

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
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Thank you.

Section 1: Background

Question 1.

Comments: The use of technology in every aspect of life has changed how people live, how they work, how companies do business and how government can serve the public. The public expect efficient, slick and easy to use and access services irrespective of which public sector body is responsible for their provision. In order to meet these expectations and those of central government in the wake of the e-government strategy, the Varney report, the Gershon efficiency review and CSR07, public sector organisations which have always held personal data in support of service delivery, now need to share it across agencies. This need occurs at the local level within the Kent Connects partnership e.g. for the development of shared services within the partnership such as a virtual contact centre and to achieve national initiatives e.g. Contact Point. Additionally there are long standing statutory requirements for holding personal data e.g. for the purposes of electoral registration and council tax collection. Suitably controlled and managed data sharing is pivotal to efficient development of public services, which make best use of modern technology.

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

Question 2.

Comments: a) Avoid the irritation of individuals repeating the same information many times to different departments or agencies. Provision of holistic services e.g. joining up between benefits, housing, health, education and where appropriate criminal justice. Improvements in personal data quality, which in turn assists in the provision of quality services.

b) Detection of and avoidance of terrorism and serious organised crime. Improved customer segmentation so services can be more efficiently and cost effectively directed e.g. encouraging direct debit take-up for Council Tax payments in Gravesham through identification of households most likely to accept this option.

Question 3.

Comments: a) Must have a detailed agreement by the individual with respect to how their data will be used since without this there is the risk of legal challenge and reputational loss for the organisation that collected the data. For the individual, their data may be used in a way that they do not consider appropriate. The act of supplying personal data always incurs an element of risk for the individual should any breach of information security or confidentiality occur; it is important the risk is mitigated by appropriate collection, storage, transmission and ultimately disposal mechanisms. Should inadequate controls exist, data may be shared inappropriately e.g. about a child with one of their parents when a court order exists. It is of course through appropriate data sharing that this risk may be mitigated.

b) Lack of confidence and trust in public sector service delivery.

Question 4.

Comments: There are opportunities to provide consistent and efficient services through the sharing of data across the public sector with effective controls using appropriate electronic methods. These provide greater control and auditability than hard copy, faxes and sending material through the post. Potential risks would occur where inappropriate controls allow data loss or misuse. Manually held personal data may result in similar risks, but it is unlikely to result in the loss of huge numbers of records.

Question 5.

Comments: Data duplication due to lack of sharing ability results in the retention of multiple instances of the same or similar data within and across organisations. This results in e.g. public frustration at supplying similar information for Council Tax and electoral registration.

We do not believe that too much data is collected in the first instance, since it is generally restricted to what is required for the original purpose. There may be cases where records have not been destroyed when no longer required; whether they are held in hardcopy or electronically, whilst there are costs associated with storage, there is a cost to manage their disposal or deletion.

Question 6.

Comments: We do not feel qualified to comment on this.

Question 7.

Comments: Sharing of name and address information between two tier authorities would be beneficial to service delivery, but at present there is a legal barrier to doing this.

Question 8.

Comments: None known.

Section 3: The legal framework

Question 9.

Comments: It is a relevant and appropriate piece of legislation, but needs to be updated if we are to provide efficient shared services. Perhaps there needs to be an exemption for sharing of a defined set of data across the public sector so for example if we are notified of a change of address through the Council Tax process, then the relevant Police authority could be notified so they could update e.g. firearm certificate records. The data provided should not however include other personal data that the local authority may hold.

Question 10.

Comments: We believe the public sector does adhere to the second principle, but we cannot comment on the private sector. A problem with the second principle is that sharing (see question 9 example) is prohibited unless specified; the list of purposes could be extremely long and there seems to be no real protection, for organisations sharing data, provided by the consent given by the data subject.

Question 11.

Comments: There is a conflict between societal expectations for privacy in contrast to its hope that relevant organisations will already have relevant data. For example many people complain about providing largely the same information twice - once for Council Tax and again for electoral registration.

Question 12.

Comments: None - there are additional means available for enforcement e.g. terms and conditions of employment and disciplinary procedures.

Question 13.

Comments: Council Tax and electoral registration legislation both restrict what we believe could be beneficial data sharing between public sector services.

Question 14.

Comments: Do not feel qualified to answer.

Question 15.

Comments: Do not feel qualified to answer.

Section 4: Consent and transparency

Question 16.

Comments: There is confusion about the validity and extent of consent particularly around its longevity and positive/negative consent.

Question 17.

Comments: The extent to which the public are willing to agree to data sharing is a barrier to providing efficient and effective services. Obtaining explicit, as opposed to implied, consent is expensive and incurs the risk of individuals declining. Even where consent is gained, the validity of the consent may be challenged.

Question 18.

Comments: We believe there are security risks associated with making data sharing more transparent, dubious benefits and potentially significant costs. The individual's rights of access seem adequate within the DPA.

Question 19.

Comments: A standard template for public sector organisations would be efficient and provide greater consistency. It would be useful to have one place for reference since the DPA is just one aspect of information governance. We have the CSIA National Information Assurance Strategy and the LeGSB information governance toolkit (<http://www.legsb.gov.uk/standards-approval/informationgovernance.php>) - perhaps adding to the toolkit by providing some templates would be the most cost effective way forward. The Information Commissioner's code of practice for sharing personal information is useful, but does not go far enough. There can be no justification for hundreds of local authorities to produce their own codes of practice/information sharing protocols for routine sharing with e.g. police authorities, health trusts etc. and for those organisations in turn to write protocols for information going in the opposite direction.

Section 5: Technology

Question 20.

Comments: Huge growth in the amount of data stored enabling ease of access, but with associated risks e.g. HMRC

Question 21.

Comments: No, the law should not mandate technical safeguards. It would be helpful to have appropriate advice and guidance on minimum standards.

Question 22.

Comments: Within the Kent Connects partnership, we can see no need for these privacy enhancing techniques. Research and service development is based on anonymised statistical data, which by its nature protects personal privacy.

Section 6: International comparisons

Question 23.

Comments:

Question 24.

Comments:

Question 25.

Comments:

Question 26.

Comments:

Section 7: Additional questions

Question 27.

Comments: The volume of legislation that impacts on data protection and sharing within the public sector needs to be reviewed, reduced and simplified.
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Question 28.

Comments:
