

46th Meeting of the Privacy Advisory Committee

Wednesday, 24th June 2015 at 10.00am
Boardroom, General Medical Council, 9th Floor, Bedford House,
16-22 Bedford Street, Belfast

Present: Professor Roy McClelland (Chair), John Millar, Dr Jimmy Courtney, Dr Clodagh Loughrey, Brice Dickson, Geraldine Reynolds.

1. Apologies

Apologies were received from Grace Irwin and John Growcott.

Professor McClelland (RMCC) formally welcomed John Millar, Head of Information Management Branch, DHSSPSNI, to the Privacy Advisory Committee. J Millar would be taking over the role previously undertaken by Chris Matthews.

2. Minutes of the Previous Meeting ~ 14th January 2015

The minutes of the previous meeting on 14th January 2015 had previously been circulated and were agreed.

3. Matters Arising:

i. On-line Training Module

Work is ongoing on the development of the on-line training module in confidentiality, based on the Code of Practice on Protecting the Confidentiality of Service User Information. A pilot of the e-learning programme had been undertaken in March/April 2015. Personal Data Guardians had been invited to participate in the pilot and/or to nominate individuals from within their organisations. Feedback had been reviewed and a number of minor edits will be made. It had been agreed that the pass-mark for the programme would be reduced from 100 to 80%. Susan Lewis, e-Learning Consultant at the HSC Leadership Centre, has advised that the final edits would be made to the programme prior to its release to the HSC organisations for which they host e-Learning, which is expected by Friday, 10th July 2015. There are two HSC organisations for which the HSC Leadership Centre does not host e-Learning, which will be forwarded a CD of the programme, for upload onto their sites internally.

The programme will not be included within mandatory training and will be completed by staff on a voluntary basis. At this time it is not possible to award CPD accreditation for completion of the module, however staff will receive a 'Certificate/Statement of Completion' on attaining an 80% pass-mark.

The means of promoting the e-learning programme as a learning resource for HSC staff on confidentiality was discussed. It was agreed that feedback on uptake of the programme in terms of organisation, professional background etc, would be useful in its future promotion. It was also agreed that the programme would be beneficial for GPs and it was proposed that the programme be referenced on the Department of Integrated Care's website. Prof McClelland to follow up with Dr J Courtney.

ii. NHS Blood and Transplant (NHSBT) Application

Prof McClelland advised that further to discussion at the last meeting, he had contacted Dr Paddy Woods, Personal Data Guardian, DHSSPSNI, with regards to the 12 NHSBT staff who were currently involved in the collection of potential donor audit information from N. Ireland data, which is forwarded in a pseudonymised form to NHSBT in England. Concerns had been raised that although these staff did have honorary contracts and Memorandum of Understanding were in place, the data extraction was being undertaken by staff members who were not employees of the HSC in N. Ireland.

A response to these concerns was awaited.

It was noted that the issue could be addressed with the introduction of secondary uses legislation, however Prof McClelland agreed to follow up on his previous discussion with Dr Woods.

Action: RMcC

4. Chairman's Update

i. GMC Review of Confidentiality Guidance

Prof McClelland advised that he was a member of the group which had been established to review the existing GMC confidentiality guidance (chaired by Dr Jonathan Montgomery, Prof of Health Care Law at University College London (also Chief Executive of the HRA and Chair of Nuffield Council on Bioethics).

Fionnula Flannery, Policy Manager, Standards & Ethics Team, GMC, had agreed to provide an update on progress on the review at the joint meeting of the PAC with Personal Data Guardians on 23rd September 2015.

GMC had invited some key stakeholders to inform the consultation to which PAC had submitted some initial feedback. It is expected that the revised guidance will go out to consultation in late 2015.

ii. Nuffield Council Report

Prof McClelland advised that following a consultation exercise, the Nuffield Council on Bioethics had published its report on the collection, linking and use of data in biomedical research and health care: ethical issues (published in February 2015). The report, along with an Executive Summary, can be accessed on the Nuffield Council's website.

iii. PDG Training Evaluation

Feedback from the Personal Data Guardian training which had been delivered by Dilys Jones Associates (DJA) on 19th May 2015, had been received and was circulated. Feedback had been positive. Future delivery of PDG training will be kept under review.

PDGs would be invited to provide feedback and to comment on future training needs at the joint meeting with PAC in September 2015.

Prof McClelland to advise DJA on the development and planned roll-out of the confidentiality on-line learning programme.

5. Joint PAC and PDG Meeting – Wednesday, 23rd September 2015

The next meeting of the Privacy Advisory Committee with Personal Data Guardians is scheduled for Wednesday, 23rd September 2015 – a draft agenda was circulated and reviewed.

Prof McClelland advised that Dr Fionnula Flannery, Policy Manager, General Medical Council had been invited to attend the meeting to provide an update to PDGs and PAC on the GMC's review of its guidance on confidentiality.

PDGs will also be updated on safe haven/Honest Broker provision and proposals for legislation for the secondary use of service user information.

6. N. Ireland Electronic Care Record – Mental Health

Prof McClelland referred to his previous correspondence in February 2015 to Dr Michael Mannion, NIECR Project, regarding the proposed linkage of Mental Health systems to the NIECR. Prof McClelland had indicated that PAC supports the inclusion of mental health information within the NIECR, however this was subject to the views of the mental health service user community.

Dr Mannion had since forwarded feedback on the proposals which had been obtained from the Patient Client Council (PCC), in consultation with the Bamford Monitoring Group (BMG). There had been general support for the inclusion of mental health information within the NIECR, members recognising the value of professionals having up to date information across primary and secondary care to support patient care. However, it had also been highlighted that control and integrity to protect the data are essential to safeguard the system.

Given the feedback which had been obtained from service users via the PCC/BMG, Prof McClelland had written to Dr Mannion to confirm PAC's support for the data linkage proposals.

7. Safe Haven /Honest Broker Provisions: Update

Prof McClelland advised that work is ongoing in relation to safe haven/honest broker provision. Further discussion deferred to the next meeting.

8. Legislation for Secondary Uses of Service User Information: Update

John Millar provided an update on legislation for secondary uses of service user information. Consultation exercise had been undertaken and the feedback had been reviewed.

The Health Committee had been informed of the proposals. Executive approval had been confirmed for the proposals to be presented to the Assembly, with the first reading on 16th June 2015 and second reading on 29th June 2015.

Prof McClelland advised that he had been invited to provide evidence on the proposals to the Health Committee in September 2015.

The proposals will be considered by the Health Committee and it is hoped that approval will be obtained to proceed with the drafting of regulations following this, on which a consultation exercise would be undertaken.

9. Information Governance

John Millar provided an update on Information Governance.

Controls Assurance Standards have been reviewed by the Department of Information Management – HSC organisations have been asked to achieve a higher level in relation to Controls Assurance Standards within 2015/16.

A review of ICT Controls Assurance Standards will also be undertaken.

9. Any Other Business

Information Commissioners Office ~ Audit of Public Healthcare Organisations

Prof McClelland referred to the new arrangements in place, whereby the Information Commissioner's Office now had the authority to audit public healthcare organisations for compliance with the Data Protection Act. Audits will review how these organisations handle patient information and can review areas including security of data and records management.

10. Dates for 2015 Meetings:

- *Wednesday, 23rd September 2015 (joint meeting with PDGs)*
- *Wednesday, 25th November 2015.*