

50th Meeting of the Privacy Advisory Committee

Wednesday, 21st June 2017 at 10:00am

Room 14, 8th Floor, School of Law, Queens University Belfast

DRAFT MINUTES

Present: Professor Roy McClelland (Chair), Professor Brice Dickson, John Growcott, Dr Colin Harper, Dr Clodagh Loughrey, John Millar

In Attendance: Joanna McDowell, Lynne Curran and Sharon Anderson – Information Management Branch, Department of Health

1. Apologies

Apologies were received from Dr Michael McKenna, Geraldine Reynolds and Grace Irwin.

2. Minutes of the Previous Meeting ~ 11th January 2017

The minutes of the previous meeting held on 11th January 2017 were agreed.

Prof McClelland advised that Grace Irwin would be stepping down from her position on the Privacy Advisory Committee (PAC) and advised that he was in the process of seeking a replacement representative on the Committee with information governance expertise.

John Millar advised that Lynne Curran would be replacing him as the Department of Health's representative to PAC and she would attend future Committee meetings.

Prof McClelland extended thanks to both Grace Irwin and John Millar for their valuable contribution to the PAC over the last number of years.

Prof McClelland advised that the focus for discussion for the meeting would primarily be on Item 5 on the agenda – Development of Regulations in relation to the Health and Social Care (Control of Data Processing) Act.

3. Matters Arising:

i. Patient Participation in Research in Primary Care

Prof McClelland referred to the PAC's recent Advisory Paper on Patient Participation in Research in Primary Care (March 2017), which relates to the identification of suitable patients for participation in research studies, in the current absence of Section 251 legislation in N. Ireland.

ii. NHS Blood and Transplant Application

Update deferred to the next meeting.

4. Chairman's Update

i. Regional Mortality & Morbidity Review System

Prof McClelland referred to communication with Dr Paddy Woods, Deputy CMO, Department of Health, in relation to the above. PAC had provided advice with regard to Death Certification and the use of the Regional Mortality and Morbidity Review System on the NIECR.

ii. REC Members Training Day ~ 7th March 2017

Update deferred to the next meeting.

iii. Medical Leaders Forum ~ 24th April 2017

Prof McClelland provided an update on discussions which took place at the Medical Leaders Forum which he had been invited to attend by Dr P Woods, Deputy CMO, on 24th April 2017.

Sandra Lomax, Vice Chair of the UK Caldicott Guardian Council (UKCGC) had been in attendance and had outlined the benefits of the UKCGC digital forum, in the provision of advice and support for Caldicott Guardians. It had been suggested that a similar forum would be of benefit for the N. Ireland Personal Data Guardians.

Sandra Lomax had agreed to attend the joint meeting of the PAC with PDGs on 13th September 2017 to discuss this proposal further.

iv. Meeting with HSC Information Advisory Group ~ 25th May 2017

Prof McClelland advised that he had been invited to attend a meeting of the HSC Information Governance Advisory Group in May 2017, at which it had been suggested that PAC meet with IGAG on an annual basis, as it currently does with PDGs. Prof McClelland is considering this proposal with Information Governance Leads and will update PAC on the outcome of discussions.

5. Development of Regulations – The Health and Social Care (Control of Data Processing) Act (Northern Ireland) 2016

Prof McClelland welcomed the representatives from the Department of Health who were in attendance to discuss the development of regulations in relation to the Health and Social Care (Control of Data Processing) Act (Northern Ireland), which had been granted Royal Assent in April 2016.

The Act places obligations on the Department of Health (Department) to establish a process and an oversight body to enable the use of identifiable health and social care information for prescribed health and social care purposes which are in the public interest; and to prepare and publish a Code of Practice on the processing of information.

John Millar advised that the Department would like to seek the views of PAC prior to an informal engagement process which they were about to undertake with regards to the development of regulations. This would include engagement with representatives from those who had formally responded to the initial public consultation on the legislation. The Department will seek to obtain views on the key issues, which will help to inform the development of the regulations and the relevant operational policy.

J Millar delivered a presentation, which will be used during the engagement process with relevant bodies, outlining the Department's statutory obligations and the next steps in the development of regulations for the above legislation.

A draft questionnaire, which will be issued to stakeholders, to seek their views, was circulated to PAC for review and comment. PAC agreed to submit a collective response, both on the content of the questionnaire in the first instance; and also to the questions within.

PAC agreed that the content and structure of the presentation was appropriate and suitable for delivery to other stakeholders, to assist in seeking views during the engagement process.

Discussion ensued in relation to the various aspects detailed within the presentation and questionnaire.

The outcome of the engagement process will be considered and will inform the Department in the design of the process/operational policy.

Following discussion, Prof McClelland asked PAC to review the content of the questionnaire and to forward any individual comments within the next few weeks; initially with regards to the content of the questionnaire and to advise on any suggested amendments.

A further meeting of the PAC would be arranged during the summer to agree on a formal response to the Department, which is due by 15 September 2017.

6. Draft Agenda – Joint Meeting of PAC with PDGs ~ 13th September 2017

The draft agenda for the forthcoming meeting of the PAC with Personal Data Guardians in September 2017 was reviewed.

Prof McClelland welcomed any further suggestions on additional agenda items.

7. Information Governance Report

Update deferred to the next meeting.

8. Any Other Business

No further business.

9. Date of Next Meeting

- Further to discussion on the development of regulations in relation to the Health and Social Care (Control of Data Processing) Act, a further PAC meeting will be arranged during the summer months to agree on PAC's response.
Prof McClelland/Clare Murphy to confirm date.
- Wednesday, 13th September 2017 ~ Joint Meeting of PAC with PDGs;
- Wednesday, 22nd November 2017.