

# 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**  
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Thank you.

### Section 1: Background

Question 1.

Comments: 1.1 The local government sector has an interest in data sharing issues in three ways. In the first place it collects a wide range of personal information, and uses it at the individual level, in order to deliver an extensive array of services – education, housing and social care being the largest. Much of this information is sensitive. It can relate, for example, to income, levels of personal disability or the experiences of vulnerable children.

1.2 Secondly, it collects information about personal characteristics and opinions for statistical purposes. For example, local authorities are required to provide a range of indicators which central government uses to assess local authority performance, some of which use aggregations of personal data. They have also made substantial advances in recent years in gauging the opinions of citizens in order to inform service delivery.

1.3 Thirdly, local authorities use statistics which other parts of government produce through the aggregation of personal information – the population census being an example. As explained below, there is scope for greater use of such information, and in particular administrative records, for public

benefit.

It is impossible to generalise about the ways that authorities collect, hold and share personal information. There are over 400 local authorities in England and Wales providing a multiplicity of services. Systems are not centralised to the extent that they are in the NHS. However, there are some common interests and approaches which inform the answers which follow. The great majority of authorities, for example, provide information on data protection on their websites. Two examples selected at random are attached at Annex A.

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

### Question 2.

Comments: 2.1 The implied distinction between individual and societal benefit seems unnecessary. The key benefits of data sharing relate to the public good, both general and individual. These are:

- better service to the public, allowing for choice and personalised provision
- a reduced burden of requests for information from individuals and organisations
- lower costs to the citizen

2.2 Better service provision depends on the use of personal information at two levels – the individual and the aggregate. The sharing of information about individuals between departments of the same authority – and increasingly between public agencies operating within an area – helps deliver joined up services to those individuals. For example, a vulnerable elderly person can benefit where the council's adult social care service shares information with the local health service; a young person's preparation for employment may be facilitated if their school liaises with the local Learning and Skills Council to produce a rounded profile of attainment and training requirements; the sharing of information amongst police, social care and school can help protect a vulnerable child; and a young person leaving care will benefit from information sharing between the county council that is responsible for care and the district council that is responsible for housing. Government and citizen alike expect effective liaison of this sort to happen. Local Area Agreements depend on joint planning, service delivery and performance management by public sector organisations working together. This work is underpinned by a shared view of local people and their needs. The partners in an LAA will need to share both individual and aggregate information to meet local people's needs. However, research has found a reluctance amongst partners to share information on the assumption that this is not allowed under the DPA, particularly if partner bodies were not specified when the data were originally collected.

2.3 Aggregated, as opposed to individual-level, personal information can also help drive service improvement. In collaboration with the National Consumer Council and the Improvement and Development Agency, the LGA has recently published research on customer insight. The publication is predicated on the understanding that local government needs good intelligence about customers to bring about improvement, and that the sector will be judged on the extent to which services meet the needs of the local community and is responsive to articulated wishes. This research is discussed in

greater detail in answer to question 4.

2.4 Useful aggregate statistics need not necessarily be generated by local government or its local partners. Administrative records belonging to central government departments – for example, those relating to tax, benefits, health and national insurance registration - contain information of great potential for improving local policy development and service provision. Some of these have been released in aggregate form, but usually not below the local authority level. Much of their potential remains to be tapped, perhaps by using the Statistics and Registration Service Act. This is discussed below.

2.5 Local authorities are acutely aware of the costs that their requests for information impose on companies and the irritation that repeated requests cause to citizens. So they support the proposition that, wherever possible, information should be collected once and used many times. Such an approach is predicated on the understanding that data will be shared within the collector organisation, as specified at the time of collection.

2.6 The costs of gathering information through census or survey are substantial. They have increased in recent years as non-response rates have increased (the government's Labour Force Survey has recorded a decline in response rate of more than ten percentage points over the last decade), so that a larger initial sample is required to achieve results of required reliability. The 2011 Census of Population, for example, is expected to cost around £500 million. Even small local surveys can cost five figure sums. This is public money. Substantial savings can be achieved by maximising the use of information that is collected, through the wider use of administrative sources and the sharing and re-use of information already collected.

