Wales Information Governance Board

GIG CYMRU NHS WALES | Gwasanaeth Gwybodeg Informatics Service

Minutes of the meeting
Held on Wednesday 8th July 2020
Virtually via Microsoft Teams

Members		
Title	**Representative**	**Present**
Chair of the Wales Information Governance Board	Patrick Coyle	Yes
Chair of Local Health Board	Donna Mead – Chair of Velindre University NHS Trust	Yes
Director of Social Services		
Primary Care Representative	Fraser Campbell - Assistant Medical Director, Primary Care (West), Betsi Cadwaladr University Health Board (BCUHB)	Yes
Pharmacy Representative	Jamie Hayes, Royal Pharmaceutical Society	Apologies
Director of Nursing	Carole Bell - Director of Nursing	Yes
Policy Lead for Digital Health & Care, Welsh Government	Fliss Benee	Apologies
Welsh Government Official responsible for standards and governance	Craig Stevens	Apologies
Caldicott Guardian from the Independent Sector		
Patient / Public Representative	Trevor Davis - Lay member / Bevan Advocate / Patient	Apologies
Association of Independent Healthcare Organisations		
Royal College of Nursing Representative	Professor Dame June Clark	Yes
BMA Council	Dr Farookh Jishi	Yes
Senior specialist in medical law / Healthcare governance	Vivienne Harpwood - Specialist in Medical Law, Chair Powys Health Board	Yes

Advisors		
Information Commissioners Office	David Teague – Regional Manager (Wales), ICO	Yes
Medical Director, NWIS	Anne Marie Cunningham – Associate Medical Director of Primary Care on behalf of Rhidian Hurle	Apologies
Head of Information Governance, NWIS	Darren Lloyd	Yes
Chair of the Information Governance Management Advisory Group (IGMAG)	Justine Parry - Assistant Director of Information Governance & Assurance, Betsi Cadwaladr University Health Board	Yes
Other attendees		
Wales Audit Office	Andrew Strong	Yes
Vice Chair of the Information Governance Management Advisory Group (IGMAG)	Neil Stevens – Vice Chair and Information Governance Manager, Velindre Cancer Centre	Yes
Secretariat		
Lead for Supporting the Information Governance Assurance Framework, NWIS	Andrew Fletcher	Yes
Lead Information Governance Officer, NWIS	Marcus Sandberg	Yes

1.   Welcome and Apologies

The Chair welcomed all attendees to the first virtual meeting of the Board. The previous meeting has been cancelled due to the COVID-19 pandemic but following a survey to members of the Board, it was agreed that this virtual meeting should proceed.

2.   Declarations of Interest

There was one declaration of interest. The Chair agreed on this occasion, given the context, there was no need for this member to leave the virtual meeting when the item was discussed. It was agreed that the member should not be part of the conversation when the item is discussed.

Members were reminded that all members are required to submit a formal Declaration of Interest form annually. It was noted that some members forms for this year were outstanding and the WIGB Secretariat would contact those who haven't provided these forms.

Action: Secretariat to contact members whose Declaration of Interest form is outstanding.

3.   Minutes of the last meeting

The minutes were approved as a true and accurate record of the previous meeting.

4.   Matters Arising

An update of actions from the previous meeting is provided in Annex 1, an update on outstanding actions from previous meetings is provided in Annex 2.

The Chair noted that some actions had not been completed due to prioritisation of work during the COVID-19 pandemic. Further, within the survey, members had asked that the virtual meeting last no longer than 2 hours. Therefore, some items had been left off the condensed agenda to focus on matters that needed to be discussed with members. These actions will remain in Annex 2 and be actioned in future meetings.

Action Reference 11.1-01/20 (below) – It was noted in previous discussions that Patient Knows Best were arranging for their Information Governance (IG) to be externally reviewed. Members questioned whether there was any update on this. It is understood, that this review exercise had taken place and was being finalised before being sent out to stakeholders. The Information Commissioner's Office (ICO) reminded the Board that data controllers who engage with a patient portal, would still be expected to complete a Data Protection Impact Assessment (DPIA). It was noted that NHS Wales organisations who had engaged with a patient portal had completed a DPIA but each organisation may be using the portal differently. The ICO further noted that within a DPIA, where that the processing would result in a high risk in the absence of measures taken by the controller to mitigate the risk, under the GDPR they must consult the ICO. Members were reminded that Velindre University NHS Trust undertook a DPIA which they consulted with the ICO on. The Board were informed that Velindre University NHS Trust took into account the ICO's comments and this fed into their engagement with PKB. In addition to the strategic direction / principles around the IG concerns of contracting with suppliers, which are being developed as part of the action above, members stressed the need for a national approach to understanding the vision for a patient portal.

