Jobseekers and Skills Directorate

DWP guide:

Data sharing to tackle worklessness

February 2010

DWP Department for Work and Pensions

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EG Partnerships Division
Level 2, Caxton House
Tothill Street
London, SW1H 9NA

020 7340 4000

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1 Aim of the guide

1. This guide aims to help local partners that are considering requesting data from the Department for Work and Pensions (DWP) and Jobcentre Plus to think through the information they need, and to understand the process of acquiring data.
2. It will help local partners to better understand:
   - Some of the key considerations and constraints that frame what data can be provided.
   - How to become more aware of the 'small area' data that DWP and other Government Departments already make publicly available - and how to access these data.
   - If DWP's published data does not appear sufficient for local needs, how to assess whether a formal data sharing request to DWP to access non-published data would be worthwhile.
   - How you can be well prepared to succeed in the application process.
3. The guidance is intended to be general and to offer information on relevant legal issues to lawyers and to other interested professionals working in the public sector (including those working for Local Authorities). The guidance is not intended to be a substitute for specific legal advice on particular issues that may affect different public bodies in different ways.
4. The author would particularly like to acknowledge the contribution made by colleagues in DWP Legal Team and DWP Information Directorate, as well as the input from Jobcentre Plus and Communities and Local Government.
5. There is also a sector-led "How To Guide" that complements this DWP guide, shortly available from the IDeA website. Further general guidance on operational data sharing considerations and associated legal questions can be found on the Open Scotland website.

2 Considerations and constraints on data sharing

6. The purpose of this section is to provide a brief overview of some of the main concepts, considerations and constraints to worklessness data sharing with DWP and Jobcentre Plus.
7. While there is usually a great deal of additional depth and detail to each of these points, which is often the domain of specialists, a basic understanding can be very useful in becoming aware of potential solutions and in tackling common misperceptions.

2.1 What do we mean by 'data sharing'?

8. 'Data sharing' is a concept that is sometimes used by local partners to describe a fairly wide range of sharing of information between one organisation and another. This can sometimes include sharing of aggregate management information or research findings.

9. However, for the purpose of this Guide we are focusing on a very specific example of data sharing: that of passing individual customers' personal Social Security data between DWP/Jobcentre Plus. and an external organisation. Any future references to 'data sharing' in this document refer to this specific type of share.

2.2 What legislation is relevant to worklessness data sharing?

10. The reason for drawing the distinction above is that passing individual customer's personal data between DWP/Jobcentre Plus and an external organisation is subject to specific legislative constraints:

The Social Security Administration Act 1992 (SSAA) includes important provisions relating to the sharing of information. This makes it an offence for DWP (or Jobcentre Plus) 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 to organisations carrying out functions on behalf of the Local Authority, for specific purposes. For example, this covers information which is required in order to administer Housing Benefit or Council Tax Benefit.

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.

11. This legislation is **additional** to the Data Protection Act, and is not made obsolete by the Data Protection Act (DPA). The Information Commissioner's Office produces detailed guidance which provides organisations with comprehensive information about the DPA. However, we briefly describe a few key aspects of the DPA below.

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

13. Processing of data, including disclosure of data, must comply with the various data protection principles contained in the DPA. For example, the first data protection principle requires data sharing to be fair and lawful and to comply with one of the conditions in schedule 2 to the DPA. In the case of "sensitive personal data", such as health and criminal conviction data, one of the conditions in schedule 3 to the DPA must also be met.

14. 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 Social Security data with external organisations. However, in practice this is usually quite costly unless the volumes are small. A number of local partnerships are building a shared 'client tracking system' on the basis of informed consent arrangements (NB: this is to collect new data and share it).

15. The Welfare Reform Act 2009 contains provisions that will permit some additional data sharing for specific purposes in relation to 'Integrated Employment and Skills'. However, at the time of writing this appears unlikely to satisfy requests from local partners for bulk data sharing.

16. We can also disclose information under common law powers in some circumstances, or by collecting individual consent, but these are also unlikely to be viable where bulk data is required.

17. Statistical and research uses of DWP/Jobcentre Plus data are free from some of the restrictions that affect other operational purposes. However research purposes that would require DWP to share customers' personal Social Security data would still not be allowed without this data first being anonymised.

18. There are specific legal issues in Scotland and Wales that may alter aspects of this guidance around data sharing, however indications are that these will be quite rare.

2.3 What additional considerations are there, apart from legislation?

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

- Whether the individual customers will benefit directly from the share or suffer some detriment;
- Whether the proposed share would result in a resource cost to the Department that is reasonable relative to the expected benefits of the share;
- 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;
- Whether arrangements are in place for DWP customer data to be handled appropriately, including by any third parties who may be involved;
- Whether the proposed arrangements for the secure transfer and management of the data are sufficient; and
- Whether there are any intentions to pass this data on to a third party.