### Question 3.

Comments: 3.1 The key risk to individuals concerns the possibility that information will be used in a way other than that specified at the time of collection, and in a way that disadvantages the individual. Both elements should be present: in certain cases the information can disadvantage the individual (by showing, for example, that they are ineligible for a benefit or should pay more tax) but is used in the way specified.

3.2 Risks can occur in two ways. The first is through misuse by the data controller or someone to whom the controller has passed the information. Such misuse is governed by the DPA. The second form of risk concerns misuse by unauthorised people. This is essentially a problem of security.

3.3 We fully appreciate the significance of the consequences, both to individuals and to public trust in public bodies, of such misuse. The Customer Insight Protocol mentioned earlier is just one example of many initiatives taken by local government bodies to minimise the likelihood of such consequences occurring.

3.4 However, there is an issue of proportionality here. The benefits which can be reaped through safe sharing of personal data will go unrealised if the measures to prevent disclosure (inadvertent or otherwise) are too stringent. There is a concern within the statistics user community at present about unduly restrictive measures used by the Office for National Statistics to prevent inadvertent disclosure through publicly available datasets. A particular problem for local government is that geographical identifiers may be considered disclosive, but the geographical identifiers are necessary if the datasets are to be useful at a local level. There are ways of coping with this – for example by issuing subsets of data that include geographical identifiers but exclude items from the dataset which might be considered particularly sensitive (so that, for example, data on earnings is excluded but information on, say, occupation, gender and length of residence at current address is included). We understand that ONS is working on quantifying risk from specific variables. We look forward to their findings.

#### Question 4.

Comments: 4.1 In this section we identify three areas which offer opportunities for improving the evidence base for developing local public policy. These are;

- the use of administrative datasets for statistical purposes
- the use of secure micro-laboratories
- developing customer insight

4.2 The use of administrative datasets for statistical purposes is particularly important to local government. This is because the official statistics system has tended to proceed by way of sample surveys, which can provide reliable statistics at national level at reasonable cost, but are rarely robust at local level. Local government has pressed for expansion in the sample size of certain essential surveys with some success, but there is a clear trade-off between reliability at the local level and cost. An alternative approach is to exploit existing administrative datasets.

4.3 The recent debate about the adequacy of migration and hence population figures at both national and local levels illustrates this issue. Figures are currently based mainly on survey data. The Inter-departmental Task Force on Migration, set up in response to widely-perceived inadequacies, recommended consideration of a range of administrative sources. Councils are already using a range of central government sources (such as National Insurance Registrations, Pupil-Level Annual School Census and GP registrations) alongside their own sources (such as electoral registers and housing benefits data) to get a clearer picture of the size and characteristics of local populations.

4.4 It is possible to exploit administrative datasets without raising data sharing issues. But in practice such issues do arise in two ways. First, if the departments that hold records are unable or unwilling to devote resources to the aggregation of individual records, then they can best be exploited by making

anonymised individual-level datasets available to the user so that they can perform aggregations themselves (the departmental datasets cited in the previous paragraph have not been released in this way: aggregate statistics are made available by the departments themselves). Secondly, much richer information can be produced by linking datasets. To do this, unique identifiers need to be available for each record.

4.5 Examples of the shift from surveys to administrative datasets can be found across the public sector, with the Schools Workforce Census and the National Minimum Dataset for Social Care both adopting an administrative dataset approach. The LGA's own research section, in partnership with the ONS' Harmonisation Unit, is currently developing a 'Data Framework' which will specify how administrative data should be collected and will, in the medium-term and along with the two collections mentioned previously, provide a database covering the local government's directly employed workforce. A range of surveys will be replaced by analysis of a suitably anonymised and secure database. The advantage to local authorities is that the burden of data requests will be much reduced. They will simply keep up to date record systems which they already need for management purposes and workforce planning. Resources are therefore released to support service delivery. For the data collectors, advantages lie in the greater accuracy achieved through a larger sample and avoiding the risk that data providers in authorities will interpret requests inconsistently; and the greater flexibility achieved by having a range of data items available for analysis.