5. Wales Accord on the Sharing of Personal Information (WASPI) Update

John Sweeney, the WASPI Manager and Information Sharing & Integration Governance Manager in the NHS Wales Informatics Service (NWIS) attended to provide a recap of what WASPI is to members and present the WASPI five-year Strategy.

Members were informed that the Strategy was developed to ensure:

- WASPI provides value for money, in terms of the quality and quantity of outputs;

- WASPI remains relevant, by establishing/embedding its place in the information governance landscape; and

- the activity of the central WASPI team, regional quality assurance groups and the wider stakeholder community is focused on agreed objectives.

Members were informed that the Strategy presented to them for ratification had been consulted with all WASPI stakeholders, including the five regional quality assurance groups and approved by the WASPI Management Board. WASPI was asking for the Board to ratify the Strategy which would enable them to work on developing and implementing plans to deliver the agreed strategic objectives listed within the document.

WIGB Members were supportive of WASPI's aims, vison and objectives. The ICO noted their support for the WASPI framework, reminding members that the ICO sit on WASPI's Management Board and the Information Commissioner provided a foreword to the most recent copy of the Accord. The ICO further noted that WASPI compliments the ICO's Data Sharing Code of Practice, which is due to be laid before Parliament.

The Information Governance Management Advisory Group (IGMAG) asked to continue to receive updates on WASPI's Strategy and objective plans. WASPI noted the importance of providing IGMAG updates.

Members were informed that WASPI has also been useful previously where Welsh Government has engaged by identifying policy areas which WASPI can feed into, such as Flying Start and Multi Agency Risk Assessment Conference (MARAC). This engagement allows WASPI to support these initiatives in having clear information sharing agreements. It was noted that engagement (particularly with Welsh Government) is one of WASPI's objectives within the Strategy.

Agreed: Members agreed to ratify the WASPI Strategy.

6. IG implications of COVID-19

Darren Lloyd explained that due to the COVID-19 pandemic, IG professionals all across Wales have had to urgently adapt as new developments designed to support health professionals and the public during this period. Darren Lloyd provided members with an overview of some of the key areas, which IG has been involved in.

6.1 Test, Trace, Protect (TTP)

Members were informed that IG has been heavily involved in each component part of the TTP strategy from Welsh Government. Members were informed that there is an overarching information sharing agreement, based on a WASPI agreement, for public services to deliver TTP. Partners to this agreement include the Welsh Health Boards, Trusts, Local Authorities and other public authorities. The agreement was produced with Public Health Wales using their requirements. It was noted that Welsh Health Boards and Trusts had been closely working together through the IGMAG forum to establish these mechanisms.

The different elements of TTP were discussed, noting that DPIAs should usually be put in place before processing commences. However, due to the fast moving and changing nature of the requirements needed to tackle the pandemic, DPIAs were completed alongside the project and will continue to be updated.

- **Test** – It was noted this element of TTP is done through a variety of means (ie front line testing and members of the public can arrange for their own tests). Members were informed, that unlike some of the testing in England, Wales are trying to link the test results into the electronic health records. It was explained that the some of the testing, such as members of the public arranging for their own tests, is done through the testing programme with NHS England and NHS Digital. Members were also informed that there is antibody testing, which intends to use existing

anybody procedures to test whether the individual has had the virus or not and has the antibodies to fight the disease, which can be used for schools and care homes.

- **Trace** – Members were informed that contact tracing has been implemented through regional contact tracing services provided by Local Health Boards and Local Authorities which is captured within a National Contact Tracing System. It was explained that the system has been facilitated by NWIS and supported through Microsoft. It was noted the implementation plan for a product this size would usually take years but has been completed within months. Members discussed how the reliance on having a mobile tracing solution has reduced and how Welsh Government are now looking into how Wales will introduce this.

- **Protect** – Members were informed that letters had been sent out to individuals in Wales who fall into categories identified by Welsh Government as being at high risk of becoming seriously ill, should they catch the virus. It was noted further letters may need to be sent out in the future, but whilst previously this was a 'blanket approach', letters may only be sent to specific groups of individuals in the future. Public Health Wales and Welsh Government have been key to this and information has been shared with Local Authorities, supermarkets, food banks etc to ensure these shielded persons are supported. The issue of individuals registered at more than one practice as they have multiple addresses was raised and agreed that further consideration is needed on this.

