

minutes v1.0

**National Committee
Services**
Finance, Corporate Governance
and Legal Services
Gyle Square
1 South Gyle Crescent
Edinburgh
EH12 9EB



CHI Management Board (CHIMB) Meeting 18 July 2024 at 10am via Microsoft Teams

Present:

Dr Tim Allison, Director of Public Health and Policy, NHS Highland [**Chair**]

Dr Elena Beratarbide, Head of Information Assurance & Risk, Digital Health & Care Directorate, Scottish Government (SG)

Mr Jonathan Cameron, Deputy Director - Digital Health and Care, SG

Mr David Carr, Principal Information Analyst, Public Health Scotland (PHS)

Mr John Jones, Senior Service Manager for CHI, NSS Digital & Security (DaS)

Mr Martin Morrison, Associate Director– Practitioner Services [**Vice Chair**]

Mrs Anneli Lyon, Statistician - Head of NHS Central Register for Scotland (NHSCR), National Records of Scotland

Mr Jonathan Ogunbusola, Lay Member

Mr Iain Young, National Operations Manager, Practitioner Services

Dr Susan Siegel, Lay Member

Prof Seshadri Vasam, Director Research & Development and Deputy Caldicott Guardian, NHS Grampian

In attendance:

Mr Doug Kidd, Compliance Officer, NHS Education for Scotland (NES) Technology Service

Ms Anne Ferguson, NHS National Services Scotland, Committee Secretary

Part attendance:

Ms Ruth Griffith, Ruth Griffith, Policy Manager – Digital Health and Care, COSLA

Mr Andy Malyon, National Clinical Lead, Scan for Safety, Scottish Government

Mr Dave Watson, Digital Office for Scottish Local Government

Apologies:

Mr Steven Flockhart, Director Digital & Security & SIRO, NSS

Mr Scott Heald, Director for Data & Digital Innovation and Head of Profession for Statistics, PHS

Dr Lindsey Ross, Locum General Practitioner

Ms Dianne Urquhart, Health Records Manager, NHS Greater Glasgow & Clyde

Dr James Ward, Scottish Association of Medical Directors Representative, Scottish Ambulance Service

1. Welcome and Introductions

Dr Allison welcomed all to the CHI Management Board especially those attending for the first time i.e. Jonathan Cameron (National Information Asset Owner Member), Anneli Lyon (Registrar General Representative), Jonathan Ogunbusola (Lay Member) and Seshadri Vasam (Public Benefit & Privacy Panel Representative). It was noted that Anneli Lyon had replaced Gail Turner. Several housekeeping matters were highlighted, and permission granted to record the meeting. The apologies above were noted.

2. Minutes of the Previous Meeting and Matters Arising (not on the agenda).

The minutes from 9 April 2024 were approved.

3. Matters Arising (not on the agenda)

The following updates were provided on the matters arising not on the agenda:

- **CHI Number Format** – Approximately 30 CHI for 1 January 1980 dates of birth had been identified for potential reuse. The initial urgency of this matter had therefore been removed as these additional numbers should last 2-3 years. Work was underway to establish how CHI was being used and validated in local and national systems to understand the impact of future CHI format developments. Analysis of this information would be brought back to the next meeting. Engagement with the Chief Medical Officer (CMO) on a strategy for the format of CHI and provide a long-term solution would occur once it had been established how CHI was being used and validated. The CHIMB was assured that no other date would run out of CHI numbers in the short term.
- **CHIMB Terms of Reference (ToR) Review** – the updated ToR had been sent to Dr Beratarbide for ratification and would be taken forward following a period of long-term absence.
- **CHIMB webpage** – CHIMB information was to be hosted on Scotland's Health on the Web (SHOW). Login details had now been received which would enable information to be added.

ACTIONS:

20240718:01 Mr Young to provide an update on analysis of CHI usage and validation in local and national systems at the next meeting

20240718:02 Mr Young to engage with the CMO on CHI format strategy once it had been established how it was being used and validated in local and national systems

20240718:03 Dr Beratarbide to obtain approval of the ToR update from Jonathan Cameron as National Information Asset Owner for CHI.

20240718:04 Ms Ferguson to reinstate the CHIMB webpages on SHOW

4. Development of COSLA business case for greater local authority access to CHI (D Carr, R Griffiths, D Watson)

Ruth Griffiths and Dave Watson gave a presentation on the business case for greater local authority access to CHI highlighting the transformational drivers, risks of not granting access and the iterative/blueprint delivery approach (Phase 1 Discovery). A possible process suggested by PHS for CHI data sharing between local government and NHS was also discussed.

Currently PHS provided CHI data to local authorities using a CHI access protocol. This was a cumbersome governance arrangement which involved a tripartite data processing agreement between PHS, the council and the local health board. The COSLA business case aimed to streamline this data sharing process at a national level.

