

Minutes of the meeting

National Data Guardian's Panel Meeting



19.10.21



Microsoft Teams Virtual Meeting

Panel members present:

Dr Nicola Byrne
Adrian Marchbank
Andrew Hughes
David Watts
Dr Edward Dove
Eileen Phillips
Prof Ian Craddock
Prof James Wilson

Dr Joanne Bailey
John Carvel
Maisie McKenzie

Observers in attendance:

David Riley
Dr Chris Bunch

NDG Office staff in attendance:

Karen Swift
Ross Thornton
Ryan Avison
Dr Vicky Chico
Layla Heyes
Carl Beesley

Guests:

Dr J Kevin Dunbar

1. Welcome, apologies, and declarations of interest:

The National Data Guardian (NDG) Dr Nicola Byrne chaired the meeting. Apologies were received from Dr Fiona Head, Dr Geoffrey Schrecker, Rakesh Marwaha and Rob Shaw.

No declarations of interest pertaining to items on the agenda were recorded.

2. Minutes from previous meeting, actions, and decisions:

The minutes from the NDG's panel meeting held on 20 September 2021 were accepted as an accurate record of the meeting. One minor mistake was highlighted under item 3 to be corrected before publication.

Ross Thornton provided an update on the six open actions.

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

3. 1565: Data: A new Direction - Public consultation on reforms to the UK's data protection regime:

Carl Beesley, Privacy Specialist from the Office of the National Data Guardian attended panel to discuss 'Data: A new Direction', the governments consultation on reforms to the UK's data protection regime. Carl informed

panel on the approach that the office is taking to develop a consultation response including researching published responses and legal opinions and engaging with subject matter experts from the NDG's Panel. Carl highlighted the key areas of the consultation where the NDG may wish to focus her response for discussion with Panel.

Panel members raised several additional points for consideration. The office will incorporate these considerations and continue to develop the proposed response from the NDG ready for submission.

4. 1443: Cervical Screening quality assurance and the S251 work:

Dr J Kevin Dunbar, Regional Head of Screening Quality Assurance Service (SQAS), NHS England and NHS Improvement returned to NDG's panel to present an update on the implied consent and direct care challenges being faced when undertaking quality assurance of the national cervical screening programmes.

Dr Dunbar asked the panel for their considerations on whether the data sharing between health organisations for quality assurance of a care pathway, without consent, could be considered part of the reasonable expectations of patients and the public.

Panel members considered the key points from Dr Dunbar's paper and made several observations.

Panellists thanked Dr Dunbar for his interesting presentation and will explore the possibility of how best the NDG may be able to support further work on reasonable expectations, and where appropriate to do so continue to work with Dr Dunbar.

2021.10.19/4.1: The NDG office to respond to Dr J Kevin Dunbar summarising panel members considerations and the NDG's point of view regarding reasonable expectations and quality assurance of national cervical screening programmes.

5. 1558: Police, Crime, Sentencing and Courts Bill:

Dr Vicky Chico, Senior Privacy Specialist in the Office of the National Data Guardian, attended NDG's panel to present an update about the Police Crime and Sentencing Courts Bill (PCSC).

The briefing outlined the concerns which have been shared with the Secretaries of State for the Department of Health and Social Care (DHSC) and the Home Office, multiple stakeholder organisations and to some House of Lords Peers via British Medical Association (BMA) and the General Medical Council's (GMC) Parliamentary public affairs teams.

The Police, Crime, Sentencing and Courts (PCSC) Bill will enter the Committee Stage in the House of Lords on 20th October.

Panel members discussed what strategy the NDG may wish to adopt should the proposed amendments regarding the provisions for setting aside the obligation of confidence not be acknowledged and addressed at the report stage of this bill.

2021.10.19/5.1: The office to consider opportunities for the NDG to engage with the peers who are supportive of the proposed amendments to the PCSC bill.

6. Any Other Business:

John Carvel, panel member raised an item regarding the overarching governance, roles and responsibilities of the GP Data for Planning and Research (GPDPR) editorial advisory panel and the check and challenge group.

Panel members discussed the NDG's participation on both groups and said it would be important to reiterate to the editorial

advisory panel that a significant effort is needed to demonstrate that they are effectively; engaging with the public and professionals, to develop their materials before they are delivered.

Panel members also thought that it would be important for the NDG to feed into the Terms of Reference for the check and challenge group to ensure that the GPDPR programme maintains a focus on being open and transparent, about stakeholder engagement.

No other items were raised by members ahead of this meeting.

2021.10.19/6.1: The office to provide feedback to the GPDPR check and challenge group regarding the Terms of Reference.