3 Small area data already published by DWP

20. Before requesting data it is worthwhile reviewing the data sources that are already in the public domain. DWP already publish a range of small area data that may meet your needs, without the requirement to apply for data sharing.

3.1 Survey data

21. An example of survey data is the Annual Population Survey (APS) which 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.

22. The advantage of the APS survey 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. However as it is only a sample, there will always be a level of sampling variability to any figures quoted. This margin of error can be large for analysis below Local Authority level, or for subsets of the data, for example when looking at particular social groups.

23. 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 on-line.

3.2 Administrative data

24. These are data derived from administrative processes that DWP collects to fulfill its objectives. Administrative data are 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 Jobcentre Plus, and New Deal participants).

25. The advantages of administrative data is that they are relatively cost effective, can be processed and published more quickly than surveys and will normally produce reliable data for small areas.

26. Due to the need to preserve claimant confidentiality, as well as to avoid promoting analysis that could be spurious, the amount of data we make available is controlled. DWP is seeking to provide additional administrative data where we can establish it is worthwhile doing so and meets these concerns. Indeed, we have recently identified an opportunity to produce new official statistics for small areas ("output areas"), as a direct result of data sharing pilot activity. These will be available in spring 2010.

3.3 Useful sites for accessing data that are already available

27. 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 also combined with these data to produce statistics at LSOA level are 'experimental'.

28. Local Authorities and their partners may find the following sites useful:

- An "A to Z" of all statistics published by DWP (ctrl + click).
- Local Authority and ward statistics for most major benefits are available from ONS Neighbourhood Statistics
  - There is also a Scottish Neighbourhood Statistics site www.sns.gov.uk
  - In Northern Ireland, you might wish to use http://www.ninis.nisra.gov.uk.
  - In Wales, you may wish to use 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 that they require 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 to allow for late claim starts and ends to be reflected in the figures.
- Where NOMIS does not provide a sufficient level of detail, an on-line tabulation tool has been developed by DWP that allows local partners to produce their own tables and analyses of DWP data. Information on New Deal programmes and Employment Zones are also published on the site. Please refer to the DWP Tabtool, and in particular Tabtool data on benefit claimants in Lower Super Output Areas.
- The General Register Office for Scotland (GROS) publish information about population and households http://www.gro-scotland.gov.uk/

29. Where the data you are seeking 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 cover 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.

30. As an alternative route to statistics from the sites above and elsewhere, Data4nr (Data for Neighbourhood Renewal) is a site that allows you to search for statistics by theme, and also to set criteria for the data you require, for example such as the level of geography you need.

4 How to assess if a data sharing request is worthwhile

31. This section describes the range of unpublished data that DWP possess, and contains advice on what it is legal for DWP to provide for each of the main categories of request for worklessness data.

4.1 Context for DWP data sharing

32. We live and work in an increasingly information based world where the customer and citizen has a right to expect that their information will be handled securely and for their benefit. They also increasingly expect those who hold their information to do more with it to reduce the burden on the customer and to get more in exchange for their information.

33. DWP protects the information that it holds by strict adherence to Data Protection Act principles ensuring that management and use of all customer information is lawful.

34. 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 this data, or the use to which it will be directed. (Some examples of how solutions have been developed to respond to specific and commonly-occurring requirements are provided in section 4.3).

35. In order to ensure that 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. DWP staff can provide advice on how to ensure that a proposed data share is possible from a DWP perspective, as and when you go through these procedures.

36. The rest of this section aims to help you to assess whether data sharing might be of benefit, and to assist with the preparation of an outline business case for discussion with DWP.

4.2 Unpublished data that DWP possesses

37. Before you consider whether to apply to DWP to share unpublished data, you should first familiarise yourself with the data DWP possess.

38. DWP has access to a range of other data which is not published, either because we have so much data that we cannot publish all of it as 'standard tables', 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 the personal data of these customers. 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 or the DWP Tabtool).
- **Jobcentre Plus' Labour Market System** – this is the 'live' database of all interactions with customers by Jobcentre Plus and contains the personal data of these customers.

39. Sometimes an anonymised version of a dataset can be produced for research purposes. Anonymised data does not contain National Insurance Numbers, names or addresses.

4.3 Potential uses of DWP unpublished data, and our advice

40. Uses that local partners might have for DWP's unpublished data will often fall into one of the five categories listed below.

4.3.1 To provide better intelligence for strategic and operational planning

41. For example, by enabling secondary analysis of claimant data for the purpose of spatial targeting, strategic planning or identifying 'hotspots'.

