



First statutory National Data Guardian for Health and Social Care appointed

Dame Fiona Caldicott has been appointed as the first statutory National Data Guardian (NDG) for Health and Social Care. This remit of this role is to ensure that the public can trust that health and care information is secure and used appropriately.

The role of the NDG was placed on to a statutory footing in December 2018 when the Health and Social Care (National Data Guardian) Act 2018 was passed. The legislation is designed to make the role wholly independent.

Dame Fiona said: ‘The placing of the National Data Guardian role on a statutory footing sends an important signal that there is an independent champion for patients and the public in relation to how health and adult social care data is used’.

Under the new Act, the NDG will be able to issue official guidance about the processing of health and adult social care data, and public bodies, such as GPs, hospitals, care homes, planners and commissioners of services, will have to take note of the guidance that is relevant to them. Organisations such as private companies or charities which are delivering services for the NHS or publicly funded adult social care will also have to take note of the guidance.

During her address at the ‘National Data Guardian: celebrating, reflecting, looking ahead’ event on Monday 11 March 2019, Dame Fiona explained that the statutory footing aims to provide support and guidance rather than impose legal sanction and more regulation.

She went on to note that one of the challenges for the health and social care system is how the General Data Protection Regulation (GDPR) interacts with the system, in particular with the common law of confidentiality. There is a need for more clarity around this, and that it is on her list for discussion with the ICO.

Dame Fiona also highlighted that as data sharing becomes more complex within health and social care, that it can often be hard for staff to be able to clearly explain to the public how their data is being used, and there is a need for investment in education and training for staff to support this.

The NDG office is seeking views from those with an interest in the use and safeguarding of health and care data and have launched a public consultation on its proposed priorities. The consultation closes at 11:45pm on Friday 22 March 2019.