

**National Data Guardian's Panel Meeting
Tuesday 24th January 2017**

Thistle Euston Hotel, Cardington St, Kings Cross, London, NW1 2LP

Panel Members Present:

Dame Fiona Caldicott - Chair
John Carvel
Alan Hassey
Martin Severs
Mark Taylor
Anne Stebbing
Joanne Bailey
Chris Cox
James Wilson

In Attendance:

Simon Gray
Jenny Westaway
David Riley
Lindsey Blake
Lorraine Jackson (item 3)
Professor Stephen Powis (item 6)
Tosh Mondal (item 6)
Andrew Eland (item 6)
Will Cavendish (item 6)

Welcome, apologies and declarations of interest

Apologies were noted from Terry Dafter, Richard Wild, Mark Golledge and Ian Atkinson.

Alan Hassey stated that he has recently taken up the Deputy Caldicott Guardian post at NHS Digital until early March when a replacement will be recruited.

2. Sponsor's update

Lorraine Jackson updated the panel on the government's response to the NDG review, and talked through the key issues that the team are working to address as part of finalising the response. The response will be published as soon as the appropriate reviews and approvals have been given.

Lorraine also provided an update on the progress of the bill to put the NDG role on to a statutory footing. The Bill recently passed its second reading in parliament with the committee stage due to start in due course.

3. Minutes from previous meeting and actions update

The minutes from the panel meeting dated 29th November 2016 were accepted without amendments.

The actions from the previous meeting were discussed.

Jenny Westaway and Mark Taylor provided an update regarding the latest position on the Genomics work and their attendance along with Dame Fiona and James Wilson at the Genomics England's Ethics Advisory Committee (EAC). The outcome of this work was that Genomics England have proposed that a working group is formed to examine whether a hybrid consent model might work more broadly as genetic testing and treatment becomes a more routine part of NHS treatment. The panel were supportive of this direction of travel.

4. Meetings attended by NDG and Panel Members

Dame Fiona thanked the office for providing a summary of the meetings and events that she and panel members have attended over the last couple of months.

Dame Fiona drew members' attention to the slides from the Royal Society and British Academy on the 'Governance of data and its uses' which were presented by Dr Clair Craig at the December Data Steering Group meeting attended by Dame Fiona.

5. Good governance position statement on stand-alone decision supporting and decision making software in the NHS and adult social care

Martin Severs introduced his draft paper which seeks to describe a high level governance and information assurance framework for decision supporting and decision making software in the NHS and adult social care.

The panel gave a number of constructive comments and agreed that they would wait until the Royal Society have concluded their current work and have published their report on machine learning. The panel could then re-visit a later iteration of this paper at a future panel meeting.

Action 24.01.17/5.1: The Office to circulate the Royal Society's report on machine learning once it is published and to consider putting a further iteration of Martin's paper on the agenda for a future panel meeting.

6. Royal Free and Deepmind discussions

Professor Stephen Powis and Tosh Mondal from the Royal Free Hospital and Will Cavendish and Andrew Eland from DeepMind attended the meeting and gave an overview of the process of design, development, testing and deployment they have used throughout the project and the type of data that was used at each stage.

The panel requested clarification of some further details regarding the scope of the data shared and more details about the engagement with MRHA.

Dame Fiona thanked the representatives from the Royal Free and DeepMind for their attendance and committed to writing to Professor Powis.

Action 24.01.17/6.1: Office to draft a letter to Professor Powis outlining the panel's conclusions.

7. Any other business.

No other business was raised at this meeting.