

# minutes

## **NHS Scotland Public Benefit and Privacy Panel for Health and Social Care**

**05 October 2017**

**FARR - Edinburgh**

**Present:** Mr Brian Houston (Chair)  
Dr Angus Ferguson (AF)  
Mr David Knowles (DK)  
Prof Helen Colhoun (HC)  
Dr George Fernie (GF)  
Prof Danny McQueen (DMcQ)  
Dr Stephen Pavis (SP)  
Dr Janet Murray (JM)  
Mr Kenneth McLean (KL)  
Professor Abbe Brown (AB) by tele conference  
Ashley Gray, Panel Manager (AG)  
Carole Morris, eDRIS representative (CM)  
Susan Kerr, Secretariat

**Apologies:** Mr Gerry Donnelly  
Prof Alison McCallum  
Dr Corri Black  
Dr Emilia Crighton

### **1. Chair's Welcome**

BH welcomed all to the PBPP Committee meeting and noted apologies received.

### **2. Minutes of PBPP Committee meeting dated 27 June 2017**

The minute was approved as a correct record.

### **3. Matters arising**

#### **3.1 New National Data Collections**

BH requested an updated regarding the status of this paper which was presented at the PBPP Committee meeting in April. JM advised that the revised paper is not complete and is still under review. Discussions are continuing with AMcC and it is hoped that this will be finalised by the next meeting in November 2017.

#### 4. Performance Update

The performance update was circulated for information only.

#### 5. International Access to Safe Haven

CM advised that this paper was initially discussed by the Committee in April in order to establish the best approach to enable access to the National Safe Haven. Following agreement from the Committee that further details were required regarding access outside the EEA or ICO adequate countries then comments were sought from both Helen Colhoun and Corri Black to contribute to a revised paper.

This revised paper suggests that a suitable approach would be to stipulate that anyone wishing to access the Safe Haven from outwith the EEA (and those located within adequately protected countries as defined by the ICO) must access via the creation of a VPN into a UK university and then a separate VPN into the National Safe Haven. This ensures that there is clear accountability for the researcher's behaviours and to make the sponsoring UK university or NHS Institution liable for sanctions in the case of any data or privacy breaches.

The previous agreement from the Committee was that remote access to the National Safe Haven from outwith the UK is allowed only if all researchers accessing the National Safe Haven are sponsored by a UK University or NHS Institution. UK university or NHS employees who are on secondment/visiting other EEA (and those located within adequately protected countries as defined by the ICO) universities should be allowed to access data remotely in the normal way. However, this will require them to be able to provide eDRIS with an IP address so that this can be 'white listed' if they are not accessing their own institutions via a VPN prior to accessing the National Safe Haven through a separate VPN.

KM queried if there were any further Data Protection issues to consider if data is being transferred. CM advised that no data transfer takes place.

GF asked for further details on the summary outputs from the Safe haven  
CM confirmed that all outputs are disclosure controlled in line with the policy.

DM suggested that organisations should be obliged to report users on annual basis.

KM enquired if the application in terms of ethics would be equivalent.  
HC agreed with this statement that where ethics review is required then this should be assessed by a UK ethics

The Committee were content to accept the recommendations in the revised paper subject to the inclusion of the points above.

#### 6. PBPP & IRAS

A scoping exercise is underway looking at the potential to make the PBPP application accessible via the IRAS system and for the Panel's administrative function to be managed by HARP.

IRAS currently hosts the application forms for NHS Ethics, NHS R&D and the Confidentiality Advisory Group (CAG) and HARP supports the administrative function for HRA, NHS Ethics and CAG.

A mapping activity was undertaken to compare the CAG application form with the PBPP application form. The results have shown that there are a number of similar questions across both forms but also some key differences which does mean that this form could not be used as it currently exists.

Alex Bailey and NHS ethics provided a live demonstration of HARP to AG and CM.

SP commented that with upcoming GDPR in May 2018 then this would present an opportunity to make revisions as the other governance bodies will likely be making changes to their process.

The committee all agreed to continue support the current investigations to incorporate the PBPP application form into the existing IRAS system and future management of the panels operation via HARP.

It was acknowledged this exercise requires a significant time investment and resource issue have already been highlighted at a previous meeting in June.

HC suggested that she could ask a database expert to assist by looking at HARP and it was agreed this could be beneficial.

BH explained that he intends to raise the resource issues at the meeting next week with eHealth colleagues in Scottish Government and will enquire regarding funding for this development.

**Action BH**

## **7. Ongoing Audit Programme**

The Committee were asked to consider the options presented in the paper to establish an agreed method to continue to audit a sample of applications approved at Tier 1.

It was commented that the Audit Workshop in May was received well across the Panel. This event enabled colleagues from both tiers to attend to discuss applications which had been identified during the Committee review as having required further scrutiny.

The Committee were keen to retain this within any ongoing audit programme but noted the difficulty in arranging another full day event in addition to the annual training day later in the year.

It was suggested that this Audit workshop being incorporated into the annual training day.

DK highlighted that with the forthcoming developments in terms of the technical operation of the Panel process through IRAS investigations that this will likely need revisited so any agreement will only be for the next year.

In view of this it was agreed to employ the same Audit method as was used in last year's review.

## **8. PBPP Membership**

The majority of Committee members will be reaching the end of their 3 years term in March 2018. These Committee members will be contacted to ask if they wish to re-new their membership from March 2018 for another 3 years or alternative term. These requests will be considered by the Chair.

AG advised members who will be concluding their participation in the PBPP that a rolling membership may be offered to stagger leaving dates. This hopes to ensure continuity in the decision making process as new members join.

**Action AG**

## 9. AOB

### 9.1 Future meeting dates and venues:

<b>Date</b>	<b>Venue</b>	<b>Room</b>
22/11/2017	Farr	Craigmillar
24/01/2018	Waverley Gate	MR 10
26/04/2018	Waverley Gate	MR 10
26/06/2018	Waverley Gate	MR 8
25/09/2018	Waverley Gate	MR 5
27/11/2018	Waverley Gate	MR 10

Calendar invites will be sent out to secure dates in diaries.

**Action SK**

No other business was raised.