4.6 A key point is that the interest here is in aggregate statistics and not the data relating to individuals. The purpose of beginning from individual-level data is only to allow for greater flexibility in producing those aggregate statistics, thereby providing better evidence and so better public policy and service delivery.

4.7 A micro-laboratory has been set up by the Office for National Statistics to enable researchers to have access under closely-monitored conditions to datasets that are considered particularly sensitive, with ONS experts on hand to advise on data protection issues. From the user's perspective such a solution is not ideal in the sense that a physical journey is necessary to what for many will be a distant location. It does, however, send a message that the statistics user community is treating data with appropriate care. From the local government perspective it is important that their researchers are given equal access to the micro-laboratory alongside the academics who have been the focus of arrangements up to now.

4.8 In answering question 2 we alluded to LGA-sponsored research on customer insight. The research recommends the combination of client and service user information, service usage records, opinion survey data and contextual socio-demographic statistics to create a richer understanding of the needs and priorities of localities at a fine geographical level. It offers a draft 'customer insight protocol' which describes how data may be gathered, held and analysed in accordance with the DPA. It contains advice on how councils can segment their customers in ways that work for their local circumstances, combining their own information with area classifications from public or private sectors.

4.9 The research justified customer insight on the following grounds:

- Councillors need high quality local information to enrich their local knowledge and to support decision-making
- One size fits all approaches to service delivery are not enough
- Organisations serving an area need to share data so that they can build a shared view of customers
- Efficient organisations get maximum value from the data they hold to guide priority setting and the use of resources

Each of these, but particularly the third, points to the use of data sharing to enhance service delivery.

Question 5.

Comments:

Question 6.

Comments:

Question 7.

Comments: 7.1 Our first example refers back to the issue of migration mentioned at the previous question. NHS databases contain information on country of birth, first UK address at which GP registration occurred and information on returning migrants, but none of this information is included in the Patient Register Data system downloads which are provided to ONS to help them track internal migration. Our purpose in identifying this example is not so much to press for the sharing of these particular data items (useful though that would be), but to highlight the fact that NHS is undertaking a fundamental revision of its information infrastructure. This offers an opportunity to consider the potential wider uses of NHS data, and in particular the new Personal Demographic system. As well as applications to migration estimation, the system is likely to contain much that is of use to local authorities.

7.2 The second example draws on the Statistics Commission's recently published work on tax records. This study concluded that much useful data held by Her Majesty's Revenue and Customs (HMRC) rests unused, not least because they are prevented, by the Commissioners for Revenue and Customs Act, from passing disclosive tax records to other departments for statistical purposes. While this did not prevent HMRC sharing anonymised (and hence non-disclosive) records with DWP to create the Work and Pensions Longitudinal Study (which had been facilitated by a specific legal gateway), it would likely prevent the sharing of records with the locational identifiers which would make the data useful to local authorities. The report noted the contrast with the American Inland Revenue Service, which provides many more geographic analyses using individual income tax data, including income distribution data by zip code and data on internal migration flows. Albeit that universal self-assessment for income tax in the USA means that American tax data offer much more complete population coverage than the UK system and is therefore more useful, the contrast in the level of geographical detail offered is instructive. The Commission's proposals for enhancing usage includes the creation of a micro-laboratory on the ONS model; the substitution of a 'public good' test for the existing 'departmental benefit' test to justify access to microdata; and the recognition of access to disclosive microdata for statistical purposes as being a statistical function which should properly come under the control of the Statistics Board. HMRC data could potentially be of considerable value

to local councils in developing local economic strategies, supporting business and stimulating regeneration.

