36th Meeting of the Privacy Advisory Committee
Thursday, 17 November 2011 at 10.00am
Venue ~NIMDTA Beechill House

Present: Professor Roy McClelland   Grace Irwin
                    Brice Dickson   Dr Kenneth Macdonald
                    Roisin Wylie

1.   Apologies
Apologies were received from Chris Matthews, Dr Terry McMurray and Dr Jimmy Courtney.

2.   Minutes of PAC Meeting 28th June 2011,
File Note of Joint Meeting with PDGs (8th September 2011)
Revised minutes of 28th June 2011 meeting had been circulated.
File note of Joint Meeting with PDGs held on 8th September 2011 had also been circulated –
Prof McClelland (RMcC) asked for any proposed amendments to be forwarded.

3.   Matters Arising:
i.   Medical Directors Meeting – February 2012
RMcC advised that he would be attending a regional meeting with the Medical Directors on Monday, 20th February 2012 to provide an update on the review of the Code of Practice and related issues.

ii.   PDG Training
RMcC advised that he had contacted Dylis Jones with regards to a further PDG training day – it was proposed that this be held on Tuesday, 21st February 2012 (combining both new and refresher training into one day). This date had been circulated to PDGs to determine availability. It was hoped that the COP review would be signed off in advance of this training at the next PAC meeting on 19th January 2012.

4.   Chairman's Update:
i.   PAC Response to 2nd MARAC Consultation
RMcC advised that he had forwarded a response to the 2nd MARAC consultation on behalf of the PAC (as previously circulated).
RMcC advised that he had been invited to attend a meeting, hosted by the PSNI, the following Tuesday, 20th November 2011, with regards to MARAC. Members from the HSC Trusts would be in attendance.

ii.   Letters of Advice to Dr Adrian Mairs and Dr Anna Gavin   (Enc 1-4)
RMcC referred to the correspondence which had been received from Dr Anna Gavin, Director, NI Cancer Registry and Dr Adrian Mairs, Quality Assurance Reference Centre and the subsequent responses sent on behalf of the PAC (as circulated).

RMcC advised that he had been invited by Dr A Gavin, NICR, to participate on the proposed legislation Task Force. However he had declined this invitation, as given the PAC's Advisory role throughout the HSC family, it was felt that it would be inappropriate for a PAC representative, to participate directly on this initiative. RMcC advised that he had however offered to attend future meetings on an ad-hoc basis in an advisory capacity. He had also reiterated that the PAC is committed to legislative

development to support the secondary use of information for HSC purposes. RMcC had also encouraged the NI Cancer Registry to consider the concepts of a safe-haven and honest broker.

RMcC also referred to correspondence received from Dr Adrian Mairs, on the transfer of patient identifiable data from the PHA to the NICR and vice versa (as circulated).

5. **Dr Ken MacDonald ~Assistant Commissioner (Scotland & Northern Ireland)**

RMcC welcomed Dr Ken Macdonald, Assistant Commissioner, ICO to the meeting. Dr Macdonald provided an overview of the role of the Information Commissioners Office and of recent changes.

Christopher Graham appointed as Information Commissioner in June 2009.
The ICO will be producing a Code of Practice on the anonymisation of data.
Dr Macdonald outlined the dual role of the ICO, in terms of freedom of information as well as data protection, and its role in assisting data controllers.

Dr Macdonald advised that Catherine Vint and Nigel Trainor were the Policy Team based in Belfast and they would be happy to provide awareness-raising sessions to HSC organisations.

Dr Macdonald referred to the ICO Data Sharing Code of Practice (May 2011) which includes recommendations and guidance for data controllers.

As of April 2010 the ICO also has the power to serve monetary penalties on those organisations/data controllers who are found to have recklessly breached the data protection legislation and guidance. The ICO enforces regulatory action when data has not been properly protected, to try to deter personal data security breaches.

Dr Macdonald referred to the escalation of the issue of data protection within HSC organisations to Trust Board/Chief Executive level, who had a duty to ensure that staff were made aware of data protection guidance, as well as the appointment of Information Asset Owners.

