

# Data Sharing Review

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

### List of questions for response

We would welcome responses to the following questions set out in this consultation paper. Please follow the question order as set out in the consultation paper, leaving a blank response box for any questions not answered.

Please email your completed form to [contact@datasharingreview.gsi.gov.uk](mailto:contact@datasharingreview.gsi.gov.uk)

Alternatively you can send a hard copy response to:

**Data Sharing Review Secretariat**  
**5.26 Steel House**  
**11 Tothill Street**  
**London**  
**SW1H 9LJ**

Thank you.

### Section 1: Background

Question 1.

Comments: We are particularly concerned about the possible transfer of personal information from public authorities to religious contractors some of whom do not share the tolerance of minorities expected in British public life.

### Section 2: Scope of personal information sharing, including benefits, barriers and risks of data sharing and data protection

Question 2.

Comments: Individuals can benefit from the provision of more personalised services without having to provide the same personal information repeatedly. This is particularly beneficial for the elderly whose needs are greatest but whose ability to deal with complex forms is sometimes poor.  
Society may benefit from increases efficiency and more complete public protection against various crimes.

Question 3.

Comments: The main risks are the loss of privacy to the individual and financial losses and public embarrassment due to identity theft.

Question 4.

Comments: The risks increase with the number of people who have access to sensitive information. Recent incidents have shown that government departments cannot be trusted to stay within the current data protection laws. It's unclear whether commercial organisations are more or less diligent in these matters. Religious organisations pose particular concerns in our view because their most diligent staff profess a loyalty that takes precedence over the law of the land and the customs of our society.

Question 5.

Comments: In our view all extensions of public data collection and data sharing should be stopped until government departments have SHOWN that they can be trusted to follow the data protection laws. Government departments have forfeited public trust in this area and need to rebuild that trust BEFORE any expansion is agreed.

Question 6.

Comments: n/c

Question 7.

Comments: n/c

Question 8.

Comments: n/c

### **Section 3: The legal framework**

Question 9.

Comments: In my experience small organisations are often confused about the requirements of the DPA and sometimes adopt unduly restrictive practices. The OIC gives good answers if asked but some are reluctant to ask. The OIC should offer more guidance to small, especially voluntary, organisations.

Question 10.

Comments: This needs research - not opinion.

Question 11.

Comments: A good understanding of the DPA requires both an appreciation of the law and a sense of reasonableness. Many people have difficulty in reconciling these elements.

Question 12.

Comments: There should be criminal sanctions against responsible individuals for major breaches of the DPA.

Question 13.

Comments: n/a

Question 14.

Comments: n/a

Question 15.

Comments: Not in our view.

#### **Section 4: Consent and transparency**

Question 16.

Comments: It's generally clear.

Question 17.

Comments: n/c

Question 18.

Comments: Ideally sharing in support of service provision would be controlled by the data subjects. This would remove the issue of consent in its current form but is often impractical.

Question 19.

Comments: n/c

#### **Section 5: Technology**

Question 20.

Comments: Advances in IT have increased the stakes by widening and deepening the information that can be collected and by making data transfers easier. For instance, the cameras used to monitor the London Congestion Charge zone produce great volumes of data about vehicle movements that could infringe the privacy of drivers.

Question 21.

Comments: No - technology changes too fast. The law might properly specify minimum technical standards though, eg in the encryption of data held on portable media and devices. There is also a place for codes of practice.

Question 22.

Comments: n/c

#### **Section 6: International comparisons**

Question 23.

Comments: No.

Question 24.

Comments: No.

Question 25.

Comments: No.

Question 26.

Comments: No.

#### **Section 7: Additional questions**

Question 27.

Comments: Over the last 15 years public authorities have outsourced more and more of

their activities to non-governmental organisations. We do not wish to comment on the wisdom of this. Recently the government has shown increased enthusiasm for outsourcing community, social and educational services to religious ('faith-based') organisations. We believe this to be a mistake. In this submission, however, we wish to address a single implication of this trend.

Religious organisations are more likely than state or commercial ones to employ, in positions of authority, people with strong opinions about how others should behave. These opinions will sometimes (particularly in matters of dress, food, drink, religion and sexual behaviour) be at variance with our society's generally tolerant attitudes.

Moreover whilst people in state and commercial organisations will generally feel that they should keep such ideas to themselves those in religious organisations will often feel entitled, and perhaps obliged, to express them or to act on them.

The sharing of data between public authorities and their outsourcing contractors will often give the staff of contractors access to sensitive personal information. Some will therefore be tempted to behave towards the recipients of services in ways that are damaging or offensive to those recipients and at odds with society's standards. They may also wish to refuse service to certain categories of people. We do not suggest that such behaviour will be common but it is wrong that they should happen at all.

As we pointed out in our report 'Quality and Equality: Human Rights, Public Services and Religious Organisations' religious organisations are entitled to discriminate in ways generally forbidden if required by their 'faiths'. This provides both legal and social encouragement for the kind of behaviour that concerns us.

Question 28.

Comments: n/c