DWP guide: Data Sharing for Local Partners

Data Sharing to support employment outcomes and reduce benefit dependency

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1. Background

The government is committed to sharing more data across the public sector to:
- Improve opportunities for the most disadvantaged people
- Reduce crime and prevent fraud
- Reduce burdens on business
- Implement more effective and targeted policy.

The Department for Work and Pensions (DWP) share this commitment. We aim to maximise our use of data-sharing, wherever it is an appropriate means to achieve the goals of the department and wider public sector.

2. Aim of this Guide

This guide aims to help you understand the process of acquiring data and consider the information required. It is not intended to be a substitute for specific legal advice on particular issues.

This guide will help you to better understand:
- The key considerations and constraints that frame what data can be provided
- How to access the 'small area' data that DWP and other Government Departments already make publicly available
- How to assess whether a formal data sharing request to DWP would be worthwhile if published data is not sufficient
- How to prepare to succeed in the application process.

3. What is 'Data Sharing'?

'Data sharing' is a term that is sometimes used to describe a fairly wide range of sharing of information between one organisation and another. In this guide, we focus on a very specific example of data sharing: that of passing individual customers' personal Social Security data between DWP and external organisations. All future references to 'data sharing' in this document refer to this specific type of share.

4. Legislative Constraints on Data Sharing

Passing individual customer's personal data between DWP and an external organisation is subject to specific legislative constraints:

The Social Security Administration Act 1992 (SSAA)

It is important to understand that DWP is subject to the constraints of the SSAA. Other organisations such as the NHS or police forces are not. This can prevent DWP sharing information in situations where others can.

The Act includes important provisions relating to the sharing of information. It makes it an offence for DWP staff to disclose, without lawful authority, any Social Security information which relates to a particular individual.

There are clauses in the Act allowing some information to be provided to local authorities, and organisations carrying out functions on behalf of local authorities, for specific purposes. For example, information required to administer housing related

benefits. However, even where data has been legally shared, it could be an offence if that data were then passed on to a third party without appropriate legal authority.

This legislation is additional to the Data Protection Act (DPA).

Data Protection Act (DPA)

Under the DPA, Personal Data is defined as data that relates to a living individual who can be identified: (a) from that data, or (b) from that data combined with other information which is in the possession of, or likely to come into the possession of, the Data Controller.

Processing of data, including disclosure of data, must comply with the various data protection principles contained in the DPA.

The Information Commissioner's Office produce detailed guidance with regard to the DPA.

5. Possible Solutions

It is always preferable to proceed under specific legislation that permits the exchange of information. In connection with benefit dependency the important pieces of legislation are:

- S.7B Social Security Administration Act 1992 (SSAA)
- s.122C – E SSAA
- s.72 Welfare Reform and Pensions Act 1999
- s. 130 – 131 Welfare Reform Act 2012, S
- Statutory instruments: 2008/2112, 2012/1483 and 2994, 2013/13 and 454

The Welfare Reform Act 2009 contains provisions that will permit some additional data sharing for specific purposes in relation to 'Integrated Employment and Skills' (IES); whereby Jobcentre Plus work closely with the National Careers Service and other skills providers to align employment and skills services. This does not include requests from local partners for bulk data sharing.

DWP has 'Common Law Powers' to disclose information on a case-by-case basis where disclosure is in the 'public interest'. In particular, this applies where the disclosure is for the purposes of the prevention/detection of crime and the apprehension or prosecution of offenders. This option is unlikely to be applicable where bulk data is required.

Informed consent to data sharing can meet some of the legal requirements for data sharing. It is possible to seek informed consent from Social Security benefit recipients to enable DWP to share their data with external organisations. In practice this is usually quite costly unless the volumes are small. Consent cannot be used if by doing so other persons who have not consented could be identified.

Use of DWP data for statistical and research purposes is free from some of the restrictions that affect other operational purposes. Research information that would require DWP to share customers' personal Social Security data is not allowed unless anonymous.

There are specific legal issues in Scotland and Wales that may alter aspects of this guidance around data sharing. Indications are that these are rare.

