

GP Data for Planning and Research
Check and Challenge Group
Minutes of the meeting held 15th March 2023
Final – Approved for Publication

Attendees

Name	Organisation	Name	Organisation
Helen Stokes-Lampard Chair	Academy of Medical Royal Colleges	Tim Donohoe	NHS Transformation Directorate, NHS England
Mark Coley	British Medical Association	Paul Atkinson	Royal College of General Practitioners
David Parkin	British Medical Association	Inés Marrache Echaiz	Royal College of General Practitioners
Ian Diamond	Office for National Statistics	Nicola Byrne	National Data Guardian
Alison Pritchard	Office for National Statistics	Ben Goldacre	Nuffield Department for Primary Care Health Sciences
Ian Hulme	Information Commissioners Office		
NHS Digital Programme Team Representatives			

Actions & Decisions Recorded

Action ID	Description	Owner	Target Date
CAC-A012	Review the TRE readiness proposal based on member feedback and iterate as required. - TRE readiness proposal incorporated into TRE Commitment paper and paper shared with members for review	Programme Team	Complete
CAC-A014	Ensure discussion on TRE governance, security, and access oversight is included on an upcoming Check & Challenge meeting agenda. - Action planned for completion during March Check & Challenge sessions	Programme Team	29/03/2023
CAC-A020	Understand how Data Strategy team are addressing Goldacre recommendation on mapping system wide data flows - Action planned for completion during March Check & Challenge sessions	Programme Team	29/03/2023
CAC-A021	Share Commitment Overview papers with members following meetings where they were discussed	Programme Team	Complete

	- TRE paper shared with members on 15 th March following updates made from the 1 st March meeting discussions		
CAC-A022	Review Commitment Overview papers within their organisations and provide feedback to programme team within 4 weeks of paper issuance - All feedback received for opt-out and comms papers has been actioned, and action is complete for those papers. - 4-week timeline for TRE paper to started following issuance of paper on 15 th March	Members	12/04/2023
CAC-A023	Where appropriate, confirm approach for gaining formal approval for papers with key stakeholders named in ministerial letter - Action pushed out to be completed following Check & Challenge review of TRE paper to avoid impacting review process	Programme	26/04/2023
CAC-A027	Create a central MS Teams site to provide a single location for documents under member review - Site created and being tested with members ahead of 29 th March meeting	Programme	29/03/2023
CAC-A028	Seek guidance from NHS PTEL team on updating declaration of interest guidance in group ToR, and present updated text to members for ratification at next meeting	Programme	29/03/2023

Meeting Notes

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<p>Introductions, Declaration of Interests, Ratification of previous meeting notes, and update on existing actions</p> <ul style="list-style-type: none"> • Chair welcomed members to the call and provided an overview of the planned agenda • Apologies noted from members due to prior commitments and/or annual leave • One update declared to existing declarations of interest as follows: <ul style="list-style-type: none"> ○ Ben Goldacre addendum to DOI: My team at the University of Oxford is working with NHSE for an ongoing legal basis for data access for The OpenSAFELY tools running inside TPP and EMIS after the end of the second COPI Notice extension at the end of April 2023. We are also in discussion with Ming Tang and her team about possible funding for OpenSAFELY for NHSE to use the platform more widely. This work has recently been passed on to the NHSE/D GDPR team • Previous meeting minutes from 1st March not ratified as some members had yet to review due to large amount of material for review across a number of emails. Programme team committed to provide a single email containing all papers and notes for review following

the meeting. Members agreed ratification of meeting minutes will be completed offline meeting to allow time for all members to review

- POST MEETING NOTE: Single consolidation email distributed to members immediately after the meeting. Members to comment back on meetings notes for 15th March by 31st March
- Members requested that, given the volume of papers, whether an MS Teams site could be established to centrally manage documentation for member review
 - NHS England Team agreed, and action taken to set-up an MS Teams site for this purpose (**CAC-A027**)
- Updates to existing actions noted with members and actions 12 and 21 confirmed as complete

Ministerial Commitments progress overview approach

- Chair provided an overview of the activity of this group in 2023 in reviewing the papers provided by NHS England presenting the progress made to date against the key ministerial commitments and the forward approach outlined to achieve the commitments in full
 - Comms & Engagement and Opt-out papers have been finalised for publication following presentation on 18th January and 4-week member review period. All member suggested amendments have been incorporated into paper
 - TRE paper was presented on 1st March and distributed on 15th March following updates made to paper as a result of discussion points raised by members on 1st March. 4-week review period for paper is now open for members to provide suggested amendments and queries, and this will conclude on 12th April. Paper will then be finalised for publication

