

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

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 collect data on all 130,000 young people in Cornwall, Devon, Plymouth and Torbay to assist in the provision of Information, Advice and Guidance services under the Connexions contract. We are required to collect this data under the CCIS system and there are national protocols and a national specification for this.

We obtain initial details from our schools at the age of 13. The schools normally send details to us electronically or by disk and are required to tell young people this is happening and allow them to opt out if they wish.

We delete all records at the age of 23 (28 for those who have learning difficulties, with whom we can work until they are 25).

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

Question 2.
Comments:

Question 3.
Comments:

Question 4.
Comments:

Question 5.
Comments:

Question 6.
Comments:

Question 7.
Comments: Examples include
<ul style="list-style-type: none">• Connexions receiving consistent and accurate achievement data on pupils from schools, colleges and the local authority.• Connexions receiving, or being able to access information on potentially violent young people/parents with whom we might come into contact.• Connexions being able to receive accurate and reliable information on young people with specific circumstances e.g. that they are teenage parents, that they are looked after, that they are a substance mis-user, that they are a young offender etc.

Question 8.
Comments: Multi-agency case conferences often involve a level of data sharing, with information being provided verbally by those present, which would not generally be acceptable were the information to be passed on in writing. In most cases this goes under the guise of safeguarding or child protection but it may be that some more detailed national protocols need to be worked up in this area.
<ul style="list-style-type: none">• Information being routinely passed between agencies on clients via email.• Informal conversations between individual practitioners around clients, passing on subjective and unsubstantiated information.• Information being provided over the telephone relating to clients without any checks being made on the validity of the caller.

Section 3: The legal framework

Question 9.
Comments:

Question 10.
Comments:

Question 11.
Comments:

Question 12.
Comments:

Question 13.

Comments: There are a number of examples where legislation appears to be permissive (e.g. in the original Learning & Skills Act which lists a number of agencies that share information with Connexions) but the legislation leaves circumstances of that data sharing open to question (e.g. in relation to the Learning & Skills Act we are still never quite sure what the extent of the information sharing that is permitted actually is and what difference the statements that appear in legislation actually make to the legal status of information that is shared).

Question 14.

Comments:

Question 15.

Comments:

Section 4: Consent and transparency

Question 16.

Comments: Would some clarification of the status of information that has previously been collected by Connexions and is used in future by local authorities be helpful? (I am sure there are other examples across other sectors). Do we need clarification of what can be shared across an organisation, so for example, to what extent can any information on young people be shared across the whole of the Children's Services' authority, no matter who collected it?

- We feel that Connexions staff are clear on this through our comprehensive staff training procedures including refresher training. We feel that staff are generally well informed about the consent principles.
- We also feel that our staff are aware of the exclusions which apply to safeguarding matters although there is inevitably some subjective judgement which needs to be applied as to when to reasonably breach confidentiality.
- Could our information sharing protocol be used here?

Question 17.

Comments:

- If this issue is not carefully handled it can interrupt the flow of an interview with a client.
- Gaining signed consent for transfer of information can be a problem if an interaction is taking place over the phone.
- Young people are generally comfortable with the notion of giving informed consent to share their information.

Question 18.

Comments:

- We feel that Connexions policy and practice is a good example of making sharing of information transparent. The PA gives a full explanation of our confidentiality practices to the young person when appropriate e.g. in the contracting stage of the interview.
- The letter sent to parents at the time information is transferred from SIMS to Insight gives parents the option to opt out.

Question 19.
Comments:

Section 5: Technology

Question 20.
Comments:

Question 21.
Comments: Yes.
Some form of technical safeguards will become increasingly important. Fax and e-mail are notoriously unreliable and often get delivered to the wrong person.

Question 22.
Comments:

Section 6: International comparisons

Question 23.
Comments:

Question 24.
Comments:

Question 25.
Comments:

Question 26.
Comments: I wonder if there is a question implied here about precisely what is personal data, sensitive data and whether there are different issues around the Data Protection for these? I suspect that some of this has been answered in the work that been done for ContactPoint.

Section 7: Additional questions

Question 27.
Comments:
<ul style="list-style-type: none">• With the increase in inter-agency work through Integrated Children's Services it is important to improve sharing of information rather than further restrict. This is vital to the success of new initiatives such as the cluster arrangements in Torbay.• It is clear that a very small minority of young people actually object to the sharing of their information and whilst robust procedures must be in place to protect the few who do object we feel that the direction of travel wherever possible should be towards freeing up data and information on young people to the benefit of the many.

Question 28.
Comments: