurance to the public in all instances data is shared with third parties for secondary use. The Board agreed that the SIRO would proffer this approach to the Department Sponsor.

17/053 The Board agreed that approval by the IG Group and Management Committee would be sought to mandate that all Directorates use the Office for Data Release to support the systematic review of data sharing for secondary purposes. The Chair of the meeting suggested that papers should be formally shared with the Department of Health.

17/054 The Board discussed the resource implications of extending the remit of the ODR and that further consideration was required regarding how the financial burden of building ODR capacity would be shared across the business.

4. Extension of the PHE Data Release Register

17/055 The Board noted that that given the scope of the Office for Data Release function being limited to a discrete list of PHE assets, PHE remains at risk of under-reporting the breadth of data releases for secondary purposes. The Board remains committed to openness and accountability of instances data is disclosed beyond the Agency for secondary purposes.

17/056 The Board noted that the ongoing review of the Information Asset Register would assist with information gathering of data sharing. This work is currently being carried out by the Information Governance and Policy Office.

17/057 The Caldicott Guardian expressed the need for all Directorates within the Agency to adopt the Office for Data Release approvals processes and the Board agreed that the Information Governance and Policy Office should proffer a paper to the PHE Management Committee, sponsored by the SIRO and Caldicott Guardian, which briefly sets out the problem and potential solution to extend the scope of the operational parameters of the ODR and how the Agency proactively shares, with the Public, details of data sharing. This paper should be made available to the next SIRO Group.

5. Health Group Internal Audit Service (HGIAS) – Partridge Style review of data management and releases for PHE (progress report)

17/058 The Board received a verbal update on the HGIAS internal audit by Data & Information Policy and Partnership Lead. It was noted that the remaining actions have been itemised within this agenda for discussion.

6. Caldicott Guardian function (progress report)

17/059 A verbal updated was presented by the Caldicott Guardian. The Board noted that the focus of the Caldicott Guardian Office over the coming quarter was audit of the Caldicott function, specifically to identify opportunities and challenges in the discharge of Ministerial powers are based on the long-established Carltona principle in relation to Regulations 3 and 7 of the Health Services (Control of Patient Information) Regulations 2002 (COPI) and further opportunities to enhance the capability of the network through dedicated training. The audit would be completed by the end of December 2017 and results of the audit disseminated to the Board.

- 17/060 The Board agreed the Caldicott Guardian should share final audit report (functional audit of the CG function within PHE) with the Data Release Assurance Board and that it would be helpful for this item to remain a standing item with submitted paper.
- 17/061 The Board noted that capacity within the Caldicott Guardian Office had been extended with the addition of a 1.0 WTE within the secretariat; however, it was expected that there would be personnel changes upcoming pertaining to the deputy Caldicott Guardians.
- 17/062 The Caldicott Guardian noted processes were being refined to assure the Agency that it is appropriately exercising its COPI powers, and that that records of meetings and decisions by the Caldicott Advisory Panel for all Regulation 3 approvals to process data without consent will have an agreed publication schedule to support openness and transparency.
- 17/063 The Board agreed that the SIRO and Caldicott Guardian would work with Workforce Development to improve the training offer to IAOs and Systems Owners to raise awareness of expectations for compliance with the Caldicott Advisory Panel processes.
- 17/064 It was noted that ahead of GDPR implementation, the Caldicott Advisory Panel will be conducted a complete review of the common law and GDPR basis for lawful processing of personal data for all PHE information assets. It was expected this work will be complete before May 2018 and in parallel, annualised review cycles will be agreed for each asset identified as being processed under Regulation 3.
- 17/065 The Board agreed that a list of all approvals granted under Regulation 3 (year to date) would be presented to DRAB at the next meeting and further agreed that this reporting would be a standing item on future agendas of the Board.
- The Board agreed that further discussion was warranted with the Information Governance & Policy Office to establish how this review cycle would most appropriately be integrated into the PHE information Asset Register and Trackwise.
- 17/066 The Head of Information Governance & Policy provided a verbal update on progress to update the Information Asset Register to best serve the operational needs of the business.
- 17/067 The Board noted that the Caldicott Guardian Office was actively discussing GDPR preparedness with the Director of the National Infection Service.
- 17/068 The Board agreed that further work was necessitated to extend the reach of the Caldicott Guardian function to enhance how colleagues across the Agency can engage with the Caldicott Guardian network. Suggestions were made regarding opportunities for cross-working with

the Office for Data Release and the Information Governance & Policy Office.