Members were informed that there are existing legal basis for public bodies to rely upon. Whilst, there is new legislation to help public authorities process data during the pandemic, these are being used alongside existing legislation.

Members questioned how individuals are aware of what is happening to their data. It was noted that specific privacy notices had been developed. Members were informed that where information is being shared with private providers, there are explicit instructions for their use given to them by the Local Authority. It was clarified that Welsh Government has established the justification of a legal basis for these organisations. It was noted there had been delays in removing individuals from the shielding list as this process takes time.

It was noted the ICO have worked alongside Darren Lloyd and John Lawson in Public Health Wales regarding the IG considerations to the TTP strategy. The ICO noted they have had sight of the DPIA and were relatively assured that all the necessary risks had been identified. Members discussed that parties to the TTP agreement were Data Controllers, whilst this has caused some issues, it is hoped that these will be resolved. The ICO informed members they have been understanding lessons learnt from the other parts of the UK in their approaches to the IG implications of the virus and feeding this into Wales' approach.

6.2 COVID-19 Datahub

Members were made aware of just one of the initiatives that has been created to help understand the spread of COVID-19 in Wales. The Board were presented with information on the COVID-19 Datahub, which had been developed as a central repository for the many sources of Welsh COVID-19 data that is used in the monitoring and managing of the pandemic.

Members were informed that the data the Datahub receives is cleansed, anonymised and integrated to provide the real time metrics and scientific evidence required to aid understanding at both local, national and UK levels. It was noted that the datahub does not provide access to any patient-level data.

The Board were notified that the information is available in a dashboard and a data extract facility. The Datahub reports are available to show:

- Capacity at hospitals in each health board, including admissions and discharges, invasive ventilator beds, other COVID-19 related beds, mortuary spaces and hospitals deaths;
- Positive COVID-19 lab tests by local authority;
- Daily attendances at hospital Emergency Departments;
- Statistics from the ambulance service and NHS 111 call centres; and
- GP appointments data.

Using these reports from the data-hub, decision makers are able to:
- Identify hot-spots and trends in access to healthcare; and
- Manage capacity based on demand and availability.

Members were provided with a snapshot of the system to show how this information is presented on a dashboard. It was noted that the Datahub was only available for the service as some of the data could be misinterpreted.

6.3 Control of Patient Information (COPI) Regulations

Members were reminded that the COPI Regulations are in place to safeguard and help organisations understand their responsibilities when sharing and processing Personal Information. As a result of the pandemic, it was identified that the COPI regulations needed reviewing.

Members were informed that letters had been sent from the Secretary of State for Health and Social Care in England and from Welsh Government, which asked NHS organisations to consider using Regulation 3(4) of the National Health Service (Control of Patient Information Regulations) 2002 to share confidential patient information with organisations entitled to process this under COPI for COVID-19 purposes.

It was explained to the Board that this relaxation only applies to organisations duties under the common law duty of confidentiality, this does not remove requirements under data protection legislation. It was also noted that this letter does not relax the rules for research as this will still need to go through the Confidentiality Advisory Group, of which the WIGB Chair is part of, to receive Section 251 support.

Members were notified that these changes to the COPI Regulations are in place until September 2020. However, it is expected that part of the scope of the regulation will be extended.

6.4 Shielded COVID-19 Patient list

Members were informed of a data breach that occurred with letters to vulnerable individuals in Wales, identified as requiring shielding from COVID-19, being sent to wrong addresses. The Board were made aware that these letters contained no personal data other than the individuals' name, addresses (albeit a previous address) and the fact that they had been identified as falling into one of the categories of individuals at high risk.

The Board were notified that in total, 13,000 letters had the wrong address demographics as a result of human error. It was noted that the Minister for Health and Social Services made this breach public and apologised for the breach. Members were told that NWIS had reported the data breach to the ICO and the case has since been closed with actions in place to stop this reoccurring.

7. Information Commissioner's Office (ICO) Update

The ICO noted the amount of work completed recently in the IG community including via the Information Governance Management Advisory Group (IGMAG) and thanked them for their contributions.

Members were informed that the ICO adjusted their regulatory approach during the pandemic period (https://ico.org.uk/media/about-the-ico/policies-and-procedures/2617613/ico-regulatory-approach-during-coronavirus.pdf) and got in touch with key stakeholders across Wales to see if they required extra support and how they wanted to proceed with any data protection complaints or case work. It was discussed how most organisations were happy for the ICO to proceed as normal by alerting them if there were any complaints or investigations.

