

National Data Guardian's Panel Meeting
Monday 16 July 2018

henson Room - Broadway House Conference Centre
Tothill Street, London, SW1H 9NQ

Panel members present:

Dame Fiona Caldicott -
Chair
Dr Joanne Bailey
John Carvel
Chris Cox
Mark Gollidge
Eileen Phillips

Rakesh Marwaha
Dr Alan Hassey
Anne Stebbing
Dr James Wilson

In attendance:

Dr Chris Bunch
Ross Thornton
David Riley

Jenny Westaway

Guests:

Lorraine Jackson
Sean Kirwan
Indi Singh
Ming Tang
Dawn Monaghan
Deanna Westwood

1. Welcome, apologies and declarations of interest

Apologies were noted from Dr Alan Hassey and Professor Martin Severs.

2. Minutes from previous meeting, actions and decisions

The minutes from the panel meeting held on 22 May 2018 were accepted as an accurate record of the meeting. There were four open actions. All other actions were agreed as having been completed prior to this meeting.

3. Sponsor's updates

Lorraine Jackson gave an update on progress on the Private Members' Bill, which is being taken forward to put the NDG role onto a statutory footing. First reading in the House of Lords by Baroness Chisolm took place on 9 July 2018. This stage is a formality that signals the start of the Bill's journey through the Lords. The second reading - the general debate on all aspects of the Bill - is yet to be scheduled.

Lorraine also provided detail to panel of the reporting statistics and ongoing evaluation of the National Data Opt-out that launched on 25 May 2018 and the communications campaign including details of social media, radio and the distribution of supporting materials.

Lorraine provided an update to NDG's panel members on the response from NHS Digital to the GP Supplier system issue which identified circa 150,000 type 2 objections registered since April 2015 that were not being upheld. NHS Digital is issuing a letter to all affected patients explaining the issue and all preferences are now being honoured. A discussion of potential implications of this matter followed.

4. Local Health and Care Record Exemplars

NHS England representatives Ming Tang, Indi Singh and Dawn Monaghan provided an update on the ongoing work to develop the information governance framework which will underpin the Local Health and Care Record Exemplars (LHCRE).

NHS England informed the NDG's panel of the work being undertaken to establish a critical friend stakeholder group including colleagues from the Health Research Authority, Manchester Academic Health Science Network and NHS Digital.

5. NHS Confidentiality Code of Practice

Sean Kirwan from the Information Governance Alliance provided panel members an update on his work to update the NHS Confidentiality Code of Practice, which has been commissioned by the Department for Health and Social Care (DHSC). Sean highlighted and discussed the latest changes to the current draft version of the NHS Confidentiality Code of Practice and agreed to circulate the document to Panel members for written feedback.

6. CQC review of local system collaboration - information sharing and governance

Deanna Westwood from the Care Quality Commission (CQC) provided a presentation to panel members summarising the findings and recommendations of *Beyond barriers: how older people move between health and care in England*, which brought together 20 local reviews of how services are working together to support and care for people aged 65 and over. The CQC local reviews highlighted that barriers to information sharing identified during the second Caldicott report 'The Information Governance Review: information to share or not to share' persist.

The NDG is keen to support the recommendations outlined in the Beyond Barriers report and the focus on encouraging organisations to work in collaboration rather than focus narrowly on their own individual organisational remits and boundaries.

7. Royal Free Audit

To comply with its undertaking to the Information Commissioners Office, the Royal Free was required to commission and publish an independent audit to look at the issues raised by the ICO judgement. The audit was undertaken by Linklaters and published in June 2018. Members of the panel discussed the Linklaters audit and how the NDG may provide appropriate feedback to the ICO.

8. Any other business

No additional items were raised for discussion under any other business.