6. Further Considerations

In addition to the legislative considerations outlined above, before approving a data share DWP will need to consider:

- Whether you have a clear and legitimate purpose for sharing data
- Whether you have a legal power to share data; this could be specific legislation, consent of the individual or common law powers
- Whether the proposed data share is proportionate
- Whether you are insuring only the minimum amount of data is being shared to meet the clear and legitimate purpose
Whether the individual customers will benefit directly from the share, or suffer any detriment
- Whether the proposed share would result in a resource cost to the Department that is reasonable relative to the expected benefits
- Whether there is capacity to take on the work required, particularly where it may conflict with other DWP,LA or OGD priorities
- Whether the proposed share will set a precedent
- What 'fair processing information' has been provided to individuals, and whether the proposed share is compatible with this notice (NB this is the same as a privacy notice – please see the ICO website for more information).
- Whether arrangements are in place for DWP customer data to be handled appropriately, including by any third parties who may be involved
- Whether there is any intention to pass this data on to a third party.

7. Data already published by DWP

Before requesting data it is worthwhile reviewing the data sources that are already in the public domain. DWP publish a range of small area data that may meet your needs. The term 'small area' in this context refers to a small geographical area.

Survey data

An example of survey data is the Annual Population Survey (APS). This is a large household survey run by the Office of National Statistics (ONS). Data is produced at Local Authority District Level and provided quarterly and annually to various government departments, including DWP.

The advantage of the APS data is that it provides a greater depth of understanding of peoples' situation than administrative data can. Demographics, lifestyle and household information are all collected. As it is only a sample, there will always be a level of variability to any figures quoted. This margin of error can be large for analysis below Local Authority District Level, or for subsets of the data.

The APS is most commonly used for accessing statistics on the employment rate, economic inactivity and qualifications levels. Published APS data can be found on

the ONS website, or alternatively with interactive tables via NOMIS, the national service for accessing labour market statistics online.

Administrative data

This data is derived from administrative processes that DWP collects to fulfil its objectives. Administrative data is used to produce a large part of the DWP's regular statistical outputs. For example, on the caseloads of benefit claimants, job vacancies notified to Universal Jobmatch, and Work Programme participants.
The advantages of administrative data is that they are relatively cost effective, can be processed and published more quickly than surveys and usually produce reliable data for small areas.

In order to preserve claimant confidentiality, as well as to avoid promoting analysis that may not be genuine, the amount of data we make available is controlled.

Useful sites for accessing data already available

All small area data should be used with care, particularly at Lower Super Output Area (LSOA) level (or 'datazones' in Scotland). The reason is that, although DWP can provide robust claimant numbers at LSOA level, the population estimates that are often combined with these data to produce statistics at LSOA level are 'experimental'. Some useful sites are:
- Local Authority and ward statistics for most major benefits are available from ONS Neighbourhood Statistics
- Scottish Neighbourhood Statistics site www.sns.gov.uk
- Northern Ireland http://www.ninis.nisra.gov.uk
- Wales http://www.wales.gov.uk/statistics or http://www.dataunitwales.gov.uk

Data on benefit claimants at low spatial levels are also available on the NOMIS website. This site permits the user to specify the analysis required from a range of menu options. Users can also develop bespoke geographies by combining areas. Information on benefit caseloads are published as National Statistics each quarter, approximately five months after the reference period.

Where NOMIS does not provide a sufficient level of detail, an online tabulation tool has been developed by DWP. This allows local partners to produce their own tables and analysis of DWP data. Please refer to the DWP Tabtool, and in particular Tabtool data on benefit claimants in Lower Super Output Areas.

In May 2013, DWP launched Stat-Xplore (https://stat-xplore.dwp.gov.uk/), which allows users to specify their own tables based on individual level data, to re-use those tables easily and to visualise the tables within interactive charts.

Stat-Xplore currently contains data on Housing Benefit claimants, and National Insurance Number (NINo) registrations amongst overseas nationals.

The General Register Office for Scotland (GROS) publish information about population and households http://www.groscotland.gov.uk/

Where the data sought relates to one of the Local Area Agreement (LAA) National Indicators (for England only), you should consult:

- Places Analysis Tool (PAT): this site enables monitoring and analysis of trends and performance of local authorities / Local Strategic Partnerships against the National Indicator Set. Analytical capabilities include time series charts comparison charts, tables of values and thematic maps. The PAT sources all of the data from the CLG Data Interchange Hub
- Floor Targets Interactive (FTI). Data available covers a number of key indicators from the labour market, health, crime, education, and social deprivation. FTI allows users to interrogate the data to produce a range of analyses and maps, and covers all English local authorities.

As an alternative route to statistics from the sites above and elsewhere, Data4nr (Data for Neighbourhood Renewal) allows a search for statistics by theme, and also to set criteria for the data required. For example, the level of geography needed.

