

## Public Service Delivery Review Board meeting

### Minutes

**Wednesday 17th July 2019**

10:30 - 11:30

1. The Public Service Delivery (PSD) Review Board (the Board) met for the third time on Wednesday 17 July 2019. The focus of the meeting was on the impact of the PSD power and planning for the production of the report on the Review Board's activities. The aim is to issue this report to Ministers and the Data Advisory Board (DAB) in September to coincide with the first anniversary of the Board being operational. There was also a progress update on the proposal for a new PSD objective on Early Learning and Childcare (ELC) from the Scottish Government.

#### **Agenda item 1 - Welcome and introductions**

2. The Chair welcomed attendees and set out the agenda. Given that it was her first meeting as Chair, she also took the opportunity to set out her role as head of the newly constituted Data Policy, Strategy and Ethics team within DCMS. The secretariat for the Board sits within the Data Policy, Strategy and Ethics team.

#### **Agenda item 2 - Review of Actions**

3. Five of the six previous actions had been resolved prior to the meeting:
  - **Action** - Secretariat to share link to review board page on GOV.UK, signposting process map and other documents.
    - This was resolved immediately after the last meeting; there were no follow up questions/concerns raised by board members.
  - **Action** - Scottish Government to update ELC objective proposal form with the latest information from the update document, ensuring that the purpose of data share is clear.
    - The Scottish Government provided an updated form shortly after the meeting which addressed each of the questions/issues raised by Board members.
  - **Action** - Secretariat to circulate updated ELC proposal form for comment/agreement via correspondence.
    - The updated form was circulated among board members. There were some additional questions raised by members. Once these were resolved, the advice was submitted to Ministers.
  - **Action** Secretariat to send a submission to Minister with a recommendation on the ELC objective based on the advice of the board.

- The advice was submitted on 2 July and Board members were provided with a summary of what it contained.
  - **Action** - Data Policy and Governance team (DCMS) to follow up with DHSC and NDG on the feedback associated with health and adult social care bodies.
    - It was agreed in follow up discussions with NHSX officials and the newly appointed NHSX Chief Executive that the question of bringing data held by health and adult social care bodies within the scope of chapters 1-5 of the DEA should be considered as part of a wider piece of work being taken forward by the NHSX Director for Technology and Policy. This wider work will be looking at the scope for simplification of legislation and guidance around health data and exploring various questions associated with the secondary use of such data.
4. The other previous action was for Board members to think about how to raise awareness of the PSD power more widely (e.g beyond the relevant data and policy leads) within major data holding departments for discussion at the next meeting. This was discussed as part of agenda item four.

**Agenda item 3 - Update on Scottish Government's Early Learning and Childcare proposal**

5. The secretariat outlined that, in response to the advice of 2 July, the Minister for Digital and Creative Industries confirmed that she is content to take forward the necessary work with a view to establishing this proposed objective via affirmative regulations. The Minister had also inquired whether other objectives for data sharing under the PSD power could be created within the same set of regulations. The secretariat explained that follow up advice was being submitted to the Minister later that day advising against this approach on this occasion.
6. Board members welcomed the news that this work could be taken forward. However, they queried the extent to which it could be progressed ahead of receiving further feedback from the Minister on the follow up advice. The secretariat explained that it is essential to await further feedback from the Minister before finalising any draft regulations and moving to the public consultation phase. But it is possible to focus on some of the preparatory work in parallel to awaiting feedback from the Minister. The team are therefore liaising with the relevant colleagues with a view to crystallizing the timetable for making affirmative regulations based solely on the Scottish proposal, whilst awaiting the Minister's response.
- **Action:** The secretariat will keep Board members apprised of progress on taking forward the necessary work to establish the Early Learning and Childcare objective.