**Question 8.**

**Comments:** 8.1 Much criticism has been directed in recent months at the public sector's handling of personal information. In part this reflects the size and scope of some of the larger public sector databases, such as those relating to tax, benefits and vehicle registration. However, some private sector databases also run to millions of records and hold information which is equally sensitive as that held in the public sector, relating for example to personal finances and health.

8.2 A recently-published report of what was considered inappropriate usage by both the author and the data subject concerned the linkage by a major retailer of CCTV footage with store card data to identify an individual suspected of shoplifting (incorrectly, as it turned out) and to inform the police of that person's identity. According to the author, the retailer's spokesman said that it was normal policy to use loyalty card accounts to trace suspected shoplifters.

It would be interesting to know how many loyalty card users are aware of this policy when they apply for a card.

**Section 3: The legal framework**

**Question 9.**

**Comments:**

**Question 10.**

**Comments:**

**Question 11.**

**Comments:**

**Question 12.**

**Comments:**

**Question 13.**

**Comments:** 13.1 Two pieces of UK legislation have a negative, or potentially negative, impact on data sharing. The restriction imposed by the Commissioner for Revenue and Customs Act has already been discussed.

13.2 The second item is the Statistics and Registration Service Act (2007). Under this act access to personal information for research purposes becomes an express statutory function of the Statistics Board; it formalises the role of providing research access in a way that safeguards confidentiality. Officers from ONS (to become the executive arm of the Statistics Board on 1 April 2008) interpret this

as positive for data sharing, noting that the statutory function replaces a system based on negotiated policy provision in unwritten constitutions, and that the issue now is less *whether* research access will be allowed, but *how* it will be allowed.

13.3 The negative aspect of the legislation is that it criminalises the disclosure of personal information, where disclosure relates not only to the identity of a person (or body corporate) being specified in the information released, but also where that identity can be deduced from the information taken together with any other published information. It would hardly be surprising if statistics providers, faced with the possibility of up to two years' imprisonment in the event of illegal disclosure, erred on the side of caution.

Question 14.

Comments:

Question 15.

Comments:

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

Question 16.

Comments:

Question 17.

Comments:

Question 18.

Comments:

Question 19.

Comments:

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

Question 20.

Comments:

Question 21.

Comments:

Question 22.

Comments:

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

Question 23.

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Question 24.

Comments:

Question 25.

Comments:

Question 26.

Comments:

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

Question 27.

Comments: We feel that the Information Commissioner's office could do more to help different sectors understand how the DPA can be applied effectively within their area. In particular, there is a need for guidance on what can be done. The emphasis has tended to be on what cannot be done, with the result that local authorities, and doubtless others, have tended to be over-cautious.

Question 28.

Comments: References

Local Government Association, National Consumer Council and Improvement and Development Agency (2007), 'Customer Insight protocol', available at <http://www.lga.gov.uk/lga/aio/37749>

LGA, NCC and IDeA (2007), 'Customer Insight: research summary', available at <http://www.lga.gov.uk/lga/aio/37379>

LGA, NCC and IDeA (2007), 'Guide to Segmentation: Customer Satisfaction Measures for Local Government Services', available at <http://www.lga.gov.uk/lga/aio/37774>

Office for National Statistics (2006), 'Report of the Inter-departmental Task Force on Migration Statistics', ONS, available at <http://www.statistics.gov.uk/about/data/methodology/specific/population/future/imps/updates/downloads/TaskForceReport151206.pdf>

Simms, Andrew (2007), 'Tescopoly' Constable & Robinson, pp 94-9

Statistics and Registration Service Act 2007, available at [http://www.opsi.gov.uk/acts/acts2007/pdf/ukpga\\_20070018\\_en.pdf](http://www.opsi.gov.uk/acts/acts2007/pdf/ukpga_20070018_en.pdf)

Statistics Commission (2007), 'Tax Records as a Statistical Resource: A review by the Statistics Commission', Report 37, available at <http://www.statscom.org.uk/uploads/files/reports/Report%2037%20Tax%20Data%20Review.pdf>

## Annex A: Examples of council data protection statements

### 1. Barking and Dagenham: Privacy Statement

#### *Statement of intent*

From time to time, you will have the opportunity to submit personal information about yourself (e.g. name and email address etc.) in order to receive or use services on our website.