The CHIMB was asked for thoughts about the business case and how best to align the work described with the current NHS CHI roadmap and development schedule. The following points were noted from the discussion:

- There was strong support reported from Digital Health & Care at strategic leadership board level.
- Access to CHI was also critical not only for the Digital Front Door but for integrating health & care records and improving the patient care experience.
- The Digital Health & Care Information Assurance and Risk Team requested involvement at an early stage to contribute to the governance proposals before documentation was submitted to the CHIMB for approval.
- Data sharing with local authorities was one of the reasons for transforming CHI and investing in the fire standard application programme interfaces (APIs) that sat in the National Digital Platform.
- Confirmation was received that local authorities would be requesting CHI access not only for CHI seeding and matching of data sets but for real time positive patient identification purposes.
- Should the CHIMB grant local authorities' greater access to CHI then the guidance document published in 2012 by the CMO's office entitled "The use of the CHI across the NHS in Scotland" would need updated to extend the scope of CHI to social work and social care.
- It was recommended using a mechanism such as the NHS Information Sharing Accord to minimise the number of applications received from councils for review by the CHIMB. COSLA shared this concern and around the different approaches/agreement variations that could exist between the 32 councils. Work was therefore going on in the background with SOLAR, the professional body for local authority legal services which was keen to adopt a more federated approach to information governance, promote consistency and move away from individual Data Protection Impact Assessments (DPIAs).
- COSLA was working with the Scottish Government's Information Assurance & Risk Team to find modern, effective national governance solutions.
- New CHI offered opportunities not previously available to enable both the NHS and local authorities to work differently and radically change the complex data flow landscape of health and social care systems

- CHI was the foundation of population health and wellbeing for the benefit of the people of Scotland, of which this work was part, but the governance needed to be right.
- The business case was to be reviewed by the COSLA Health & Social Care Board in August and hopefully be signed off by COSLA leaders for progression of the discovery phase. At that point it was imperative that this work was aligned to that of other stakeholders including the NHS. It was agreed that an update on the business case would be provided at the next meeting.

ACTIONS:

20240718:05 R Griffith/D Watson to give an update on the business case for greater local authority access to CHI at the October meeting.

5. Clinical Safety Case (CSC) Update (Mr Morrison)

Mr Morrison explained that the information required to provide an update on the CSC was not yet available to produce a paper.

Members were reminded that as part of the new CHI programme a clinical safety case was carried out which identified a number of hazards that had subsequently been mitigated by controls to low-risk. However, in February 2024 there remained three hazards assessed as medium risk (H-03, H-04 and H-05). Work was ongoing to mitigate these risks. The wider membership of the CHIMB would contribute to the evidence presented to the NSS Digital & Security Clinical Informatics Team and enable a reduction in the assessment of these hazards. It was hoped to be able to present an updated CSC at the next meeting showing that all hazards had been mitigated to a low-risk category.

ACTIONS:

20240718:06 Mr Morrison to present an updated CSC at the October meeting.

6. Scan for Safety (SfS) for implantable medical devices provided by Independent Healthcare Providers to Scottish patients (Dr Malyon, Dr Beratarbide)

In terms of background information for the new members, the aim of this work was to create a UK wide database of medical devices implanted into Scottish patients by the private sector.

The Scottish Government's Information Assurance & Risk Team had been working on the DPIA with Dr Malyon. It was suggested at the last meeting that consideration was to be given to giving private providers access to look up functionality in new CHI using pre-approved access based on a business case and DPIA approved by the CHIMB.

An effective operational process was still to be developed by the Information Assurance & Risk Team, NSS and Dr Malyon. The content of the agreement with third party providers was also to be developed and a revision made to the protocol for use of CHI in NHS Scotland.

Dr Malyon confirmed approval of the DPIA and supporting governance documentation by the CHIMB would be acceptable in October so that private providers could request access at the beginning of next year. The necessary documentation was to be submitted for review at the next meeting on 8 October.

ACTIONS:

20240718:07 The Scottish Government's Information Assurance & Risk Team to submit a DPIA and supporting governance documentation for access to CHI by Independent Healthcare Providers for consideration at the meeting on 8 October.

7. Update on CHI National User Group (NUG) (Mr Carr)

Mr Carr gave an update on the discussion at the last meeting which focussed on technical matters as follows:

- an update from NSS DaS - with an overview of incidents and change requests and information on the latest system release that rectified various defects
- Practitioner Services update – included the issue of running out of CHI numbers for 1 January 1980 and the temporary solution in place, the questionnaire seeking information from Health Boards on how CHI was being used and validated in local and national systems and implementation of a single mailbox for all CHI enquiries
- Craig Murney talked about the strategic roadmap for CHI development particularly adding ethnicity data to CHI and the Argyll & Clyde dissolution.

8. Data Strategy & National Information Governance (IG) Work Update (Dr Beratarbide)

Dr Beratarbide gave the following update on the National IG Work:

- planning was continuing for the next stages of the elements being worked on this year.
- The main areas of work were the national IG competency framework and the national IG code of practice.
- Testing of the IG maturity pilots' improvement tools were going well. A report was expected by the end of December. These tools facilitated the adoption and implementation of the national IG code of practice and were applicable across both public and private delivery partners. The tools streamlined data sharing IG processes by accelerating trust.
- Arrangements to co-produce work with COSLA was taking shape.

