

Minutes of the meeting

National Data Guardian's Panel Meeting



11.07.2019



Wesley Hotel & Conference Venue, Euston House, 81-103 Euston Street,
London, NW1 2EZ

Panel members present:

Dame Fiona Caldicott – Chair
John Carvel
Mark Golledge
Eileen Phillips
Rakesh Marwaha
Professor Martin Severs
Dr James Wilson

In attendance:

Dr Chris Bunch
David Riley
Jenny Westaway
Rajoo Veeren

Guests:

Lorraine Jackson
Nisha Shah
Dr Sarah Coy

1. Welcome, apologies and declarations of interest

Apologies were noted from Dr Alan Hassey, Dr Joanne Bailey, Anne Stebbing and David Watts. No declarations of interest were noted.

Dame Fiona confirmed Professor Dame Donna Kinnair has formally set out she cannot continue as a panel member and has nominated a colleague from the Royal College of Nursing, Patricia Marquis Interim Director, England. A meeting has been set up between the nominee and Dame Fiona in July.

Congratulations were offered from the panel to Mark Golledge on his new role at Hackney Council and to Dr James Wilson on the news that he will become a professor of philosophy.

2. Minutes from previous meeting, actions and decisions

The minutes from the panel meeting held on 14 May 2019 were accepted as an accurate record of the meeting.

It was agreed that there was one open action; the other actions were agreed as having been completed prior to this meeting

3. Sponsor's update

Lorraine Jackson, Deputy Director for Data Policy from the Department of Health and Social Care (DHSC) sponsor team, provided an update to the NDG and her panel members. Lorraine gave some context about the proposed approach that NHS X will lead on providing consolidated and consistent Informative Governance advice and that a new National Information Governance Board (NIGB) will be formed to support this.

Lorraine also informed the panel that as a result of the NHS X re-prioritisation, the National Data Opt-Out (NDOP) programme will be moving into business as usual mode in September 2019 rather than March 2020. As the Senior Responsible Officer for the NDOP, Dawn Monaghan will write to Dame Fiona to outline this change.

Lorraine also outlined discussions taking place about the proposals for a new GP dataset for secondary purposes.

Lorraine's updates led panel members to ask a number of questions and a discussion followed.

2019.07.11/3.1: The office to liaise with Lorraine and Dawn about the letter from Dawn to ensure that key questions on the NDOP are addressed.

2019.07.11/3.2: The office to circulate information about the NHSX the 5 missions and 10 work programmes.

4. Proposed National Information Governance Board

Dame Fiona has been invited to be an observer at the new National Information Governance Board (NIGB), which will be chaired by NHS X. The ICO will also attend as an observer. Dame Fiona explained her expectations of how the new board might helpfully support greater clarity for the system on information governance matters.

5. Translating NDG priorities into a delivery plan

Jenny Westaway introduced office proposals for translating the NDG priorities into a delivery plan. Panel members reviewed the draft plan and

broadly agreed that it was appropriate. It was noted that the office leads for each work area were outlined in the workplan but not panel member leads and agreed that it would be helpful to add these. It was agreed that the office will circulate the draft plan and ask panel members to provide comments back to the office. David Riley suggested that there should be a register of risks and issues to give a fuller view of existing issues across the system, including those which are not active priority areas for the NDG.

2019.07.11/5.1: Panel members to provide comments on the draft NDG priorities into a delivery plan paper back to the office.

2019.07.11/5.2: Office to progress the creation of a register of risks and issues.

6. Any other business

The office provided an update on discussions with the ICO about their intention to issue a statement regarding their investigation into the Royal Free. Panel members thought it was important that there was a clear counter view provided to the flawed confidentiality arguments put forward in the Linklaters audit, commissioned by the Royal Free as a result of its undertaking with the ICO.

Professor Martin Severs suggested that the office invites the Medicines & Healthcare products Regulatory Agency (MHRA) to a future Panel meeting so we can discuss the new Medical Devices Regulation due in 2020.

2019.07.11/6.1: Office to review the revised ICO and NDG Memorandum of Understanding (MoU) to ensure it would support discussions on issues similar to the Royal Free matter.

2019.07.11/6.2: Office to invite MHRA to future steering group or panel to discuss new regulations.

7. Helex – Cyber Governance focus group

Dame Fiona Caldicott, panel members and members of the office participated in the HeLEX - Centre for Health, Law and Emerging Technologies Focus group. This was held after the panel meeting; it did not constitute a formal part of panel business as panellists took part in this discussion as research participants, rather than advisors to the NDG. This is recorded in these minutes for transparency.

Date / ID	Action	Owner	Notes/updates	Status
2018.11.26/7.1	Office to keep in touch with Office of Life Sciences (OLS) about their work on realising the benefits of data, next steps and to see how NDG can support.	Jenny Westaway	There have been a number of points of liaison between the NDG and the OLS over this work programme since the last panel, including Dr James Wilson's membership of the oversight group for the citizens juries being run to support this work and engagement with OLS to ensure any public dialogue work the NDG commissions on public benefit is complementary.	Open
2019.07.11/6.1	Office to review the revised ICO and NDG Memorandum of Understanding (MoU) to ensure it would support on issues similar to the Royal Free matter.	Rajoo Veeren	The office reviewed the draft revised MoU and suggested further amends which would help support discussions on similar issues. ICO have confirmed that the draft is with directors for review. Once received it will need to be reviewed again.	Open
2019.07.11/6.2	Office to invite MHRA to future steering group or panel to discuss new regulations.	Karen Swift	This has been incorporated into the office work plan and a date will be arranged for later this year or early next.	Open
2019.07.11/3.1	The office to liaise with Lorraine and Dawn about the letter from Dawn to ensure that key questions on the NDOP are addressed.	Jenny Westaway	Dawn wrote to Dame Fiona on 1.08.19 to inform her about the plan to move the NDOP to live service from September. Dame Fiona replied to Dawn on 7.08.19 following a steering group discussion with Tim Magor about the change.	Completed
2019.07.11/3.2	The office to circulate information about the NHSX the 5 missions and 10 work programmes.	Jenny Westaway	The office forwarded on a link to the relevant details for the NHSX priorities that emerged from Matthew Gould's programme review.	Completed
2019.07.11/5.1	Panel members to provide comments on the draft NDG priorities into a delivery plan paper back to the office.	Jenny Westaway	Panel comments were received and impacted, and a new version of the delivery plan is available which incorporates panel leads.	Completed
2019.07.11/5.2	Office to progress the creation of a register of risks and issues.	Ross Thornton	The Office has created a risks and issues register and will look to bring this to a future NDG's Steering Group meeting.	Completed