

# Action Notes

## GDPR IG Expert Liaison Group

**Date: 23 Nov 2021 Time: 15:30 – 16:30 Location: Teams link**

Time	Paper No.	Agenda Item
15:30		Welcome and Introductions
15:35	1	<p>Actions Note from previous meeting</p> <ul style="list-style-type: none"> <li>Agreed by attendees</li> </ul>
15:40	2	<p>Discuss and agree updated ToR</p> <ul style="list-style-type: none"> <li>GDPR Programme head explained that interface between Check &amp; Challenge group and ELG would be managed by the programme through actions raised at any meeting</li> <li>ToR were approved by attendees subject to addition of job titles for NDG representatives. ACTION: update and circulate approved ToR. On agenda for ELG meeting 21 Dec 2021</li> </ul>
15:45		<p>Extending membership to BMA / RCGP</p> <ul style="list-style-type: none"> <li>Attendees were supportive. ACTION: BMA &amp; RCGP representatives are being invited, expected to join the ELG in the new year</li> </ul>
15:50		<p>Meeting duration &amp; December meeting</p> <ul style="list-style-type: none"> <li>Attendees agreed to extend meeting to 75 minutes (DONE)</li> <li>Attendees agreed to bring forward December meeting to 21<sup>st</sup> December (DONE)</li> </ul>
15:55		<p>GDPR: Progress on Opt-out</p> <ul style="list-style-type: none"> <li>Work on developing a set of options and potential recommendations to satisfy the commitments in the July letter was described to ELG. Amongst comments raised and discussed:</li> </ul>

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- The policy position of NHS Digital becoming aware of individuals' Type 1 choices
  - Need to understand the Data Controllership / Data Processor arrangements of the options
  - Understanding the need to recognise what patients want
  - NDOP policy position (e.g., in relation to the GDPR need for retrospective deletion)
  - Need for a separate DPIA to cover this work
  - Recognition of the complexity of current opt-out landscape, including the limitations of each element of that landscape. Support for a wider-ranging review of opt-out and patient choices as an alternate (or complementary) approach to the options presented.

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16:20	Future topics of interest for the group <ul style="list-style-type: none"><li>● Attendees were asked to email suggestions</li></ul>
16:25	Any other business <ul style="list-style-type: none"><li>● None raised</li></ul>

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Organisations in attendance were:

- Information Commissioners Office (ICO) (4 attendees)
- Department of Health and Social Care (DHSC) (1 attendee)
- NHSX (2 attendees)
- NHS Digital (8 attendees)
- Confidentiality Advisory Group (CAG) (2 attendees)
- Office of the National Data Guardian (NDG) (2 attendees)
- Independent Group Advising on the Release of Data (IGARD) (1 attendee)

Apologies noted for the following organisations:

- None