Mr Cameron advised that an IG update was being provided to NHS Chief Executives and Chairs in September. This was an opportunity to highlight the work of the CHIMB at a senior level to raise awareness and importance of supporting information governance in driving CHI forward. Strategically the work of this board and others was increasingly important.

9. NES Quarterly Update Report (D Kidd)

Mr Kidd provided the regular quarterly update confirming that there had been little change to the use of CHI within NES since the last report. However, Social Security Scotland had been granted access to the Demographic Services API.

Mr Young confirmed that user accounts enabling direct access by Social Security Scotland to the front end of new CHI had not yet been deprovisioned. Social Security Scotland had been contacted as part of the 6 monthly access review but was looking to maintain some front-end access in case of API issues. This request had only been received the previous day, so a response had not yet been issued.

10. NES Draft Access Protocol (D Kidd)

Mr Kidd reminded the group that this work resulted from an initial request for NES to approve access to CHI for Accelerated National Innovation Adoption (ANIA) projects for which NES was the Digital Solution Partner. However, this protocol also provided a more solid foundation for the NES Demographics Service and the current internal NES approval process, both of which were agreed during the pandemic when NES had a CHI copy.

The data protection team at NES deemed NES granting CHI access approval for ANIA projects too much of a risk. This was because NES was a data processor and would be making decisions on behalf of the data controller. This aspect had therefore been removed from the NES CHI access protocol document being considered. Mr Kidd confirmed that feedback had not yet been received from the Scottish Government's Information Assurance & Risk Team, so Dr Beratarbide agreed to follow this up. Comments on the protocol were requested by Mr Kidd from CHIMB members out-with the meeting. [Note - Following the meeting Mr Kidd changed the request by asking members with no further comments to send notification of approval. This was later communicated by email].

In light of the NES data protection team's concerns, Mr Kidd asked for advice on whether a data processing agreement was required with each Health Board, as controllers of CHI, to enact the CHIMB approved NES Data Access Protocol. Mr Kidd did not think this was necessary as it was stated in the ToR, that the CHIMB had delegated authority from the data controllers but enquired whether there was documentation to confirm this position as it would alleviate any concerns. Dr Allison was not aware of the existence of such a document but agreed to contact the previous Chair, Dr Alison McCallum in this regard and explore informally with other Directors of Public Health (DsPH). Adding that it would be helpful to refresh the documentation for the benefit of the current DsPH

Mr Carr confirmed that PHS did not have data processing agreements with the 14 boards for the PHS CHI Access Protocol.

Dr Beratarbide also agreed to provide a narrative for the delegation of powers of the CHIMB and raise the matter with IG leads.

Clarification was provided by Dr Beratarbide that the Health Board organisations were the data controllers of CHI. Jonathan Cameron was the National Information Asset Owner for CHI on behalf of Caroline Lamb. As a result of legislative responsibilities concerning the use of CHI, the DsPH were mainly nominated by the organisation as the local information asset owner (IAO). Arrangements were already in place for approvals concerning CHI to be granted by PBPP and the

CHIMB. Dr Allison agreed to informally explore understanding of the IAO role with DsPH colleagues and gauge contentment with the delegated powers.

ACTIONS:

- 20240718:08 Dr Beratarbide to follow up provision of feedback on the draft NES CHI Access Protocol with Stuart McPhail**
- 20240718:09 CHIMB members were asked to provide comments on the draft NES CHI Access protocol and to confirm approval of the document if no further comments were notified.**
- 20240718:10 Dr Beratarbide agreed to provide a narrative for the delegation of powers of the CHIMB and raise the matter with IG leads.**
- 20240718:11 Dr Allison to consult Dr McCallum to establish the document detailing the delegated authority of the CHIMB.**
- 20240718:12 Dr Allison to informally explore the understanding of the IAO role with DsPH colleagues and gauge contentment with the CHIMB's delegated powers.**

11. New Applications

There were no new applications for consideration.

12. Homologation of Chair/Vice Chair Responses

- i. Digital Dermatology Image Capture Pass-through for access to CHI

The CHIMB homologated the Chair's decision to approve this application.

The Chair made a plea to members to respond to applications out-with the meeting.

13. CHI Related Governance Arrangements

There were no such issues discussed.

14. Feedback from the Public Benefit & Privacy Panel (PBPP) – none

15. Feedback from the Scottish Caldicott Guardian Forum – none

16. Feedback from the UK Council of Caldicott Guardians – none

17. Feedback from the NHSCR Stakeholder Group - none

18. Any Other Business

Mr Carr advised the group of a potential future application for access to CHI from IASO Health, a third-party contractor. So far, no enquiry had been received by the Committee Secretary from this organisation.

An update on the operational contacts for CHI within NSS was requested by Dr Beratarbide before the next meeting to connect with the correct people when reviewing and developing documentation and processes involving CHI. Mr Morrison agreed to provide this information to Dr Beratarbide.

ACTIONS:

20240718:13 Mr Morrison to provide an update on NSS personnel involved in operational side of CHI

19. Date of Next Meeting

Tuesday 8 October 2024 (10-12pm) via Microsoft Teams