

Minutes of the meeting

National Data Guardian's Panel Meeting



25.03.21



Microsoft Teams Virtual Meeting

Panel members present:

Adrian Marchbank
Andrew Hughes
Eileen Phillips
Dr Geoffrey Schrecker
Professor James Wilson
Dr Joanne Bailey
John Carvel
Maisie McKenzie

Professor Martin Severs
Rakesh Marwaha
Rob Shaw

In attendance:

Dr Chris Bunch
David Riley
Jenny Westaway
Ross Thornton
Layla Heyes

Guests:

None

1. Welcome, apologies and declarations of interest:

Dr Joanne Bailey chaired the meeting.

No declarations of interest were noted.

Apologies were received from David Watts.

2. Minutes from previous meeting, actions and decisions:

The minutes from the panel meeting held on 19 January 2021. were accepted as an accurate record of the meeting.

Jenny Westaway and Ross Thornton provided updates on the open actions. Three of these related to the GP for planning and research programme:

2021.01.19/3.1: The GP data for planning and research team to outline issues on which they would welcome NDG input and how they would propose this input is provided.

The NDG has provided feedback on a range of transparency and privacy notices in advance of the proposed launch of the GDPR service, NDG's Panel agreed to keep 2021.01.19/3.1 open to support continued NDG input ahead of the launch.

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

The GP data for planning and research team explained that the service had transitioned from physical kit to managed cloud services and penetration testing is maintained as part of these services, it was agreed to close action 2020.05.20/5:1.

2020.05.20/5:2: The NDG office to work with NHS Digital to define the process for escalating disagreements between NHS

Digital and IGARD about whether GP data collected for COVID-19 purposes is justified.

It was agreed that on action 2020.05.20/5:2, this would be picked up as part of the discussions with NHS Digital about the GP for planning and research programme.

2021.01.19/5.1: The office to follow up the programme team working on improving ethnicity data and ask them to further engage with the NDG about both their short-term and longer-term plans in due course.

Will Tate informed the office that NHS Digital is currently working with the GP system suppliers to agree the method and to confirm when this work might take place. It was agreed to keep action 2021.01.19/5.1: open and await further information and a proposed timeline for the work.

2020.11.19/5:1: Ming Tang to share her draft organisational partner communications paper with the NDG for review and feedback.

It was agreed that this would be kept open until the data dissemination register for the NHS X data store was published. The Office has asked about this in January, February and April and received updates that it will be published.

All other actions were agreed as having been completed prior to this meeting.

3. 1380: Panel discussion to support NDG transition:

The NDG panel was provided with a paper which included: the statement provided by Dr Nicola Byrne's to the Parliamentary Health and Social Care Committee (HSCC) as part of its pre-appointment scrutiny; existing NDG commitments running into the next NDG term and potential projects; communication

opportunities March to June; current regular meetings and groups attended by the NDG, office and panel.

The panel was asked to consider with regard to Dr Byrne's first 100 days what were the top issues, messages and relationships for the NDG and the panel.

Panel members advised that as well as focusing on the planned NDG work on Caldicott Guardian guidance and public benefit, Dr Byrne was coming into post at a time when it would be important to consider the learning about data sharing from the pandemic and how far arrangements should be replicated or scaled back afterwards. Several panel members made the point that the common law duty of confidentiality plays a critical role in ensuring that health and care data is used in trustworthy ways and remains an important safeguard for the NDG to champion. There was also support for the NDG making data quality a further priority and for further work to help organisations implement the 8th Caldicott Principles, in particular by setting out in practice what range of steps should be taken in order to inform people about data use, varying depending on the extent to which the use would be expected ordinarily.

The panel felt that it would be important for Dr Byrne to reiterate in her early communications some of the messages in her statement to the HSCC, including around public trust.

It was suggested that Dr Byrne could have a 'listening exercise' for her first few months to hear the concerns and hopes that others have around the use of data, what they would want to see the NDG prioritise.

The panel encouraged Dr Byrne to consider how she would wish to further build the skills and knowledge on the panel. In particular to strengthen the focus on public voice, building experience from social care sector in particular.

2021.03.25/3.1: Jenny Westaway to provide a note to Dr Nicola Byrne with recommendations from the panel as she prepares to take up her role as NDG.

4. Any Other Business:

No extra items were raised by members.