The ICO informed members that they had developed a number of guidance documentation during the pandemic, including home working guidance. The ICO noted they had also recently published guidance for the hospitality sector in England.

It was noted that the UK Caldicott Guardian has put the Caldicott Principles out for consultation. Whilst these don't apply directly in Wales, members noted their influence.

8. Information Governance Management Advisory Group (IGMAG)

Members were informed that Justine Parry, the Chair of IGMAG has been acting up to the Board Secretary role in Betsi Cadwaladr University Health Board, therefore Neil Stevens, the Vice Chair has been leading IGMAG discussions.

The Board were informed of the significant work that had been done by IGMAG over the past few months. It was noted that IGMAG as a forum, has changed to weekly virtual meetings from the end of March to the middle of June. The Board were informed that this change was invaluable to enable members from all across Wales to share knowledge, understanding, issues and documentation (such as DPIAs on COVID-19 specific programmes), which enhanced the IG community in Wales. This work included developing national IG specific guidance, which covered off all aspects of IG during COVID-19 (including home working, virtual consultations and general tips) and a national COVID-19 privacy notice.

It was noted, as a result of the success of the regularity of IGMAG meetings, the quarterly IGMAG meetings will be monthly and later move to a bi-monthly model. IGMAG members felt that having this engagement on a more regular basis enhances and supports organisations locally and nationally. The Board were informed that the ICO had been regularly attending these meetings.

WIGB members commended the work and discussions held at IGMAG, noting the complexity and quickness at which they had to act, in order to support health professionals and individuals across Wales.

9. Once for Wales Datix CloudIQ Project

Members were made aware plans to establish a NHS Wales national solution of reported incidents and concerns. IGMAG have raised some IG concerns about the project in that, inherent data protection requirements are not built in or addressed in the DPIA.

It was agreed that WIGB would make this representation but would need assistance from IGMAG to provide the technical knowledge as to what the issues were. The WIGB Chair agreed to link in with Darren Lloyd and the IGMAG Chair/Vice Chair to agree a way forward.

Action: IGMAG forum to provide advice to WIGB on the issues of the project for WIGB to escalate.

10. Welsh Nursing Care Record

Further to the presentation by Fran Beadle regarding the digitisation nursing documentation at the last meeting, members were provided with a presentation (in advance of the meeting), which provided them with an update on the project. This included an update on the pilot in Wales and the national roll out. It was noted the project has had a significant impact on nursing. Members discussed the next steps for the project but were informed that this had been affected by the pandemic.

Members noted the issues which will affect this project, which aren't necessarily IG or IT issues noting the need to convince nurses to use a standard compatible language and nursing to recognise the concept for nursing diagnosis.

It was questioned whether the project is integrated with the National Intelligent Integrated Auditing Solution (NIIAS). Members were informed that this will be considered as the system progresses as the system is only available in silos in Health Boards. As the project develops, so information can be accessed nationally, NIIAS integration will be sought.

Members appreciated the work completed on the project but were concerned that COVID-19 has affected its progress, noting that this work should be prioritised given need for digitisation in the pandemic. Darren Lloyd agreed to feedback WIGB's comments.

Action: Darren Lloyd to feedback WIGB's comments to the project.

11. CPIP Assessment for TIME Study team

Members were provided with a copy of a CPIP Assessment from the TIME Study Team who went to the Confidentiality Advisory Group on in January 2020. As part of the of the conditions, they were required to complete a CPIP assessment and make WIGB aware of the outcome. This assessment was provided to members for information.

Members acknowledged the assessment and had no further questions.

12. Data Protection Officer (DPO) Function for General Medical Practitioners (GMPs) - Update

Members noted the contents of the paper that had been provided by the NWIS DPO Service for GMPs, which had been provided for information.

Members acknowledged the update and had no further questions.

13. Privacy Impact Assessments (PIA)

Members were provided with a number of Privacy Impact Assessments for information.

Whilst there were no queries on the content of the Privacy Impact Assessment, the approval process of these PIAs were questioned. Members considered whether IGMAG should scrutinise the national PIAs which have a high risk and escalate to WIGB for approval. It was noted that IGMAG are not an approval board so can only provide advice, therefore, they would be required to escalate them to WIGB with the recommendation of approval. Darren Lloyd agreed to discuss with the Chair and Vice Chair of IGMAG and involve the Chair of WIGB as appropriate.

