

Data Sharing Review

Richard Thomas and Dr Mark Walport

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
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Thank you.

Section 1: Background

Question 1. I provide Information Governance guidance and support to part of a County Council

Comments:

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

Question 2. It enables joined up, and therefore hopefully better, services to be provided – i.e. social care and NHS Trusts who are working with the same service users.
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Comments:

Question 3. Inaccuracies in the data or poor data matching, which could result in poor, nil or wrong services being provided to individuals.
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Comments:

Question 4. Mass transfers or data sharing pose the most risk for the same reasons as my response to Q3, and due to the added security risks.

Comments:

Question 5.

Comments:

Question 6. I know it is down to individuals whether to provide the data or not, but I am concerned about those organisations that try and tempt you into providing large amounts of data on yourself, family, home and lifestyle in things like product warranty registration forms and offer prize draws to get you to do so.

Comments:

Question 7. See question 10.

Comments:

Question 8.

Comments:

Section 3: The legal framework

Question 9. Having spent several years carrying out training on the DPA I believe that the underlying concept and rationale are basically sound and very worthwhile, but there is a perception that it is very complicated and there still appears to be a lot of confusion among both individuals and some organisations about what it means and how it affects them.

Comments:

Question 10. In my experience adherence in the public sector is generally very good. One problem I have encountered several times in the past is that it can act as a barrier to initiatives designed to improve services, i.e. sharing information on vulnerable people at risk of distraction burglary so that they can be targeted with information by another body to try and stop it happening. Recently I have read items which seem to indicate that you might be able to share without consent as long as it is reasonable in all ways to do so, and in the best interests of the data subject, but this hasn't reassured me enough for me to advise going ahead.

Comments:

Question 11. A general lack of understanding of the Act, which can see both extremes – it either being ignored when it shouldn't be or used as a barrier when it shouldn't be.

Comments:

Question 12. I feel that the Act is not seen as having sufficient teeth to enable non compliance to be perceived as a serious risk by public sector bodies, who are usually struggling to provide more and better services on reduced budgets to more service users.

Comments:

Question 13.

Comments:

Question 14.

Comments:

Question 15.

Comments:

Section 4: Consent and transparency

Question 16. I am happy about when you need consent, but am still having problems working out how is best to seek it (see question 17). Seeking consent can be difficult for a number of reasons and could act as a barrier to service provision if you do not have a flexible enough process. However, with flexibility come problems in designing sound processes and procedures.

Comments:

Question 17. Seeking consent within some public services such as social care can be difficult. Data subjects are often not personally involved in the early stages, contact with them and/or their family can often be limited, and it is often the case that such is their distress or concern about ensuring that they receive services, that engagement can be difficult.

Comments:

Question 18. It may be impractical, but listing which specific organisations data is shared with/obtained from, rather than the types, in the annual DP notification could help both the data subject and the organisation.

Comments:

Question 19.

Comments:

Section 5: Technology

Question 20. My biggest concern is the impact technology is having on an organisations ability to work more flexibly and remotely, and the risks this brings if it isn't done properly

Comments:

Question 21. This could help, for instance mandating that encryption must be used on portable devices. Currently organisations will have problems justifying the expense involved, regardless of the risk, but if it is mandated they would either have to review their procedures or meet the cost.

Comments:

Question 22. I have never been involved in this, but believe that anonymising data is a good option under some circumstances, such as research, where there is never going to be a likelihood of wanting to undo the anonymisation.

Comments:

Section 6: International comparisons

Question 23.

Comments:

Question 24.

Comments:

Question 25.

Comments:

Question 26.

Comments:

Section 7: Additional questions

Question 27. As someone who works in the public sector I would like to see compliance with the Data Protection Act being built into more of the performance indicators that are used to measure the organisations successes.
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Comments:

Question 28.

Comments:
