

Advisory Panel on Public Sector Information

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6 February 2008

Dear Sirs

Consultation paper on the use and sharing of personal information in the public and private sectors

1. **The Advisory Panel on Public Sector Information (APPSI)** is pleased to respond to the review of Data Sharing that is being undertaken by Richard Thomas and Dr Mark Walport. We have responded to those questions where Panel has a direct or indirect interest.
2. APPSI is a Non-Departmental Public Body of the Ministry of Justice. Its members are drawn from a wide variety of backgrounds including: information providers; re-users and consumers of public-sector information; experts from academia and industry; representatives of producer and consumer groups; and representatives of the devolved administrations. Its role is:
 - To advise Ministers on how to encourage and create opportunities in the information industry for greater re-use of public sector information;
 - To advise the Director of the Office of Public Sector Information and Controller of Her Majesty's Stationery Office about changes and opportunities in the information industry, so that the licensing of Crown copyright and public sector information is aligned with current and emerging developments;
 - To review and consider complaints under the Re-use of Public Sector Information Regulations 2005 and advise on the impact of the complaints procedures under those regulations.

Full details about our Panel can be found at www.appsi.gov.uk.

3. Question 1 – Please explain what your interest in information sharing is?

APPSI does not collect, hold or share personal information. **APPSI's primary interest is in promoting the re-use of public sector information (PSI) in order to increase significantly the contribution to the national economy, whilst also protecting the legitimate interests of government, public sector bodies and citizens.**

The re-use of PSI should be distinguished from two related challenges – that of securing and preserving PSI (related policy and practice is largely the responsibility of the National Archives) and that of providing ready access to PSI (under the freedom of information regime, policy responsibility for which belongs to the Ministry of Justice, while practice is regulated by the Information Commissioner). All three strands of public information management are now therefore gathered under the broad umbrella of the Ministry of Justice.

To put the re-use of PSI into context, in the course of their everyday work, about 100,000 public sector bodies create and capture huge quantities of information. This includes correspondence, advice, analysis, research and data, as held in letters, reports, documents, filing cabinets and databases. There has been growing recognition in recent years that this information (for example, geographical, meteorological and statistical information) constitutes a resource of great potential value; that public information is an asset (an intellectual asset) that should not be seen as usable for one purpose only. Instead, it is argued, this information can and should be made available for re-use (a recycling of sorts).

Public sector information can be re-used by:

- Other public bodies – e.g. Ordnance Survey uses post code information from the Royal Mail
- Citizens – e.g. information gathered by the Environment Agency as part of its public task is reorganised, online, to enable users to find out about flood risks, landfill sites, and the suitability of water for bathing in their neighbourhoods.
- Businesses – e.g. the satellite navigation industry is built on the back of mapping data licensed from Ordnance Survey.
- Not-for-profit organisations – e.g. BAILII is a charitable body that has refused large bodies of legislation and case law, combining them and providing the largest, free-of-charge collection of online primary legal sources.

In most cases the re-use of PSI does not involve personal information.

The re-use of PSI has significantly potential implications for the growth and competitiveness of the UK's information industries, and for their contributions to the overall economy. A study commissioned by Ordnance Survey, for examples, argues geographic information alone underpins £100 billion of economic activity per annum for businesses that use its maps. This leads some commentators to argue that in a decade's time PSI could become one of the most valuable assets of government.

Significant growth in the re-use of PSI will only be achieved if the public and their elected representative at local and national level are confident that personal information is protected; that there are robust and transparent processes to control and monitor the sharing of information; and the public and private sector bodies are held accountable for any unauthorized or inadvertent sharing of personal data.

4. Question 2 – What in your view are the key benefits of sharing personal information to a) individuals and b) society?

In a modern society it is vital to share information to access services, verify identity, prevent fraud and protect the vulnerable. Technology potentially enables this to be completed quickly, accurately and securely. Examples of benefits to individuals and society are:

- An elderly person applying for housing benefit is required to produce proof of earnings, pension, medical disability and carer's allowance. "Government" in the broadest sense already holds all of this information. By bringing this information together, with the applicant's approval, the elderly person could be saved the effort and travel required to assemble the necessary documentation. At the same time the local authority could also use this information to assess proactively whether the person would also be eligible for other services such as a "home help" or a rebate on their council tax.
- When citizens tax their cars online, information is shared electronically to confirm that both the insurance and MOT are valid, and to allow payments to be collected electronically.
- The Richard and Climbié Inquiries both recommended greater and more structured sharing of information to protect children and identify potential miscreants.

