

Minutes of the meeting

National Data Guardian's Panel Meeting



20.05.20



Microsoft Teams Virtual Meeting

Panel members present:

Dame Fiona Caldicott – Chair	Dr Joanne Bailey
Dr Alan Hassey	John Carvel
Anne Stebbing	Professor Martin Severs
David Watts	Mike Adams
Eileen Phillips	Rakesh Marwaha
Dr Geoffrey Schrecker	Rob Shaw
Professor James Wilson	

In attendance:

Dr Chris Bunch
David Riley
Jenny Westaway
Ross Thornton
Karen Swift
Rajoo Veeren
Layla Heyes

Guests:

Simon Madden
Dawn Monaghan
Rachel Merrett
Eva Simmonds
Dr Peter Short
Geraint Lewis
Anna Steere
Geraldine Woods

1. Welcome, apologies and declarations of interest:

No apologies or declarations of interest were noted.

Dr Geoffrey Schrecker attended his first meeting following his appointment to panel.

2. Minutes from previous meeting, actions and decisions:

The minutes from the panel meeting held on 26 March 2020 were accepted as an accurate record of the meeting.

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

Update on action 2019.03.26/5:1: The May meeting of the Health Care Information Governance Panel (HCIGP) was focused on COVID-19 issues. We are hoping to bring our Information sharing for care survey results and recommendations paper to its next meeting in June.

2020.01.21/2.1: The deadline for the implementation of the National Data Opt-out (NDOO) has been extended to September 2020 due to the impact of the COVID-19 emergency. Rob Shaw asked if there has been any information for the general public on the extension? The NDG Office will check.

2019.09.11/7.1: Further to discussions about the Health Research Authority's (HRA) draft guidance on using patient data in data-driven software, the HRA is doing more work on the related matter of anonymising data collected for direct care for secondary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

2019.07.11/6 The Memorandum of Understanding (MoU) between the NDG and ICO has now been signed by all parties and will be published on our webpages shortly.

2020.05.20/2:1: The office to check the NDOO webpages and find out if there has been any visibility for the general public on the extension.

3. 592: Sponsor's update:

Simon Madden, Deputy Director, Data & Information Governance Policy NHSx is the National Data Guardian's (NDG's) departmental sponsor. He attended his first panel meeting and introduced himself to members before providing his general sponsor's update.

Simon discussed data policy during the COVID-19 pandemic. Simon gave some information about the development of the test, track & trace programme and the work that his team is doing to support the data elements of this, such as preparing Data Protection Impact Assessments. He also discussed the OpenSafely research project involving Oxford, TPP and others to enable access to GP data. This led panel members to ask questions and a discussion followed.

Simon was invited to stay on for item 4.

2020.05.20/3:1: Simon Madden to share the Single Point of Contact - Step by Step Guides with the NDG and her panel.

4. 1328: NHS X update

Rachel Merrett, Head of Stakeholder Engagement, and Dawn Monaghan, Head of IG Policy at NHSx attended panel and presented an update on the

NHSx Data and Information Governance workstreams during COVID-19.

Dawn discussed the operation of the COPI regulations, the timing of their withdrawal and how this will be managed.

To aid communication, NHSx have been facilitating webinars during COVID-19. They have a good understanding on how data governance is being managed at a national level, work is being done to improve the picture at a local level.

Panellists made a number of observations and a discussion followed. NHSx agreed to keep in contact about their work and where the NDG can help if appropriate.

5. 1333/965: NHS Digital collection of data from General Practice in support of COVID-19

Eva Simmonds and Dr Peter Short from the GP data programme at NHS Digital attended panel and provided an update on how the NDG recommendations for the GPES COVID-19 extraction have been implemented. The NDG has agreed to act as an escalation point should there be a disagreement between IGARD and NHS Digital about whether this data should be disseminated.

They also presented a slide set explaining NHS Digital plans to move to the GP Data for Planning and Research (GPDPR) technical solution for collection of GP data for COVID-19 purposes and the work they are doing with stakeholders to develop/test the revised GDPR implementation plans.

Panellists welcomed the positive engagement with this programme and thanked Eva and Peter for testing their ideas with us and reporting back when their approach has been refined.

2020.05.20/5:1: Eva to confirm whether any data has been extracted via GPES since the last penetration test.

2020.05.20/5:2: The NDG office to work with NHS Digital to define the process for escalating disagreements between NHSD and IGARD about whether GP data collected for COVID-19 purposes is justified.

6. 1319: NHS COVID-19 App briefing:

Dr Geraint Lewis, Senior Risk Owner for the digital transformation of screening at NHSx, Anna Steere, Communications Lead, and Geraldine Woods, NHSx, attended panel and presented an update on the COVID-19 app and the following workstreams:

- Latest proposed app design
- Isle of Wight pilot
- Next steps

Panellists asked a number of questions, in particular around the purposes to which data collected will be used and transparency. Dr Alan Hassey and Professor James Wilson will continue to attend the COVID-19 Ethics Assurance Board and keep the NDG updated on this item.

7. 1328/1333/965/1319: Post panel discussion:

The Chair invited panellists to provide their thoughts on the last four agenda items and how the NDG might support these items.

Each workstream was debated in turn and several observations made.

8. 777: Caldicott Principles and Guardian consultation:

Rajoo Veeren provided an update on the proposal that the NDG consult about a revised set of eight Caldicott Principles and issuing guidance about Caldicott Guardians. This was discussed with the Health and Care Information Governance Panel (HCIGP) on 13 May 2020.

Panellists discussed the comments and thought that we should still launch our consultation, but later than planned. We agreed that we should extend the period it is open to allow colleagues busy with COVID-19 work more time to respond. The panel welcomed the feedback that the consultation could be set in the context of the exit from COVID-19 data sharing arrangements.

2020.05.20/8:1: The office to reformulate a plan for progressing this piece of work and present a new proposal at Steering Group on 18.06.20.

9. 149: Panel Terms of Reference and Terms of Appointment:

Panellists were asked to acknowledge that the Terms of Reference and Terms of Appointment have been updated to ensure that they are in line with the NDG statutory role.

The updated Terms of Reference will be published on our webpages following this meeting.

The NDG Office is also preparing a public panel register of interests which will also be published on our webpages after review from panellists to ensure that it is up-to-date.

2020.05.20/9:1: The office to send the information we currently hold on the register of interests to panel members for review prior to publication on our webpages.

10. Any other business:

No items were raised by members in the meeting