[post meeting note - Margot James MP resigned from her position as Minister for Digital and Creative Industries on 18 July, the day after the Review Board meeting. Once appointed, the

new Minister for Digital and the Creative Industries will need to be briefed on this issue. In the meantime, the preparatory work outlined above will continue]

#### **Agenda item 4 - Planning for Board's report to Ministers after 1 year of operation**

7. The secretariat highlighted the terms of reference for the Board which outline that a report on the Review Board's activities will be submitted annually to the relevant DCMS Minister as well as the Data Advisory Board. The secretariat also highlighted the response to a recent Parliamentary question from Lord Clement-Jones where the government agreed to incorporate a review of the effectiveness of the register of information sharing agreements into the reviews conducted by the PSD and Debt and Fraud Review Boards on their first year of operation.
8. The secretariat explained that they had held some preliminary discussions with their counterparts in the secretariat for the Debt and Fraud Review Board. Based on these discussions the aim is to produce a joint report which covers:
  - a. Usage of the PSD power
  - b. Usage of the Debt power
  - c. Usage of the Fraud power
  - d. Operation of the Boards
  - e. The Register
  - f. Key challenges
  - g. Next steps
9. Board members were invited to provide their thoughts on what the report ought to cover and any feedback they had on the initial plans in terms of its structure.
10. Board members discussed how, to date, the PSD Review Board has primarily carried out its functions on a reactive basis. For instance, it has focused on assessing proposals for new objectives. But this is dependent on proposals from government departments or other bodies (who are able to share data under the PSD power) having sufficiently developed a proposal to a stage where it is ready for consideration by the Board. Board members agreed that the report should include a work programme for the following year which would include recommendations for proactively supporting expansion and uptake of the powers. For example, this programme could include ideas for progressing the necessary work with NHSX and other stakeholders to bring health and adult social care bodies within the scope of the PSD and other Digital Economy Act (DEA) powers. However, it was acknowledged that this particular piece of work would require extensive consultation with the medical community. Therefore, ensuring it is sufficiently resourced would be essential.
11. Board members also agreed that the report should include a reflection on the consideration of the proposed objective by the Scottish Government and identify lessons learnt from the process. The importance of case studies to help build

confidence in the usage of the PSD powers - and data sharing more generally - among stakeholders was also discussed. It was agreed that the work programme should also consider how case studies could best be collated and disseminated among stakeholders.

- **Action: The secretariat to develop a report on the Board’s activities, which includes a proposed work programme for the following year, that Board members can review in September.**

### **AOB**

12. The representative for the ICO flagged the launch of the consultation on updating their data sharing code of practice. The draft updated code refers to data sharing under the DEA and also seeks to dispel some myths associated with data sharing which have discouraged organizations from entering into data sharing agreements in the past. Board members were encouraged to review the updated code and feed their views into the consultation.

- **Action:** Secretariat to share information on the consultation with Board members.

### **Agreement of actions**

13. Actions were agreed as set out in the table below:

	<b>Description</b>	<b>Owner</b>	<b>Status</b>
1	The secretariat will keep Board members apprised of progress on taking forward the necessary work to establish the Early Learning and Childcare objective.	Secretariat	Open
2	The secretariat to develop a report on the Board’s activities, which includes a proposed work programme for the following year, that Board members can review in September.	Secretariat	Open
3	The secretariat to share information on the ICO’s consultation on their data sharing code of practice with Board members.	Secretariat	Closed (information shared with Board members immediately after the meeting)

## **Attendees**

- Erika Lewis, DCMS, Chair
- Lan-Ho Man, MHCLG
- Louise Bennett, PCAG
- Jonathan Turner, DWP

### By phone:

- Jenny Westaway, NDG
- Roger Halliday, SG
- Kerrie Harkness, SG
- Claire Wainwright, SG
- Glyn Jones, WG
- Debra Heaton, ICO (observing)

### Secretariat:

- Lee Pope, DCMS

### Apologies:

- Edgar Whitley, PCAG
- Ross Young, UKSA
- Lee Almond, HO
- Lorraine Jackson, NHSX
- Carolina Valsecchi, BEIS