

# 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.

**Answers here are from 2 separate members of staff at Wirral, one set of answers in Black and one in Blue to differentiate them**

### **Section 1: Background**

Question 1.
Comments: I am the Child Concern Model Facilitator for Wirral and part of my role is to deliver training on Common Assessment, Lead Professional and Information Sharing. I am also involved in updating Information Sharing Protocols. The comments below refer mainly to children, young people and their families.
Comments: I am the Corporate Officer responsible for Freedom of Information and Data Protection Compliance at Wirral Council. I am involved in giving advice on Information Sharing Protocols across the Council.

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

Question 2.
Comments: Not sure on benefits of sharing to society but sharing appropriately to individuals in agencies working with children is crucial to help improve their

wellbeing. There is obviously a safeguarding element to this but early intervention and sharing of information can prevent situations from deteriorating. The Implementation of CAF has assisted this greatly in Wirral.

Examples include the prevention of young people offending, moving more smoothly between schools, accessing appropriate agencies at an earlier stage etc

Comments: I believe the legal sharing of information, in that we ask for it once and share it many times ( in appropriate situations) has a beneficial effect in that the public view us as being more joined up and communicating with each other more effectively. Large Organisations often ask the same questions and gather the same information many times from customers and clients and I believe this is often unnecessary.

#### Question 3.

Comments: The key risks are inappropriate sharing of information without taking into account whose information it is. If professional assume informed consent they could share too much personal information in the form of reports/files etc. All involved should share what and with whom it has been agreed with the data subject.

Comments: The key risks to me are sharing large scale amounts of information with no thoughts for the consequences. Sharing poorly informed and inaccurate data is another risk.

#### Question 4.

Comments: A good opportunity to share information appropriately will be ContactPoint. It does not actually hold Personal information as such but contains details of those who are working alongside children. The guidelines however **must** require consent to share once these agencies have been identified unless it can be justified in the public interest.

Comments: There are many up and coming Central and Local Government initiatives which will encourage and develop the sharing of information. ContactPoint is one very good example as referenced above. We are currently in talks with the Fire Service for an over arching data sharing agreement, looking at the risks and benefits of signing up to this. Additionally we are looking at improving our EDRM for unstructured information which will help facilitate sharing information.

#### Question 5.

Comments: No opinion

Comments: As with all large organisations there may be some duplication of information held in relation to the HR function for example; whereby a central record is held and then maybe an additional copy of that record at local level. The Authority has worked hard to produce a records retention policy to guide staff on retention periods and the Data Protection training stress the need to not duplicate information when it is unnecessary.

#### Question 6.

Comments: No opinion

Comments: I believe Private Organisations often have more opportunity to collect information from many varied sources and then process them to build up a picture of an individual. This picture may or may not be an accurate one. People move home and don't inform people, organisations can mix up gender of people living at locations and then refuse to correct their records.

Question 7.

Comments: Where benefits agency will not provide information to agencies advocating on behalf of young people and families even when proof of informed consent is provided

Comments: Provision of the Deaths lists provided from Electoral Roll to go to all Council departments who work with a client based database.  
Ability to share information from Council records in certain situations with the private housing sector who now operate Wirral's Council House stock.

Question 8.

Comments: No examples No Examples

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

Question 9.

Comments: No opinion

Comments: Like any piece of legislation there will be sectors of the community that feel the legislation is not ideal. The main area I see from external organisations is the lack of investment in training key staff in the Data Protection Act. This leads to inaccurate advice being given from many quarters including Citizens Advice Offices in some areas. I believe the DPA to be a fundamentally strong piece of legislation and Wirral has spent a lot of resources ensuring staff are well trained in the principles.

Question 10.

Comments: No opinion

Comments: A recent Freedom of Information request has been received across the Country by Local Authorities asking about complaints of breaches of the DPA so the answers should be interesting reading. I believe the public and private sector adhere well to this principle although penalties for breaching the legislation could be harsher.

Question 11.

Comments: No opinion

Comments: There is a wealth of free information available on the DPA and how to interpret it for private or organisational use. Some smaller organisations may struggle technically but I don't think this is a barrier for the larger organisations such as us.

Question 12.