Advice:
In the light of the legal framework, we are not able to share postcodes, names or addresses of benefit recipients for these purposes. However, a reasonable amount of small area data is already available in published form, as set out in section 3 of this guide. This should enable most needs to be met with some success.

Through the recent data sharing pilot, we have identified the opportunity to develop a new official statistic that will provide more fine-grained information on benefit claimants than is currently available. These rounded data at 'Output Area' level will be available on the DWP website in spring 2010.

We may be able to provide additional data to meet specific needs through the submission of a business case. Sometimes we may need to round small area data to ensure that it is not disclosive, (i.e. that it cannot be used to identify individual claimants). At national level, we are considering what additional performance data might be made available to all local partnerships.

4.3.2 To support direct marketing and 'outreach' work

42. For example, to facilitate targeted direct marketing to local residents with specific characteristics, such as people on Lone Parents benefits. This direct marketing may be by letter or 'on the doorstep'.

Advice:

The Social Security Administration Act restricts our ability to share bulk social security data, such as the names and addresses of benefit recipients. (NB: potential uses of Housing Benefit/Council Tax Benefit data will be covered in a separate Guide to be released later in 2010).

However, we are able to make available very low level data ('Output Area' data) on the number of people claiming different benefits. This can allow a spatial area containing around 100-150 households , which contains a known concentration of people in a target client group, to be identified for a focused direct marketing approach.

In rare exceptions, where the former suggestion is not sufficient for the particular needs of a case, it may be worthwhile discussing the possibility of Jobcentre Plus sending out a mailshot to named individuals on behalf of local partners. However, this is at the discretion of the Jobcentre Plus District Manager, and will depend on the scale of the marketing exercise and capacity within local Jobcentre Plus.

4.3.3 To populate shared customer progression/tracking frameworks

43. For example, to enable a 'consortium' of local providers and/or support organisations to share data about an individual receiving a number of different interventions, or to facilitate monitoring and tracking of progression through a 'customer journey'.

Advice:
In the light of the legislative framework, we do not currently move bulk DWP/Jobcentre Plus data into a local/sub-regional database. DWP is considering the case for pursuing additional legislation that would facilitate bulk data sharing.

Therefore, as things currently stand, this will require partners to gather the required data directly from customers being supported and to gain appropriate consent for the onward share of this data within the partnership.

4.3.4 Eligibility checking

44. For example, to confirm that a person is eligible to take part in an initiative, or to ensure that providers are only paid for supporting customers that are claiming an out of work benefit.

Advice:

DWP is allowed by law to share data with Local Authorities to confirm eligibility for individuals to receive Housing Benefit and Council Tax Benefit. However, other types of eligibility checking may not be possible, (e.g. such as confirming if individuals are receiving out-of-work benefits without their consent). It is therefore advisable to consult with DWP about whether we are able to provide the data you may require for eligibility checking purposes before you implement the service. You can do this by contacting DWP at DSAM.IMD@DWP.GSI.GOV.UK. Please use the email Subject Line: "Data Sharing to Tackle Worklessness".

Where we are unable to confirm eligibility, DWP may be able to confirm the proportion of a batch of records supplied that meet certain eligibility criteria. For example, we may be able to confirm that "93% of the batch of records met your eligibility criteria for receipt of an out-of-work benefit". This 'batch validation' solution may, therefore, enable you to have greater confidence in paying a contractor for a batch of outputs. To take up this solution you would need to ensure that you have permission to legally pass the data to DWP in order for us to do this, and we may also need to charge for this service. However, unfortunately in this example we will not normally be able to tell you which customers in the batch 'failed' the eligibility test to enable targeted follow-up, as to do so could disclose individuals' social security information.

4.3.5 Research

45. For example, linking a local dataset to DWP or HMRC data to enable a more detailed analysis: such as to look at sustained employment outcomes in support of an evaluation of an initiative.

Advice:

The law is generally more permissive of data sharing to support research purposes. Furthermore it is often possible to successfully mitigate data-sharing risks by anonymising the data before sharing it, (e.g. where it is not important for the research that individuals can be identified).

DWP can produce anonymised National Insurance numbers that can be linked with other datasets anonymised using the same method. For example, this might be used to look at long-term employment outcomes as part of an evaluation of an ESF programme. (However, it must be legal for the applicant organisation to share this data with DWP in order for us to be able to link data).

