

**Panel members present:**

Dame Fiona Caldicott - Chair  
Dr Joanne Bailey  
John Carvel  
Dr Alan Hassey  
Eileen Phillips  
Rakesh Marwaha  
Professor Martin Severs  
Anne Stebbing  
David Watts

**In attendance:**

Dr Chris Bunch  
Layla Heyes  
David Riley  
Jenny Westaway

**Guests:**

Lorraine Jackson  
Will Smart  
Matt Lutkin  
Gary Cook

**1. Welcome, apologies and declarations of interest**

Apologies were noted from Mark Golledge and James Wilson. Prof Martin Severs, who is the Lead Clinician and Caldicott Guardian for NHS Digital, declared in interest in relation to Item 6 (Care Quality Commission and NHS Digital Cyber Security: joint working on data security).

**2. Minutes from previous meeting, actions and decisions**

The minutes from the panel meeting held on 25 September 2018 were accepted as an accurate record of the meeting. There was one open action and one ongoing; all other actions were agreed as having been completed prior to this meeting.

**3. Sponsor's updates**

Lorraine Jackson from the Department for Health and Social Care gave an update to panel on the progress of the National Data Guardian's (NDG) Private Members' Bill passing through Parliament. Panel members were informed that the Bill would be going before a Committee of the whole House of Lords on Wednesday 28 November. If there are no amendments, Baroness Chisholm will look to discharge the remaining stages of Bill, at which point the next would be Third Reading in the House of Lords and after that, Royal Assent.

Lorraine also provided information about the progress of the Local Health and Care Record (LHCRE) programme; the Department of Health and Social Care's (DHSC) responsibilities around data policy and Brexit; and noted the news that responsibility for Streams App owned by DeepMind will be moved to Google Health.

**4. CAG enquiry re. opt-out application**

Jenny Westaway informed panel that the Chair of the Health Research Authority's Confidentiality Advisory Group (CAG) has sought a view from the NDG on the application of the National Data Opt-Out when confidential patient information (CPI) is being processed in order to anonymise it. The panel concluded that some further pieces of information are

required in order to allow informed consideration of the issue, which will be sought by the Office.

### 5. Update on the implementation of the WannaCry Review recommendations

Will Smart, Chief Information Officer for Health and Care in England and Robert Coles, NHS Digital's (NHS) Chief Information Security Officer (CISO), provided panel with an update on the implementation of the recommendations outlined in the [Lessons learned review of the WannaCry Ransomware Cyber Attack](#) published in February 2018. It was explained that much has been done system-wide to improve the hard infrastructure and to provide better advance threat protection. A discussion was had about the role of the [Data Security and Protection Toolkit \(DSPT\)](#). Robert Coles explained that once the DSPT returns are analysed at the end of the year, NHSD will have a deeper understanding of the areas where support is most needed. It was suggested by panel that cyber skills should be assessed across the system and any skills gaps addressed. It was confirmed that skills and capability is a priority area in the Secretary of State for Health and Care's tech vision.

### 6. Care Quality Commission and NHS Digital Cyber Security: joint working on data security

Robert Coles remained for this agenda item, and was joined by his NHS Digital colleague, Security Assurance Manager, Matt Lutkin. Tim Atkins from The Care Quality Commission (CQC) was unable to join the session as planned to provide CQC's perspective due to technology issues.

Matt provided panel with an update on NHS Digital joint working with the CQC to assess trusts' data security capability. NHS Digital monitoring tools now provide better visibility of what is happening in trusts, enabling an intelligence-led approach.

An update was also provided on the progress of the DSPT roll-out and panel was told that there has been an increase in uptake by social care from a low base. Panel expressed an interest in finding out more about progress with any DSPT improvements, and the analysis of the DSPT returns in 2019 when more information would be available. Jenny Westaway asked panel members to submit for onward issue any questions they may have for CQC's Tim Atkins. The Office was asked to liaise with NHS Digital about an update on DSPT returns in due course.

### 7. Office of Life Sciences discussion

Gary Cook from the Office for Life Sciences and Lorraine Jackson attended for this agenda item.

Gary Cook gave an update on OLS work looking at the commercial arrangements that some NHS organisations have entered into around the provision of NHS patient data to support innovation and research. The aim is to ensure that the agreements are approached in a balanced and consistent way and that there is guidance and policy expertise available to NHS arrangements. OLS is looking to develop principles and to consult over them during 2019.

Panel agreed that this was an important piece of work and were pleased to hear that there would be consultation. Panellists recommended a broad range of opinions should be sought. OLS agreed to keep in contact about their work and next steps, to see how NDG can best support.