Comments: No opinion

Comments: There has been talk of late of the Regulator having more powers and this would be welcomed. Harsher penalties for breaching any legislation means it is taken seriously by organisations.

Question 13.

Comments: No opinion

Comments: No opinion

Question 14.

Comments: No opinion

Comments: I believe that Central Government could provide more help and guidance in relation to initiatives such as Government Connect and Government Gateway. Each Local Authority seems to be doing something slightly different to each other.

Question 15.

Comments: No opinion

Comments: Any legal framework means there will be a burden of resources etc but I don't believe it to be unreasonable.

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

Question 16.

Comments: I think it is very clear where you need consent.

Comments: Across the Council it is generally clear when consent is required, there can be some grey areas when we would seek further advice and legal guidance. There has been some new guidance issued just recently with regard to deceased relatives information and this has proved very useful.

Question 17.

Comments: Sometimes if the reason that a professional wants to share information is not done very skilfully, the data subject may feel threatened. In some circumstances it could be done very well but the parent still refuses, e.g. they may think that they are being judged as a bad parent, they may have had bad experiences of multi agency working, they could have had children in care etc. Without satisfying the public interest clause this information could benefit the child but the parent could stop this easily.

Comments: Trust can be a big issue here and reassurance that we do not want information just so we can share it for any reason we wish. Again similar to the answer above we often deal with parents and children and also elderly people who may have difficulty in understanding why we need information. The key is in our skill to explain and have the appropriate procedures and protocols in place to gain trust.

Question 18.

Comments: See 17

Question 19.

Comments: The framework is useful and we will consider cross referencing to our existing protocol or making amendments to it.

Privacy impact assessments are an excellent idea and I look forward to further developments. Please ensure that any final document is as brief as possible otherwise individuals will not bother with it.

Comments: Exactly the same as my colleague above.

### **Section 5: Technology**

Question 20.

Comments: Not much so far. ContactPoint will have an impact.

Comments: Technological advances such as email and the internet have had an impact on sharing of personal data. If one buys goods or services on line then there are disclaimers and advice re privacy and protection of funds etc.

Question 21.

Comments: Yes

Comments: Yes, this would be helpful to large organisations such as ourselves and would help get buy in if there was a mandatory requirement. It would cut down discussions on how to implement certain projects as we would have a minimum standard to work to.

Question 22.

Comments: No opinion

Comments: I don't have a lot of experience in this particular area but again we come back to the trust element regarding people's information. After the various fiascos relating to loss of personal data I fear trust has been reduced somewhat.

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

Question 23.

Comments: No

Comments: No

Question 24.

Comments: No

Comments: Never really looked at any and have concentrated efforts looking at good practice in the UK. Some of this best practice could be modelled on an overseas model of course.

Question 25.

Comments: No

Comments: There have been areas of other local authorities I know of that have decided on taking a pragmatic approach to data sharing and if they had no problems, complaints from the majority of people then they kept to the more permissive approach.

Question 26.

Comments: No

Comments: I am sure that many countries have more lenient, permissive ways of sharing information. This can be exemplified by when one goes on holiday and the wealth of information that is available when you enter another country can be quite staggering. Airlines share vast amounts of information and the Americans certainly have a wealth of information on visitors to their country.

## **Section 7: Additional questions**

### Question 27.

Comments: No opinion

Comments: Training for large organisations on DP basics, including data sharing should be mandatory and there should be an NVQ or some level of competency demanded for people who work at many levels of an organisation and whom are public facing. These include Call Centre Staff, Social Workers, Reception staff and many others.

### Question 28.

Comments: No opinion

Comments: A lot of the way information is shared is dictated by a large Organisation's culture. Training is paramount to move those archaic companies into the 21<sup>st</sup> Century. The use of electronic mail, handheld electronic devices and the Internet has meant a massive move forward in the way we use and process personal information. Common sense often goes out the window with the most basic information not being shared which might well be in the public domain. Often call centre staff who ring will not accept that the information they have on file is simply wrong. I fear many organisations use a sledge hammer to crack a nut approach. We need more mandatory frameworks to work with and bigger penalties for not complying. This gives more power to those employees tasked with implementing such things as data sharing agreements.