

Minutes of the meeting

National Data Guardian's Panel Meeting



16.11.21



Microsoft Teams Virtual Meeting

Panel members present:

Dr Nicola Byrne
Adrian Marchbank
Dr Edward Dove
Eileen Phillips
Dr Fiona Head
Dr Geoff Schrecker
Prof Ian Craddock
Prof James Wilson

Dr Joanne Bailey
John Carvel
Prof. Martin Severs
Maisie McKenzie
Rakesh Marwaha
Rob Shaw

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 Ben Goldacre

1. Welcome, apologies, and declarations of interest:

The National Data Guardian (NDG) Dr Nicola Byrne chaired the meeting. Apologies were received from panel members Andrew Hughes and David Watts.

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 19 October 2021 were accepted as an accurate record of the meeting.

Ryan Avison provided an update on the four open actions.

2021.10.19/5.1: 1558: The office to consider opportunities for the NDG to engage with the peers who are supportive of the proposed amendments to the PCSC bill.

John Carvel asked for a more detailed update on the Police, Crime, Sentencing and Courts Bill (PCSC Bill), which Dr Vicky Chico provided.

2020.05.20/5.2: 280: 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.

Dr Geoff Schrecker indicated that the Independent Group Advising on the Release of

Data (IGARD) were not aware that the final draft escalation process had been approved by NHS Digital. The office will follow this up.

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

3. 626: PSD Review Board - what constitutes an adult health and social care body for the glossary of the Digital Economy Act code of practice

Dr Vicky Chico, Senior Privacy Specialist in the Office of the National Data Guardian, attended the NDG's panel to discuss the Public Service Delivery Review Board which reviews proposals for legislation under the data sharing powers in section 35 of the Digital Economy Act (DEA). They have been asked to create a glossary to accompany the [Code of Practice](#) to the DEA. The Data Sharing and Digital Office has asked the NDG and NHSX to provide a definition of health and adult social care bodies for the glossary. This is important as it will influence the interpretation of what constitutes a health or adult social care body, and such bodies are currently excluded from the data sharing powers under the DEA.

Panel members discussed the key points from Dr Chico's paper and made several observations. One suggestion was to ask the Data Sharing and Digital Office what the practitioners are asking for clarification about and what constitutes such a body as this

should help with our development of a proposed definition.

Panel members also thought we should explore the wording in the Health and Social Care (National Data Guardian) Act 2018 as this was carefully thought through to ensure the definition of health and adult social care bodies was broad and accurately reflected the scope of the NDG's powers under the Act.

The office will continue to develop the potential options for the proposed definition of health and adult social care bodies and will submit the NDG's response within the appropriate timeframe.

2021.11.16/5.1: The office to provide feedback to the NDG following the GDPR meeting on 17 November 2021.

4. 1463/1578: Health Data Review, Trusted Research Environments & Transparency

Dr Ben Goldacre, Director, The Data Lab attended the NDG's panel and provided an informal overview of his review into the use of health data for research and analysis, the Open Safely software platform, Trusted Research Environments (TRE's) and systematic coding.

Panel members considered the key points from Dr Goldacre's talk and made several observations. Panellists agreed that implementing TREs will help to develop a trustworthy system. Panellists also noted the importance of full transparency and audit regarding data, access and analysis within a TRE.

Panellists also thought there would be an opportunity to reinforce the point from the NDG's Putting Good into Practice public benefit work regarding the importance of authentic public involvement in decision making for a trustworthy system.

Panellists thanked Dr Goldacre for his interesting discussion and will explore the possibility of how we might feed into, or potentially collaborate on, work post his review launch.

5. Any Other Business:

Rob Shaw, panel member raised an item regarding GP Data for Planning and Research (GDPR) draft proposals, relating to Type one objections. Rob and members of the office are attending a meeting with the programme on 17 November and will update the NDG following these discussions.

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