

67th Meeting of the Privacy Advisory Committee
Thursday 6th November 2025
MS Teams

Present: Colin Harper (Chair),
Brendan O'Neill,
Dr Frances Burns,
Prof Ian Young,
Michael McKenna

In Attendance: Jeff Burns, DoH

1. Welcome and Apologies

Colin Harper welcomed all attendees.
Cathy Cole apology was noted.

2. Minutes of previous meeting

Minutes of the 01 February 2024 meeting were approved.

3. Matters Arising

No matters arising.

4. Chairman's update

- Discussion on the transition when a new committee is formed, referencing the CARR study.
- Emphasis on the increasing adoption of anonymised data for research and the importance of robust governance.
- Ongoing dialogue about the feasibility and ethical considerations of consent in research, especially regarding anonymised information and legislative frameworks

5. Update on encompass

Pushed to next meeting

6. Update on Legislation

Legislation: Frances Burns provided updates on amendments to the 2016 Act, mentioning secondary regulations and procedural timelines.

7. Development of Privacy Advisory Committee

Discussion about formalizing committee processes, including membership proposals and information governance, especially in relation to the encompass project.

Need for formal procedures regarding communication, bespoke email use, and data storage.

8. Communication and Restraint Reduction (CARR) Study

Focused on research in acute mental health wards, particularly the use of body cameras for specifically for research purposes.

Ethical and legal concerns were raised about consent, especially for patients under treatment or lacking capacity.

The Committee debated the timing and validity of consent, the ability to withdraw consent, and the handling of confidential information.

There was consensus that consent in principle should ideally be sought at admission if the patient has capacity, with alternative procedures if not.

The Committee agreed that clarification is needed in relation to

- data controller and processor roles, and concerns about the proposed 20-year data retention period, especially if consent is withdrawn.
- Clarification needed on the use and storage of data collected via body cameras

Action: Colin Harper to draft a letter and circulate to the Committee.

9. Guidance on Information Sharing for Child Protection Purposes

- The Committee reviewed guidance focused on data protection and discussed the appropriateness of seeking consent in child protection cases.
- There was debate about professional regulatory guidance and the assumption that consent has not been sought.
- The committee agreed on the need for careful wording and to consult with the BMA for further clarification.

Action: Colin Harper to draft slight change in wording to guidance and submit to the Department for consideration. Brendan O'Neill to follow up with the BMA on the question of incompatibility with the common law to enable more detailed consideration of any need for changes to the Guidance.

10. Any Other Business

None

11. Date of Next Meeting

Colin Harper to liaise with Lorna Elliott in relation to date of next meeting.