Such services include the ability to apply for Council services, email alert services and online information listings such as 'Find an Old School Friend'.

By entering your details in the fields requested, you enable us to provide you with the services you select. Whenever you provide such personal information, we will treat that information in accordance with this policy.

Our services are designed to give you the information that you want to receive. We will act in accordance with current legislation and aim to meet current internet best practice.

#### *Submitting personal information*

When you supply any personal information to us (e.g. when applying for something, or adding your details to an online information service) we have legal obligations towards you in the way we deal with that data.

We must collect the information fairly (see the notices on particular web pages that let you know why you are providing the information); we must let you know how we will use it; and we must tell you in advance if it becomes necessary to pass the information on to anyone else.

We will hold your personal information on our systems for as long as it is needed for the service you have requested, and remove it in the event that the purpose has been met, or, in the case of an online information service, such as 'Find an Old School Friend', you no longer wish to continue your listing. We will ensure that all personal information supplied is held securely, in accordance with the [Data Protection Act 1998](#).

#### *User surveys*

As our online services expand, there will be more opportunities to enhance the services provided to you. From time to time we may send you details of other council services that may be of interest to you and offer you the opportunity to access them.

We may also offer you the opportunity to participate in surveys, carried out by us or our agents, that help our research into the types of service we offer. We will keep a record of information provided by you.

**Please note:** Any information you provide to us through the website will only be used within the council. It will never be supplied to third parties without first obtaining your consent unless we are obliged by law to disclose information to other organisations or agencies.

#### *Users under 18*

If you are under 18, please get your parent/guardian's permission beforehand whenever you provide personal information to our website.

Users without this consent are not allowed to provide us with personal information.

## **2. Oxfordshire Website Privacy Statement**

You can access our website homepage and browse our site without disclosing your personal data. There may be pages on the site that invite visitors to send information via forms or email to enable you to ask for publications or information and advice, or to tell us what you think about particular issues. Oxfordshire County Council takes great care of any personal information you give us in this way and in the following paragraphs we set out how any personal information you give us is treated. If you choose to give us information about yourself you will be consenting to the collection, processing and storage of the information you provide.

Before collecting any personal details through its websites, Oxfordshire County Council will tell you why we need the information and what it will be used for. You always have the option of declining to give us personal information or data.

Oxfordshire County Council ensures that only staff that have a business reason to look at your information or data can do so, they cannot look at your information or data for personal reasons or out of curiosity. Oxfordshire County Council may employ other companies and individuals to do work which may mean they have access to some personal information or data but they have the same restrictions as our own staff and are never allowed to use it for any other purpose. Oxfordshire County Council will never sell personal information or data or share personal information or data with third parties unrelated to the services we provide unless we are required to do so by law or unless you have told us you consent to our doing this.

Information you provide will be stored by Oxfordshire County Council and used to process the request; it will be retained for a reasonable period. Where a business transaction is then enacted commercial records may be retained for up to seven years.

Oxfordshire County Council has no way of knowing if any person providing information through this site is who they say they are. Oxfordshire County Council will assume all information is genuine and cannot be held responsible for any action taken as a result on relying it. If you have any reason to think someone has provided information to Oxfordshire County Council using your identity please let us know and we will correct or delete the information. You have the right to request us to remove personal data from our Web site at any time. To do so, please contact the appropriate directorate below.

Should you have any concern regarding collection, processing, storage or disclosure of information submitted via this Web site please contact Oxfordshire County Council. You have the right to ask for a copy of the personal information or data Oxfordshire County Council holds about you. You will be asked to confirm your identity and pay a fee, currently £10. If the information we hold about you is wrong you have the right to ask us to correct it.

