



**Minutes**

**Title of meeting** Data Release Advisory Board  
**Date** 1 October 2015  
**Time** 10:00 – 12:00  
**Venue** 219B, Skipton House

**Attendees** John Newton (Chair) (JN)  
 XXXX  
 XXXX  
 XXXX  
 XXXX  
 XXXX  
 XXXX  
 XXXX  
 XXXX  
 XXXX  
 XXXX (Secretariat)

**1. Introductions and apologies**

Professor Newton introduced and welcomed XXXX and XXXX. It was noted that XXXX would attend the Board in his capacity of Deputy Caldicott Guardian and XXXX shall replace XXXX, following her appointment as PHE’s Chief Statistician.

No apologies were received.

**2. Minutes of the previous meeting and actions**

The Board reviewed the minutes of the previous meeting and they were approved as an accurate reflection of the meeting.

Actions for the previous meeting:

<p><b>PHE Caldicott Guardian to be invited to attend the next Board meeting or appoint a deputy to attend in their absence.</b></p>	<p>XXXX noted the difficulties in securing time in Paul Cosford’s diary during PHE’s Ebola response.</p> <p>XXXX shared with the Board an update of the Caldicott Guardian (CG) function within PHE and the discharging of the CG function to two deputies, (XXXX-covering the tri-directorate and XXXX-covering Health Protection) who meet monthly.</p>
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<p><b>Board to invite the Chief Statistician to join the membership of the Board.</b></p>	<p>XXXX was invited to join the Board in line with the agreed terms of reference. Following Securing Our Future, XXXX has since moved on and an invitation extended to XXXX following appointment as Chief Statistician.</p>
<p><b>ODR to update the Data Release Advisory Board terms of reference to reflect attendance of the SIRO, Caldicott Guardian and Official Statistician, change in name and strategic scope.</b></p>	<p>It was noted that the agreed changes had been included within the terms of reference and a copy of the amended document circulated with the papers for the meeting.</p>
<p><b>Board request the Caldicott Guardian presents a paper discussing how PHE discharges its Caldicott Function across different directorates.</b></p>	<p>The Board were informed that a paper was submitted to the PHE Management Committee.</p>
<p><b>Draft paper regarding the proposed cost recovery model to be circulated ahead of the next Board meeting.</b></p>	<p>XXXX explained that the ODR had drafted a cost recovery model in collaboration with the integrated business team, which identifies a composite rate for approval and data access services. Following the publication of the PHE remit letter, questions were raised about the implementation of this model in light of changes to PHE remit.</p> <p>Advice is being sought from PHE Legal Team on Treasury rules surrounding whether ODR products and services should be free of charge, charged at a subsidised rate, charged to recover the full costs involved, or charged to recover a profit in the interests of fair competition.</p>

	<p>It was noted that a paper shall be circulated to the Opportunities Assessment Group following clarity from PHE Legal.</p> <p>XXXX presented an informal view on behalf of third sector partners, identifying that the cancer charities would be happy to support a service so long as there is customer value and satisfaction.</p> <p>The Board discussed the merits of implementing cost recovery and the resource requirements necessary to do this at scale. The Board were reminded that the ODR has limited business management and administrative support.</p>
<p><b>Update to be provided to the Board on recruitment within the NCIN and Information Services Teams.</b></p>	<p>Determined as no longer relevant as the ODR now sits outside NCIN.</p>
<p><b>An overview of the current performance of the ODR to be circulated to Board members</b></p>	<p>Discussed as item 7.</p>
<p><b>The ODR to write a short briefing note explaining the implementation of an external facing register, proposed timelines and methodology for central submissions to the register.</b></p> <p><b>ODR to construct an initial draft of the release</b></p>	<p>Actions to be reviewed at the next meeting of the Board.</p>

<p><b>register and to circulate to all the Knowledge and Intelligence Teams to request any additional releases of potentially or explicitly identifiable data are captured centrally.</b></p> <p><b>ODR to broker with IAOs capturing all releases across the agency into a single register.</b></p>	
<p><b>Use of Regulation 3 of the Health Services (Control of Patient Information) Regulations 2002</b></p>	<p>To be discussed as item 3.</p>
<p><b>Disclosure control policy working document to be circulated to XXXX for comments on whether PHE should adopt an existing policy or establish new controls</b></p>	<p>A paper was circulated prior to the departure of XXXX however there has been no further action on this. It was proposed that this should be progressed through XXXX in her role as Chief Statistician.</p>

### **3. ODR oversight and governance of PHE data processing**

XXXX presented a paper documenting the challenges faced by PHE in executing its statutory powers under Regulation 3 of the statutory instrument. 1438 – Health Services (Control of Patient Information) Regulations 2002. The Board welcomed the paper and were keen to ensure all processes were fully integrated within PHE existing governance structures.

The Board discussed the necessity that PHE establishes a clear, system-wide governance structure and a systematic approach for data processing by internal

and external customers. It was established that over 200 systems across the Health Protection Directorate are likely to be processing data under Health Protection Regulations 2010 or Regulation 3. In understanding how to discharge this function, the Board reflected on PHE's corporate responsibility to comply with the law, the need to be leaders in use of data with broader stakeholders and an imminent internal audit of data processing activities.