7. General updates from the Office for Data Release

- 17/069 The ODR summarised the paper detailing year to date business activities for its external facing customer service function. The Board noted that there continues to be growth in the number of expressions of interest to access PHE data and subsequently, the number of these enquiries that covert into validated applications.
- 17/070 The ODR noted that through Q3 and Q4 the ODR will refocus on taking proactive steps to comply with the new requirements of the National Data Guardian (NDG) data security standards and the General Data Protection Regulation (GDPR), both of which will come into effect in May 2018. This will include the revision of standard contractual agreements with prospective data recipients and where pre-existing contractual relationships will extend beyond the implementation of GDPR, a contract novation programme to ensure compliance with new obligations on data controllers.
- 17/071 The Board noted that there has been a moderate influx in the number of requests to access data from non-Health Improvement areas of the Agency. ODR continues to work with the Caldicott Guardian function to cascade support and expertise available to colleagues when discussing disclosure of data to PHE customers; however there remains concerns about limitations in ODR capacity to service the entire business.
- 17/072 The ODR provided a verbal update on mid-year progress against value added activities (discrete service development projects). While significant progress has been made against the majority of work programme milestones, some activities had been deprioritised to enable a refocus on readiness for GDPR – these included the proposed stakeholder review to gain qualitative feedback on the perceived and actual performance of the service.
- 17/073 The Board noted and shared their support that the NCRAS ‘patient tracking’ system is now live. The system enables the prospective, person-level tracing of personal data releases for cancer patients recorded by the cancer registry and going forward, will support PHE to enhance the information offer it can present to the public exercising their right of access upon data controllers as set out in Article 15 of the GDPR. Further work is expected with the patient and public involvement network to co-design how these individualised inventories will be presented in a format that’s clear and accessible to a general audience, as part of PHE’s response to Subject Access Requests.
- 17/074 The Board noted that work was ongoing to establish the interaction between Subject Access Requests, the PHE Data Release Register and the introduction of Digital Object Identifiers (DOI) – a unique and traceable alphanumeric string.

17/075 The Board noted that ODR is working with its customers to identify opportunities to revise consent materials to ensure that the information offered to the data subject is comprehensive and informative regarding their rights under GDPR. Recognising that the individual must be informed of any possible recipients of the data, the Board agreed with the proposal to place an obligation upon PHE customers requesting to contact cancer patients to include a copy of the National Cancer Registration and Analysis Service (NCRAS) patient leaflet in their patient-facing materials.

17/076 The ODR noted it was in discussion with the MRC Regulatory Centre to map the ODR application process and the flows regarding information security and fair processing. This work mirrors previous work published by the MRC in collaboration with NHS Digital.

8. Any other business (AOB)

17/077 Next meeting

The next meeting of the Board is scheduled for 28 February 2018. A call for agenda items and papers will be circulated with the draft minutes. No further updates were made by the Board.

Post meeting update: The Board was rescheduled to 4 April 2018 due to scheduling conflicts.

Next meeting of the Data Release Assurance Board:

Actions:

Item #	Action	Action owner
17/052	The Board discussed and agreed that an independent non-executive member should be recruited to chair the Data Release Assurance Board. The Board agreed that the SIRO would proffer this approach to the Department Sponsor.	SIRO
17/053	The Board agreed that approval by the IG Group and Management Committee would be sought to mandate that all Directorates use the Office for Data Release to support the systematic review of data sharing for secondary purposes. The Chair of the meeting suggested that papers should be formally shared with the Department of Health.	Information Governance and Policy Office
17/057	The Caldicott Guardian expressed the need for all Directorates within the Agency to adopt the Office for Data Release approvals processes and the Board agreed that the Information Governance	Information Governance and Policy Office

	and Policy Office should proffer a paper to the PHE Management Committee, sponsored by the SIRO and Caldicott Guardian, which briefly sets out the problem and potential solution to extend the scope of the operational parameters of the ODR and how the Agency proactively shares, with the Public, details of data sharing.	
17/060	The Board agreed the Caldicott Guardian should share final audit report (functional audit of the CG function within PHE) with the Data Release Assurance Board and that it would be helpful for this item to remain a standing item with submitted paper.	Caldicott Guardian function
17/063	The Board agreed that the SIRO and Caldicott Guardian would work with Workforce Development to improve the training offer to IAOs and Systems Owners to raise awareness of expectations for compliance with the Caldicott Advisory Panel processes.	SIRO and Caldicott Guardian function
17/065	The Board agreed that a list of all approvals granted under Regulation 3 (year to date) would be presented to DRAB at the next meeting and further agreed that this reporting would be a standing item on future agendas of the Board.	Caldicott Guardian function
17/068	The Board agreed that further work was necessitated to extend the reach of the Caldicott Guardian function to enhance how colleagues across the Agency can engage with the Caldicott Guardian network. Suggestions were made regarding opportunities for cross-working with the Office for Data Release and the Information Governance & Policy Office.	Office for Data Release, Information Governance and Policy Office and Caldicott Guardian function
17/075	Recognising that the individual must be informed of any possible recipients of the data, the Board agreed with the proposal to place an obligation upon PHE customers requesting to contact cancer patients to include a copy of the National Cancer Registration and Analysis Service (NCRAS) patient leaflet in their patient-facing materials.	Office for Data Release

PHE publications gateway number: 2018086 © Crown copyright 2018.