

Minutes of the meeting

National Data Guardian's Panel Meeting



26.03.20



Microsoft Teams Virtual Meeting

Panel members present:

Dame Fiona Caldicott – Chair
John Carvel
Dr Alan Hassey
Professor Martin Severs
Dr Joanne Bailey
Rob Shaw
David Watts

Professor James Wilson
Rakesh Marwaha

In attendance:

Dr Chris Bunch
David Riley
Mike Adams
Jenny Westaway
Ross Thornton
Karen Swift
Rajoo Veeren

Guests:

Dr June Raine
Dr Janet Valentine

1. Welcome, apologies and declarations of interest:

Apologies were noted from Anne Stebbing and Eileen Phillips. No declarations of interest were noted.

Due to current COVID-19 restrictions, the meeting was held virtually using Microsoft teams.

2. Minutes from previous meeting, actions and decisions:

The minutes from the panel meeting held on 21 January 2020 were accepted as an accurate record of the meeting.

It was agreed that there were three open actions; all other actions were agreed as having been completed prior to this meeting.

Update on action 2020.01.21/2.1: While the deadline for the implementation of the NDOO has been extended to September 2020 due to the impact of the COVID-19 emergency, the Chair confirmed that organisations who have arrangements in place to uphold the NDOO have been advised that they should continue to do so .

2020.01.21/4.1 Jenny Westaway provided an update on the current NDG's Panel membership. The Chair did the same with regards to her role and term of appointment.

2019.09.11/7.1: Further to discussions about the Health Research Authority's (HRA) draft guidance on using patient data in data-driven software, the HRA is doing more work on the related matter of anonymising data collected for direct care for secondary purposes. We are awaiting this before reviewing a further draft of this guidance.

3. 1312/1319 - NDG COVID-19 response to data sharing proposals:

Jenny Westaway outlined the conversations which have taken place with the sponsor team about how the NDG can support transparency and communications around the COVID-19 data sharing arrangements.

In her update Jenny also referred to discussions with NHS X about the information governance framework for the proposed NHS COVID-19 app being developed and feedback provided by the NDG.

Panellists considered what role the NDG, her panel and office may best play - both to respond to these requests to help ensure that data is being used appropriately, and also to build and maintain public trust for data use during this time.

2019.03.26/3:1: The office to distribute an overview of COVID-19 app proposals provided to the NDG and the advice that the NDG has submitted to NHSx in response.

4. 1317: Tech Plan:

The NHS Tech plan was issued for consultation in February.

Panellists discussed the plan and thought it proposals aligned well with the recent NDG survey about information sharing for direct care. It was agreed it would be good to respond to the plan and NDG Panel members should submit observations and feedback.

2019.03.26/4:1: The office to gather panel members' feedback and submit a response to the tech plan.

5. 1121: Information sharing for care: next steps:

The NDG ran an online survey from December 2019 to February 2020 to better understand the perceived barriers to health and care professionals sharing information to support direct care and what educational initiatives the NDG might usefully encourage to support appropriate information sharing.

Dr Alan Hassey presented the results of this survey, the conclusions and recommendations. Panellists asked a number of questions and a discussion followed.

It was proposed that the paper is taken to the Health and Care Information Governance Panel to see if it supports the recommendations.

2019.03.26/5:1: Jenny Westaway and Dr Hassey to incorporate suggested feedback from panel members and arrange for submission to the Health and Care Information Governance Panel (ref 1185).

6. 777: Caldicott Principles:

Rajoo Veeren presented an overview on the initial findings from the February workshop held by the NDG about reasonable expectations and the Caldicott Principles. Rajoo outlined next steps, which would include a panel review of a revised and expanded set of Principles and draft public consultation.

2019.03.26/6:1: The office to invite panel members to join the Caldicott Principles item on the NDG's steering group agenda on 21 April 2020.

2019.03.26/6:2: Jenny Westaway to establish what is possible and practical with regards to public consultations given the current COVID-19 circumstances.

7. 1217 - The Medicines and Healthcare Products Regulatory Agency (MHRA):

Dr June Raine, CEO of the MHRA, and Dr Janet Valentine, Director of Clinical Practice Research Datalink (CPRD), presented an update for panel members on the following workstreams:

- Clinical Practice Research Datalink
- MHRA work on safeguarding a confidential health and care system
- MHRA work on supporting public knowledge and understanding

Panel made a number of observations and a discussion followed. MHRA agreed to keep in contact about their work and how it can align with the NDG priorities.

8. 1217: Post MHRA discussion:

The Chair invited panellists to provide their thoughts on the MHRA presentation and how the NDG might support its work.

2019.03.26/8:1: The office to follow up with MHRA with a note highlighting the key areas where we can support with a view to ongoing engagement.

9. Any other business:

262: TPP SystemOne: Dr Alan Hassey has been contacted by frontline colleagues who believe data sharing during the COVID-19 pandemic could be facilitated by reinstating the consent override functionality within TPP SystemOne.

The panel discussed providing an NDG view about whether this would be proportionate as a temporary measure and what safeguards would need to be in place.

2019.03.26/9:1: The office to send information to panellists about the discussions on use of the TPP consent override during COVID-19 to assist in forming an NDG view. The office to provide this view and liaise with key stakeholders as appropriate.

1010: Article 40: The Chair outlined the discussions which took place at a meeting hosted by NHS Digital and the ICO to explain work on developing a series of Article 40 Codes about the processing of health data. The Chair commented on the high quality of the work presented and the evidence of good partnership working.

1178: Joint statement: The Chair advised panel members that a previously prepared joint statement from Elizabeth Denham, Dame Fiona and Matthew Gould would not be issued currently because of COVID-19. However public statements outlining good partnership working have already been made and the NDG would make reference to this in an upcoming statement about use of data during the pandemic.

2019.03.26/9:2: Rajoo to send an update to panellists about the NDG and ICO joint statement that had been prepared.