

**The National Data Guardian's Panel Meeting
30th November 2015, Richmond House, London**

Panel Members Present:-

Dame Fiona Caldicott - Chair
Ian Atkinson
John Carvel
Chris Cox
Dr Alan Hassey
Eileen Phillips
Richard Wild (via videoconference)

In Attendance:-

Simon Gray
David Riley
Jenny Westaway
Lindsey Blake
Kathy Holland
Katie Farrington (Agenda item 7 only)
Cameron Robson (Agenda item 6 only)
Amy Clarke (Agenda item 7 only)
Kate Cornford (Agenda item 7 only)
Rachel Merrett (Agenda item 7 only)
Sam Bevan (Agenda item 7 only)
Fiona McDonald (Agenda item 4 only)

1. Welcome and Apologies - Declarations of Interest

Apologies were received from Mark Taylor, Professor Martin Severs and Anne Stebbing. The Chair welcomed new Panel member Chris Cox to the meeting and new Communications Manager, Jenny Westaway.

Dr Alan Hassey expressed a declaration of interest with regard to agenda item 5 - re the Electronic Prescribing Service as he has previously provided some advice regarding this work.

2. Minutes from previous meeting including Actions and Decision.

The minutes of the last Panel meeting were approved subject to renaming the minutes as a joint meeting (final meeting of IIGOP and first meeting of the National Data Guardian's Panel). These will subsequently be published on the DH website.

2.2. Actions Update

230715/8.1 D Riley to forward copy of the report re UKCCG regional networks to members once available. **Update:** D Riley advised that the initial work to place the UK CCG on a constitutional footing is a little way off as yet. **Noted:** S Gray will update Panel on UKC CG as and when matters progress. **Action closed.**

3. Chair's Update from Key Meetings

The Chair updated Panel members on recent meetings she has attended including the House of Common's Science and Technology Committee which was held on 27th October 2015 and guided members to the interesting meeting transcript on-line. The Chair also provided an update from a recent Cabinet Office Data Steering Group meeting.

4. Electronic Prescribing Service Consent Model

The Chair welcomed Fiona McDonald to update the Panel on Phase Four of the EPS Consent Model.

F McDonald advised that she was seeking the Panel's views on the proposed Consent Model for the next phase of the Electronic Prescription Service, where the majority of prescriptions will be sent electronically with or without a patient nomination in place. An outline paper was considered with regard to the current national picture and the proposed implied consent model.

Following a discussion on the model, the Panel were broadly content with the proposals. However, the Panel sought clarity on the storage and use of patient data and feedback from the results of the EPS public survey.

ACTION 4.1: F McDonald to provide clarity on EPS storage and use of data.

ACTION 4.2: F McDonald to provide results of EPS public survey to Panel.

5. Sponsor's Update

C Robson advised the Panel that a healthy number of responses have been received so far to the Department of Health NDG Consultation which is due to close on 17th December 2015.

C Robson advised that an initial review of responses has highlighted firm support for the position of the National Data Guardian as a positive role throughout the health and care system.

6. NDG Review

Katie Farrington and her team provided an update on the National Data Guardian Review commissioned by the Secretary of State for Health. Recent key activity has included a series of data evidence sessions and patient focus groups which included themes on data security and striking the right balance between privacy and data sharing, patient consent processes and cyber security. The review team ran through the emerging themes with the Panel.

7. Panel Members Views and Advice

7.1: CQC National Guardian Consultation

It was recommended at the last National Data Guardian Steering Group meeting that the CQC National Guardian consultation be brought to the Panel for discussion and that a formal response should be submitted on behalf of the Panel. A draft response was discussed and it was agreed that a further updated version would be circulated before submission. It was noted that the CQC consultation closes on 9th December 2015.

ACTION 7.1.1: Draft response to be updated and circulated to Panel members before submission.

7.2: Department of Health National Data Guardian Consultation

It was recommended at the last National Data Guardian Steering Group meeting that the DH National Data Guardian consultation be brought to the Panel for discussion and that a formal response should be submitted on behalf of the Panel. A draft response was discussed and it was agreed that a further updated version would be circulated before submission. It was noted that the NDG consultation closes on 17th December 2015.

ACTION 7.2.1: Draft response to be updated and circulated to Panel members before submission.

7.3: News article re: Sanctions, Jail Sentences for Data Breaches

The Panel discussed a news article containing a statement with regard to sanctions and/or jail sentences for data breaches.

ACTION 7.3.1: J Westaway to consider how the NDG can in future publicise a statement regarding such issues.

7.4: Insurers using subject access requests to access medical information

The Panel considered a statement dated 31.7.15 by the Information Commissioner's Office with regard to insurers using patient data. It was agreed that the ICO be contacted to ascertain if they are currently progressing with this issue.

ACTION: 7.4.1: Alan Hassey agreed to contact Dawn Monaghan (ICO) to raise the NDG's concerns regarding this matter.

8. Any Other Business

ACTION 8.1: - J Westaway to consider a statement of response re 'Health Data is the same as any other data'.

Date of next meeting: 28th January 2016