The Board agreed that a letter should be drafted to Duncan Selbie outlining the need for an overarching governance and control framework to be implemented by the end of calendar year to meet the audit lifecycle requirements. The Board recommended the letter should include:

- Outline of the problem and overview of the burden across the directorates.
- Request for the Accountable Officer to nominate an individual to lead a task and finish group.
- Request for a task and finish group to be established with a remit to implement a governance and control framework for the use of Regulation 3 as a gateway for processing personal confidential data.
- Board recommendation that the task and finish group establish a committee chaired by a Non-Executive Director.
- An explicit statement of resource requirements for a secretariat to support the output of the task and finish group
- An explicit statement of the resource requirements of the IG team/ODR to enable interrogation of the legal gateway and processing activities of PHE systems
- Recommend to set up task and finish group to constitute a membership group and to subsequently establish a process for approving activities.

**Action: Professor John Newton to write to Duncan Selbie with a formal recommendation on behalf of the Board documenting the recommendations detailed above.**

Questions were further raised regarding the interpretation of processing activities permitted under Regulation 3. While it was recognised that most processing activities shall be explicitly covered with the current interpretation, PHE must agree a working approach to 'and other public health'.

**Action: XXXX to conclude work on the interpretation of Regulation 3 and present for adoption by the new governance structure.**

#### **4. ODR standard operating procedures**

XXXX presented two standard operating procedures to be ratified by the Board. The Board were asked to comment on the content of each SOP and feedback by 31<sup>st</sup> October (or two weeks following the dissemination of the minutes).

**Action: Members of the Board to provide feedback on the content of the ODR standard operating procedures (Approval process and Data Release Register) by 31<sup>st</sup> October (or two weeks following the dissemination of the minutes).**

The Board discussed the function of the ODR as a 'pan-PHE service function' and whether each SOP could be translated so that they may be readily adopted by assets outside of the scope of the ODR, in lieu of additional capacity. The Board discussed the merits of franchising the ODR approach within PHE, to ensure everyone is using the same approach.

Questions were raised about whether ODR processes were widely understood and it was felt ODR needs to be more widely publicised. Tariq Malik expressed his concerns in increasing ODR throughput, as processes continue to be developed and refined.

XXXX noted that the ODR intend to put forward a capital funding bid to establish a single, centralised work flow management and record system for all data requests.

#### **5. Update on the Ministerial Industry Strategy Group**

XXXX presented an update on the Ministerial Industry Strategy Group and its implications for PHE. An operational group has been formed with PHE, HSCIC and CPRD to explore the significant governance challenges in accessing combined data from a multiplicity of data controllers, including divergence in understanding of the Data Protection Act and process management for data access requests for research purposes.

It was explained that PHE were actively engaged in the MISG and were exploring models for a whole system approach to access, such as single point of entry into a distributed review model and the creation of common pathways.

#### **6. Update on the Information Fair Trader Scheme report and action plan**

John Newton updated the Board on the IFTS report and action plan. It was explained that the Office of Public Sector Information, part of The National Archives, runs the Information Fair Trader Scheme (IFTS), which sets and assesses standards for public sector bodies. Furthermore, the Re-use of Public Sector Information Regulations 2015 requires public sector bodies to permit the re-use of their information and demonstrate fairness and transparency.

PHE was assessed against the Scheme criteria in spring 2015. Unfortunately, PHE did not fulfil the requirements of the verification assessment and a number of shortfalls in the organisation's processes and policies were presented to Duncan Selbie by the auditors. PHE was advised to work through the recommendations in the auditor's report and to reapply for accreditation.

There were two key recommendations within the report regarding the ODR; (1) expansion of the ODR to cover all data assets, and (2) Lead for the ODR to sit on the Opportunities Assessment Group. Other recommendations to take forward include the cataloguing of data available through PHE. XXXX noted that PHE has published a list of official statistics.

**[Post meeting note:** A project officer has since been appointed to co-ordinate the response to the IFTS audit (XXXX) and a very constructive follow up meeting has been held with the Office of Public Sector Information. A follow up report will be presented at the next meeting of the DRAB]

## **7. General update from Office for Data Release (XXXX/XXXX)**

XXXX and XXXX presented two summary reports detailing ODR activity in the 2014-15 fiscal year and Q1/Q2 of 2015-16 fiscal year.

John Newton expressed his thanks to the ODR team.

## **8. Update on national relationships (TM)**

XXXX provided an update to the Board on the status of evolving relationships with the Office for National Statistics and HSCIC.

It was explained that the legal basis under which PHE may release mortality data had been under debate and as of the 30<sup>th</sup> September 2015, it was confirmed that the ONS Microdata Release Panel had formally agreed that PHE may release linked cancer registration-mortality data under Regulation 2.

XXXX further explained that a finite MOU had been signed with the HSCIC to clearly define market place and processing activities.

John Newton noted a strong case to continue this working arrangement was being presented to colleagues in the Department and that concerns regarding access to data in order to exercise PHE's statutory function had been escalated to Duncan Selbie.

## **9. Any other business (AOB)**

Next meeting – Thursday 7<sup>th</sup> January, 1-3pm (Skipton House)