8. How to prepare to and request data

Legislation permits certain types of data sharing to take place for specific purposes. In addition, there may sometimes be ways in which a proposed data share can take place legally by making amendments to the specific nature of the information sought, the organisations that are to handle the data, or the use of it. To ensure any risks are identified and mitigated or managed, DWP has established protocols and procedures that must be followed when applying for any form of data sharing.

Data sources

DWP has access to a range of data which is not published. This is either because there is so much that we cannot publish all of it, or due to the need to protect our customers' confidential data. The main unpublished sources of data that we have access to include:

- The Work and Pensions Longitudinal Study (WPLS). This is an index that provides a longitudinal series of data on individuals, containing both their receipt of DWP benefits and HMRC data on their earnings from employment. Very few people within DWP have access to WPLS, and even then only for specific purposes. DWP sometimes use WPLS data to produce published statistics.

- The National Benefits Database. This is a 'live' database of all benefits paid to customers, and their personal data. This is often the database that is matched to WPLS for research purposes. (NB: there is also a 'frozen' version of this database that DWP use to derive national statistics: these statistics can be found on NOMIS and DWP Tabtool).

- Jobcentre Plus' Labour Market System. This is the 'live' database of all interactions with customers by Jobcentre Plus. It contains the personal data of these customers.

Sometimes an anonymous version of a dataset can be produced for research purposes. Anonymous data does not contain National Insurance Numbers, names, addresses or any other information that could lead to identification of an individual.

Developing a sound data-sharing proposal

Local partners can be well prepared to follow DWP protocols and procedures by:

- Starting to develop ideas well in advance
- Involving local analysts in shaping proposals
- Considering alternative means of achieving the same ends
- Consulting on proposals with partners
- Ensuring secure IT systems/processes are robust
- Learning from successful examples elsewhere (e.g. see section 4.3)

Effective data sharing proposals have the following properties:

- Specific, well-defined, evidence-based
- Justify why the data share is necessary and describe the reasons why other means to reach the same, or similar, ends have been rejected
- A Logic model or 'theory of change' is explicit (describes how the benefit to the customer will come about)
- Describe the operational difference to the service model (if relevant)
- Describe the inputs (which data fields will you actually need)
- Explain why you consider that your proposal is 'proportionate' in terms of its costs and in terms of its benefit to the public.

Key terms

Some key terms used by DWP and their meaning:

- Data sharing – When data is disclosed to third parties such as other Government Departments or third parties such as contractors.
- Data matching – When two or more pieces of information are compared to identify similarities or discrepancies.
- Data Mining – Occurs when data is manipulated to identify trends.
- Data Linking – When different sources of data are merged to form a single set of information.
- Personal data – data relating to a living individual who can be identified from that data, or from that data and other information which is likely to come into the possession of the Data Controller
- Sensitive personal data – race/ethnic origin, religious beliefs, health or physical condition, sexual life, trade union membership, any offence committed or any court proceedings against an individual.
- Data Retention – Where and how long data is held.
- Data Security – How data is encrypted, securely transferred and stored.

Good Practice

Your policy, delivery or research reasons for sharing or accessing data are very important as we need to understand the rationale for the request. In general terms:

- Be precise about what data is required and how it will be used;
- Tell us about the anticipated benefits of using the data;
- Tell us how using the information in this way will help solve a problem.

Ensure that the specific data items you ask for are absolutely necessary for the use you have in mind. Some examples of pitfalls to avoid follow:

- Do not ask for telephone numbers when you really only need an address
- Do not ask for information on the benefits being claimed when a 'yes/no' indication of receipt of benefit is all that is required
- Do not ask for date of birth when year of birth or age group would suffice.

Submit your application as early as possible. This may mean weeks or even months before you need access to the data, as:

- There may be many requests in the pipeline and there may not be enough staff to process them immediately
- Data sharing proposals and some data access requests may need referring to solicitors for advice. They will need time to consider the application
- Some applications may need referring to the DWP Ethics Committee or the DWP / HMRC Board that controls access to WPLS data
- We may need to ask you for further information or to amend your application

How to apply for data sharing

The first step should be to involve an analyst (that may already be supporting your local partnership) to help you to frame your objectives and to consider a range of potential options to meet them. You should then seek to engage with local DWP (in most cases, Jobcentre Plus) colleagues in support of your objectives.