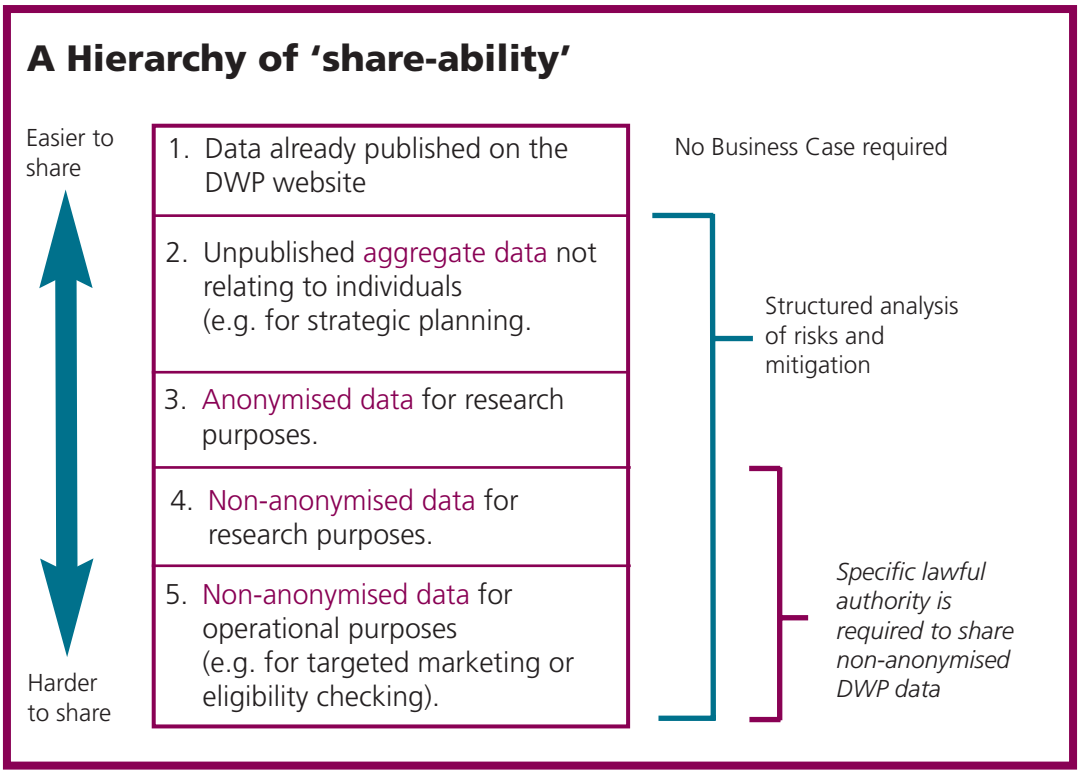
At present, all access to WPLS data (see Section 4.2) must currently take place within an appropriate DWP building, this access being legal when the service provider is operating under a contract to the DWP. Once a file has been sufficiently anonymised, it may be possible for this file to leave DWP premises (e.g. to be stored on a server on a University or Local Authority premises). We are working on a longer term project to see if we can allow secure remote access to data over the internet.

5 How to prepare a request and how to apply

46. This section is designed to support you in preparing to formally apply for data sharing.

5.1 A hierarchy of types of data shares

47. The diagram below is a simplified representation of the seriousness of risk that faces DWP when trying to share different classes of data.



48. All requests for types 2 to 5 in the diagram above will need to go through the Data Sharing and Access Management (DSAM) Protocol. This Protocol will ensure that the use of data is legal, and proportionate in terms of its costs and in terms of its benefit to the public. There may be a charge levied for access to DWP data to cover resource costs.

49. Irrespective of the general steer provided by the diagram, certain types of data sharing requests may not be legal for DWP to fulfil. The implication to draw from the diagram is that you should ask yourself whether it would be possible to achieve similar ends with a category of data that is 'easier' to obtain.

5.2 Developing a sound data sharing proposal

50. Local partners can be well prepared to follow the Data-Sharing and Access Management Protocol 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)

51. 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 **'data journey'** (with the number of 'links in the chain' designed so as to be kept to a minimum)
- 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.

Jargon Guide

Some key terms 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 – information such as a person's name, or other information about a living person from which they can be identified.
- 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.

5.3 Data sharing requests: do's and don'ts

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

53. In general terms:

    ✔ Do be precise about what data is required and how it will be used;

    ✔ Do tell us about the anticipated benefits of using the data;

    ✔ Do tell us how using the information in this way will help solve a problem.

54. Do 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:

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

55. Do 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 and 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 in some way.

5.4 How to apply for data sharing

56. The first step should be to involve an analyst (e.g. 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 these objectives. You should also seek to engage with local Jobcentre Plus colleagues in support of your objectives.

57. After these steps have been taken, if you would like to explore the possibility of DWP Data Sharing, please contact the DWP by email to DSAM.IMD@DWP.GSI.GOV.UK. Please use the email subject line "data sharing to tackle worklessness".

58. If possible, you should also try to identify a DWP 'policy sponsor' to help you through the data sharing process in advance of contacting the Department, as this may speed up our ability to respond.

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