

Minutes of the meeting

National Data Guardian's Panel Meeting



08.11.2022



Microsoft Teams Virtual Meeting

Panel members present:

Dr Nicola Byrne
Mr Adrian Marchbank
Andrew Hughes
Dr Chris Bunch
Dr Edward Dove
Dr Fiona Head
Eileen Phillips
Prof Ian Craddock

Prof James Wilson
Dr Joanne Bailey
John Carvel
Maisie McKenzie
Rakesh Marwaha
Rob Shaw
Sam Bergin Goncalves

NDG Office staff in attendance:

Carl Beesley
Layla Heyes
Dr Vicky Chico
Karen Swift
Dr Helen Bauckham

Guests:

Areeq Chowdhury

1. Welcome, apologies, and declarations of interest

National Data Guardian (NDG), Dr Nicola Byrne, chaired the meeting. Apologies were received from Dr Arjun Dhillon.

There were no new declarations of interest.

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

Panel accepted the minutes from its 11 October 2022 meeting as an accurate record. One minor amendment was highlighted under item 5 to be corrected before publication.

Senior Privacy Specialist, Office of the National Data Guardian (ONDG), Dr Vicky Chico, gave an update on the actions, confirming they were all complete.

3. Key updates

Dr Vicky Chico and Rob Shaw updated on recent activities:

1704: Faster Data Flows:

NHS England has issued directions to NHS Digital to extract identifiable patient-level admission, inpatient, discharge and outpatient activity from acute providers to accelerate and support elective waiting list recovery. Panel briefly discussed the recent media attention surrounding the direction, which focussed on the use of the software system for this work and the lack of clarity about whether data shared with NHS England as

processor and a software provider as sub processor will have undergone a process of pseudonymisation or whether it will have been rendered anonymous.

1581: Accelerating Citizen Access to GP Data:

The programme, which will give patients automatic access to their prospective GP medical records through the NHS app, has been paused for those that wish to delay the process. There is continued engagement between GP IT systems, Department of Health and Social Care and other stakeholders to confirm next steps.

299/1541: NDG and Chair of UKCGC Letter to Integrated Care Boards (ICBs):

The NDG and UKCGC have issued a joint letter to all senior information risk owners (SIROs) at Integrated Care Boards (ICBs). The letter is intended to help organisations establish the correct legal basis for their data processing activities when data collected into local shared care record schemes is used for reasons other than the delivery of individuals' care, such as risk stratification. To support this activity, Dr Vicky Chico will be discussing the letter at the NHS Transformation Directorate Information Governance and Data forum on 9 November, which has a representative from each ICB.

1372 Cyber Security Leadership Board:

Panel member Rob Shaw attended the Cyber Security Leadership Board on behalf of the NDG on Friday, 28 October and provided an update from this meeting.

4. UKCGC update

Dr Helen Bauckham provided an update for panel on recent UKCGC activities:

- Dr Arjun Dhillon chaired the bi-monthly Council meeting. Guests included the NHS Transformation Directorate. Discussions also focused on UKCGC priorities, including the standards expected of the Caldicott Role and training for Caldicott Guardians.
- UKCGC held a workshop on Wednesday 2 November titled "Children and young people: information sharing and confidentiality".
- There was a UKCGC breakfast club on Thursday 27 October. The breakfast club runs monthly.
- The UKCGC newsletter was sent out on 25 October.

5. 1168: Public benefit guidance

Dr Vicky Chico presented an update for panel on the NDG's public benefit guidance, which is almost ready for publication. Following detailed stakeholder feedback on an earlier version, the Office reworked the guidance to ensure that it is achievable, will not create undue burden, and will provide for an unmet need.

Panel members commented that it was a valuable piece of guidance and suggested a few minor changes. They discussed the communication plan and how the NDG might best promote the guidance to those who will most benefit from it.

6. 1693: Creating Resilient and Trusted Data Systems

Areeq Chowdhury, Head of Policy, Data and Digital Technologies for The Royal Society, attended panel to discuss the Royal Society's Creating Resilient and Trusted Data Systems programme. The programme consisted of a public dialogue involving 111 participants and focused on the various issues around data sharing, what it meant to participants and what their expectations of government data sharing might be during emergencies and non-emergencies.

Discussions focussed on:

- the special nature of health data
- the checks and balances that might be in place to ensure the support of the public
- regular reviews to ensure that there are clear benefits of extended uses of data during emergencies.

2022.11.08/6.1: The NDG office is to share any helpful reading or links related to this topic with Areeq. The office also offered to participate in any data protection reform workshops they are hosting.

7. Any other business

No other items were raised.