The ICO will be developing a Code of Practice on the anonymisation of data, commencing in 2012. Dr Macdonald advised that the ICO were currently looking for volunteers to act as 'critical readers' for this Code of Practice and welcomed nominations from the PAC.

Dr Macdonald highlighted that the implementation of data protection policy should be viewed as a beneficial management tool for organisations in the management of 'fit for purpose' data, as opposed to being viewed as a burden.

RMcC thanked Dr Macdonald for attending the meeting and for outlining the work of the ICO. [RMcC to forward letter of thanks, on behalf of PAC].

RMcC

RMcC commented that the relevance and overlap of the privacy advisory role along with the data protection role would be discussed at a future PAC meeting.

6. **Review of Code of Practice**
RMcC advised that following the October working meeting of the PAC, Draft 3.3 of the Code of Practice had been revised and amended. Draft 4.3 had been circulated (also re-issued to include comments received from Grace Irwin).

An Executive Summary had been incorporated, as well as End of Chapter Summaries. It was suggested that the Executive Summary be used to produce a staff handout.
Order of Appendix 1 and Appendix 2 had been changed (to be updated in Preface).

The changes incorporated into Version 4.3 were reviewed and agreed, as had been discussed at the October working meeting. The comments and suggested amendments, which had been forwarded by Grace Irwin were also reviewed.

RMcC advised that all changes following this meeting would be incorporated into Version 5.1 (to be highlighted using track changes) and the document would be re-circulated. RMcC asked for any further comments/alterations to be forwarded.

All

The DHSSPSNI Data Sharing Code of Practice has yet to be issued – RMcC agreed to follow up with Chris Matthews.

RMcC

RMcC advised that he intended to write formally to all those organisations and individuals who had responded to the consultation on the review of the COP to thank them for the constructive comments which had been received.

RMcC

RW advised that the PCC felt that they should be using the COP as a reference point and good practice guide. PCC members had felt that the COP should be more widely disseminated and steps taken to raise awareness of its existence.

7. **Others Matters Arising from the COP Consultation Responses (Enc 5)**

Service User Leaflet
Brice Dickson (BD) and Roisin Wylie (RW) agreed to review the Service User Leaflet. RW advised that members of the PCC had offered to assist in proof-reading the leaflet to ensure it is user-friendly. It was queried whether or not a user-friendly 'Executive Summary' of the COP should be produced.

BC & RW

RMcC welcomed suggestions as to other initiatives in terms of keeping service users informed.

Staff Guidance Leaflet
Options for revising the leaflet were discussed including using the Executive Summary of the COP and/or the flow diagrams in chapter 3. It was suggested that the leaflet is included in staff induction programmes. It was proposed that contact be made with BSO Human Resources Department, re inclusion in staff induction programmes.

It was highlighted that the COP should be cross-referenced within existing policy and procedures and that these should be amended in line with the update of the COP. Agreed that it was also important to ensure that staff are aware that the COP has been amended.
RMcC proposed that the staff leaflet be distributed along with the revised COP and that the service user leaflet is issued at the same time.

Training Guidance – issue to be revisited.

Web-based Training – RMcC advised that he had discussed this issue with Colin Harper.

John Growcott agreed to produce a vignette and if this proved to be successful RMcC would ask the other members of PAC to produce similar.

8. **Information Governance Report**
   Chris Matthews, Head of Information Management
    ~ Data Sharing Agreement
   Deferred to next meeting.

9. **Any Other Business**

10. **Dates for Next Meetings**
    - **Thursday, 19th January 2012**
    - **Thursday, 22nd March 2012**
    - **Thursday, 24th May 2012**
    - **Thursday, 19th July 2012**
    - **Thursday, 13th September 2012**
    - **Thursday, 22nd November 2012**

RMcC noted that it may be necessary to postpone the 22nd March meeting and would ask that the PAC also keep the 29th March free.