5. Question 3 – What in your view are the risks of sharing personal data to a) individual and b) society

The key risks for individuals and society is sharing information include:

- When information is used for inappropriate and unauthorised purposes. According to CIFAS, the UK's Fraud Prevention Service, identity theft is still comparatively rare but is growing rapidly with 80,000 cases reported in 2006, compared to just 9,000 in 1999. Identity theft cost the UK economy £1.5 billion in 2005. There are also proven links between identity fraud and organized crime, including illegal immigration, drug trafficking, money laundering, vehicle theft and fraud against public and private sector bodies.
- When incomplete or inaccurate information is shared and that information is used to justify incorrect decisions. For example, sharing incomplete health data can potentially be more dangerous than not having any health information available. National Insurance number are used as an important reference for government services, but there are 80 million active national insurance numbers in the UK, with the population of 60 million.

- The potential for governments, officials and private sector organisations to bring together different information sources that might include CCT images, tracking mobile phones, tax information, health data, credit card data and transport tracking via mechanisms like Oyster Cards and congestion charging etc., causes very real and understandable concerns amongst civil liberties groups and sections of the public.
- In order to maintain public confidence in information sharing, the processes and procedures for holding, sharing and transmitting information must all be seen to be secure and robust, otherwise public confidence is undermined and there will be understandable resistance to supplying and sharing information. The recent substantial and high profile losses of personal data by public sector organisations create an impression of a government culture that does not understand the value, importance and dangers associated with holding and sharing personal information. It should also be noted that, in the main, the concerns in these recent cases result from the ways in which the information was handled rather than from the fact that it was being shared.

All of these types of concerns could undermine public confidence in sharing information, reduce the willingness of the public to share PSI and restrict the growth of the information industries in the UK.

6. Question 19 – How can we best ensure that information sharing policy is developed in a way that ensures proper transparency, scrutiny and accountability?

In our view, core personal information should be regarded as “belonging” to the individual. The individual then allows companies, organisations and government bodies to collect, hold and use that information on their behalf for the purposes agreed when it was collected. The individual should have the right to request details of the personal information held and to verify its correctness or otherwise. The holder of personal data should also have responsibilities for the secure capture, processing and storage of that information. These separate “silos” of information thus provide a degree of accountability on the part of the information holder and a degree of security for the individual.

Technology now allows these separate stores of information to be brought together quickly and efficiently. The bringing together of personal data for purposes other than those for which it was collected will therefore become increasingly routine. This means that Society needs mechanisms that provide appropriate levels of control, transparency and accountability. Ideally, separate sources of personal information should only be brought together with the individual owner’s agreement, other than where sharing is required to meet legal requirements, and an “audit trail” is automatically generated to show why the data was brought together and on whose authority. We encourage the Government to explore the development and deployment of the technology to support these types of authorisation and transparency arrangements in parallel with the expansion of data sharing, whilst also striking an appropriate balance between controls and cost/benefits. As a minimum, all organisations should be required to keep records of information that is shared in ways that were not notified to the provider at the time of collection, i.e. what information is shared, with whom, for what purpose, and on whose authority?

It is also important that organisations only ask for the information that is needed for agreed activities, including where this is to be shared with other organisations. Asking too much information can in itself cause problems. For example, recent reports suggest that the amount of information requested in the next census may be reduced to help ease problems with non completion.

7. Question 28 – Please set out any additional suggestions or observations you have that you believe will be of assistance to the review.

In one of his speeches in October 2007, the Prime Minister described this as “the century of information”, he explained that our ability to use information underpins our capacity to compete in the global economy and he described how “a great prize of the information age is that by sharing information across the public sector – responsibly, transparently but also swiftly – we can deliver personalised services for millions people”. APPSI concurs with these views and would like to see a clear and coherent strategy that recognises the importance and value of public sector information, and draws together the various strands of government information management policy. APPSI believes that Government should develop and consult on an overarching Government Information Management Strategy that includes:

- Data capture & information processing
- Information storage & retrieval
- Retention, preservation & archiving
- Information sharing – principles, protocols and processes
- Public access to information – FOI
- The re-use of public sector information
- Valuing and pricing public sector information.

We have written to Ministers about the last two elements of this strategy and these views and published on our website. The results of your review will provide advice on the fourth element. **We hope you will support us in calling for an over-arching Government Information Strategy that demonstrates the Government’s understanding of the potential power, importance and value of public sector information, and shows its commitment to the effective management and stewardship of this important national asset.**

APPSI would be pleased to contribute further to the Data Sharing Review. Your main points of contact at APPSI should be

Yours faithfully