Backlog Commitment Completion Report

- Chair noted key discussion point today will focus on the report provided by NHS England detailing that the ministerial commitment stating that the 'backlog of opt-outs must be fully cleared' has been met
- Chair handed over to NHS England GDPR Programme Manager to provide an overview of the report and the work completed to address this commitment
 - It was noted that the full backlog report was distributed to members on 7th March, therefore NHS England will provide a very brief overview to focus meeting time on questions and challenge
 - A history of how the backlog was formed was provided and the actions taken against both the Type 1 opt-out and the National Data opt-out (NDOP) backlogs were explained

- It was noted that until September 2022, NHS Digital did not have a count of Type 1 aggregate volumes due to the nature of Type 1s, but from September 2022 aggregate volumes for Type 1 opt-outs was added to the Network Contract DES MI Collection by NHS England and this provide aggregate data to allow high-level analysis against our backlog assumptions. This has been included within the paper
- Members were asked to provide their questions and inputs. Key discussion points were as follows and answers provided by NHS England unless stated:
 - When will the over-arching policy review of opt-outs be completed?
 - It was noted that the delivery of this policy review is outside of the scope of the GDPR programme, and that is being progressed by the Data Policy team
 - The GDPR programme remains committed to addressing and adhering to the ministerial commitments set out in the Letter to GPs, and this includes that Type 1s will not be retired until 12 months after the collection is stood up
 - Following on from the previous question, it was requested by members that given the lack of broad understanding regarding the various opt-outs across patients, clinicians, and the general public, that the backlog report should reference the need for a wider review to help build clarity
 - The GDPR team noted that the paper did reference this requirement, but the reference will be strengthened as per members' feedback
 - Members noted that the key element to address in the report were that the lessons learned regarding the factors that drove the opt-out backlog are clearly recorded and actioned to show the general public that the NHS has stopped, listened, and adapted the approach to deliver the collection in a way that fully acknowledges their concerns and seeks to address these as much as possible
 - The GDPR team fully agreed and will review the lessons learned section of the paper to ensure that position is expressed
 - Members noted that one key lesson learned missing was that public concerns regarding a lack of data security was one of the key factors driving opt-outs. This concern is being addressed through the ministerial commitments regarding the use of TREs and that the data will only be stored in a TRE, and this should be stated within the paper
 - Members noted further that this should be worded to ensure that it captures the purpose of the lesson learned and planned actions, but does so in a way that does not restrict the ability to deliver GDPR in the future (for example if newer technology arises that is more secure, but fundamentally different than a TRE)
 - The GDPR team agreed with members input and will include this lesson learned within the paper noting members concerns on the need to word the point carefully

- The GDPR team also noted that this element was further reflected in the TRE commitments paper currently out for review
- Members were thanked for their input and reminded that the draft paper remains with them for offline review up until 28th March. All feedback will then be consolidated into a finalised paper, which will be taken forward with ministers and the key stakeholder groups named in the Letter to GPs for full approval and publication

Group Terms of Reference Review

- GDPR Programme Governance Lead provided an overview of the updated Terms of Reference for this group for member review and ratification. The full document was issued out to members for review on 13th March with updated sections highlighted for ease of review
- It was noted that the full ToR had been reviewed and the three key areas updated were as follows:
 - References to NHS Digital were replaced or caveated following the merger with NHS England and a short description was introduced to explain the change
 - The meeting frequency section was updated to reflect the current ways of working and that meetings are planned to occur fortnightly, but this recurrence may be interrupted if there is not sufficient material to convene the group or during holiday period where the group may not be quorate
 - A section was included to formalise the group's current ways of working around Declarations and Conflicts of Interest. This reflects the guidance issued to members in advance of the TRE showcase session and formalises the approach within the ToR
- Discussion held on who should be accountable for enforcing declarations of interests, and multiple viewpoints held within the membership. Draft wording in the ToR outlined that members would be responsible for managing their own conflicts as they relate to group discussions, and although members noted that this should be sufficient in the majority of circumstances, it was agreed that this should be further clarified to provide additional enforcement measures to protect members and the group if required.
 - NHS England team noted that the wording itself was provided by NHS PTEL teams, but an action was to draft an update to the section and seek approval from PTEL ahead of bringing back to Check & Challenge for ratification (**CAC-A028**)

AOB

- Chair thanked members for their time and input during the discussion

- It was noted that the next session will be on 29th March and cover discussion points requested by members in actions 14 and 20 as well as ratification of ToR and a review of any feedback provided by members on current papers under review (if required)
- Chair noted that the planned session on 12th April will be cancelled due to the Easter Holidays and the expected impact on members and the programme team. Therefore, the session after 29th March will be 26th April