

National Data Guardian's Panel Meeting

Monday 20th March 2017

Amba Hotel, Charing Cross, The Strand, London, WC2N 5HX

Panel Members Present:

Dame Fiona Caldicott - Chair
John Carvel
Mark Taylor
Anne Stebbing
Joanne Bailey
James Wilson
Terry Dafter
Mark Golledge
Eileen Phillips

In Attendance:

Simon Gray
Jenny Westaway
David Riley
Lindsey Blake
Lorraine Jackson (Item 2)
Will Smart (Item 3)
Ming Tang - dialled in (Item 3)

Welcome, apologies and declarations of interest

Apologies were noted from Alan Hassey, Richard Wild, Martin Severs and Chris Cox.

Mark Golledge stated that he has been involved in the work on the ICO's Consent Guidance on the GDPR, which will be discussed under item 9, through his role in the Local Authority though not in detail.

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. Lorraine stated that the response will be published as soon as possible but no firm date has been confirmed as yet.

Lorraine also provided an update on the progress of the bill to put the NDG role on to a statutory footing in that it is now unlikely that the bill will pass through parliament in this session due to a parliamentary procedural issue. Lorraine confirmed the Secretary of State for Health's continued commitment to put the NDG's role on a statutory footing.

Lorraine also provided an update on the progression of the Digital Economy Bill and answered questions from a number of panel members.

3. Guest: Will Smart - CIO - Target Architecture

Will Smart attended the meeting and Ming Tang dialled in to discuss the target architecture model. Will provided an overview of the model, saying that a key aim is to implement regional information sharing communities with a view to improving access to data to support the provision of direct care. Will stated that the intent is for the model to align with the NDG's review, and Ming clarified that a key principle is that all data used for purposes beyond direct care will be anonymised in-line with the ICO code of practice on anonymisation. The panel asked a number of questions about the legal basis, governance and controls.

Will agreed to share a further version of the re-worked target architecture documentation with the panel. Dame Fiona said that the panel would need prior notice of timescales for reviewing these.

5. Minutes from previous meeting and actions update

The minutes from the panel meeting dated 24 January 2017 were accepted without amendments.

The actions from the previous meeting were discussed, four of which were carried over to the next meeting in May.

6. NBO Tracing Service Review findings discussion

The panel discussed the outcomes reached at the Steering Group meeting on 6 March regarding transparency, public interest tests, governance and potential impact on health seeking behaviour.

Action 20.03.17/6.1: The office to draft a letter to NHS Digital detailing the key points and to share with panel members for comment prior to sending to the NBO Review Team.

7. Royal Free/DeepMind update

Simon Gray gave an update on his recent discussions with the ICO regarding the Royal Free and Deepmind project. Simon stated that the intention is for the ICO and the NDG to align timing for a public announcement when the ICO investigation is concluded.

Action 20.03.17/7.1: Simon Gray to report back to the next Steering Group meeting on any further progress with regards to timescales for this announcement to take place.

8. Communication and public engagement plan

Jenny Westaway introduced her paper which included proposals for what we might do over the next year to communicate the NDG's work and to engage with the public.

The panel also discussed a proposal for furthering the work that has been undertaken on the circumstances under which identifiable data can be shared for direct care on the basis of implied consent.

Action 20.03.17/8.1: Jenny to work up a further version of her paper with some more concrete plans and timescales for the next Steering Group meeting.

Action 20.03.17/8.1: The office to review the panel's terms of reference as part of the future state work for when the NDG is on a statutory footing.

9. ICO GDPR - Draft Consent Guidance

John Carvel gave an overview of the key points on the draft consent guidance currently out for consultation and to which he has drafted a response on behalf of the panel. A discussion took place where panel members also gave their views on the document.

Action 20.03.17/9.1: The office to circulate John Carvel's initial draft response to the ICO GDPR draft consent guidance consultation to panel members for them to include their comments before submitting this by the deadline of 31st March.

10. Any other business.

Dame Fiona asked whether the panel would be content for the newly recruited Chair of the UK Caldicott Guardian Council, Dr Chris Bunch to attend the panel meetings as an observer going forwards. This would ensure joined up working with the Council who are already a sub-set of the panel and would enable issues suitable for the Council to be routed to them appropriately. Panel members agreed with this approach.