Action: Darren Lloyd to discuss approval process of national PIAs with the Chair and Vice Chair of IGMAG and to include the Chair of WIGB within these discussions as appropriate.

14. Any other Business

There was no further discussion between members.

It was noted that the next meeting, scheduled for Thursday 8th October will be held virtually unless otherwise stated. Communication regarding future meetings will be distributed via the WIGB Secretariat.

Annex 1 – Actions from this meeting

[A summary of the Actions from the present meeting is included below]

Action Ref	Description	Action	By
2-07/20	Declarations of Interest	Secretariat to contact members whose Declaration of Interest form is outstanding.	Secretariat
9-07/20	Once for Wales Datix CloudIQ Project	IGMAG forum to provide advice to WIGB on the issues of the project for WIGB to escalate.	JP/NS
10-07/20	Welsh Care Nursing Record	Darren Lloyd to feedback WIGB's comments to the project.	DL
13-07/20	Privacy Impact Assessments	Darren Lloyd to discuss approval process of national PIAs with the Chair and Vice Chair of IGMAG and to include the Chair of WIGB within these discussions as appropriate.	DL, JP, NS and Chair

Annex 2 – Actions from previous meetings

[Actions from previous meetings which haven't been closed, remain in Annex 2 with a brief description of any progress made. Upon closure, they are copied into Annex 3 as a closed action]

Action Ref	Description	Action	By	Progress
8-01/20	Data Promise	Added to agenda for further discussion.	Secretariat	Postponed due to urgent escalations added to WIGB agenda.
11.1-01/20	Patient Portal National Update	Darren Lloyd to discuss with IGMAG Chair and Vice Chair how IGMAG can develop strategic direction / principles around the IG concerns of contracting with suppliers.	DL, JP and NS	In progress, delayed due to COVID-19.
11.2-01/20	Patient Portal National Update	Update to be provided on principles document at the next WIGB.	DL and JP/NS	Reliant on Action Ref: 11.1-01/20 above.
12-01/20	Database of Dataflows between Health Boards / Trusts / NHS Wales	Information Flows Register to be added to the agenda of the next meeting.	Secretariat	Postponed due to urgent escalations added to WIGB agenda.

Action Ref	Description	Action	By	Progress
	Informatics Service (NWIS)			
11-12/18	Our Data Driven Future in Healthcare	Invite authors of report to future WIGB meeting	Secretariat	Authors to be invited at a suitable time.
14-12/18	Any Other Business	Social Services Representative is needed on the Board– Speak to Welsh Government	Darren Lloyd	To be considered as part of membership review. O – had a general discussion about opt to have social services represented as part of TTP strategy, there are social services reps who could- DL to speak to WG to discuss how they can have representative at WIGB.
5.1.2-10/18	Updated WIGB Terms of Reference for approval	Chris Newbrook to clarify the requirements relating to the terms of office for WIGB members	Chris Newbrook	Deferred until Welsh Government. representative present.
6.1-10/18	Data Protection Officer (DPO) Function for General Medical Practices (GMPs)	Welsh Government to raise internally the concerns of the Board in relation to the lack of DPO support for primary care providers who were not within the scope of the service.	Chris Newbrook	Deferred until Welsh Government representative present.
13.1-10/18	IGMAG Update – Risk Register	Chris Newbrook to discuss the ownership of national IG risks with the Chair of IGMAG outside of meeting	Chris Newbrook	Deferred until Welsh Government representative present.

Annex 3 – Closed Actions

[These actions are retained on the minutes 'for information' for one meeting following closure]

Action Ref	Description	Action	By	Progress
6-01/20	Information Commissioner's Office Update	Secretariat to send link to ICO Enforcement Action for information.	Secretariat	Closed
10-01/20	Welsh Nursing Care Record	Presentation slides to be shared with members.	Secretariat	Closed
11.2-01/20	Patient Portal National Update	WIGB to send an acknowledge to PKB that the Board have received responses and these have been discussed at WIGB.	Secretariat	Closed
14-01/20	Wales Accord on the Sharing of Personal Information (WASPI) Update	WASPI Strategy to be presented to WIGB at next meeting for ratification.	Secretariat	Closed
5.1-10/19	Declaration of Interest forms	Secretariat to circulate Declaration of Interest forms to members, once membership confirmed, for signing and returning.	Secretariat	Closed