



# THE ASSOCIATION OF ELECTORAL ADMINISTRATORS

## Formal response to the Better Use of Data Consultation Paper

### 1. INTRODUCTION

1.1. The Association of Electoral Administrators (AEA) was founded in 1987 and is the professional body representing the interests of electoral administrators in the United Kingdom. It is a non-governmental and non-partisan body and has some 1,866 members, the majority of whom are employed by local authorities to provide electoral registration and election services.

1.2. This paper sets out the AEA's views in relation to the questions raised in the consultation document published in February 2016.

1.3. The AEA's primary concern is about the effect of any proposed changes to the law which would impact on electoral registration and the administration of elections and which might arise as a result of the issues identified in the consultation paper. Any such changes would need to be carefully considered in terms of the practical implications and the way in which the changes would be introduced and administered.

1.4 The consultation paper in general does not cover electoral registration. However, we have responded to some of the questions in the consultation paper, where appropriate. However, paragraph 1 highlights that *proportionate secure and well-governed sharing of information between public authorities can improve the lives of citizens, support decision on the economy which allow our businesses to flourish, and improve the efficiency and effectiveness of the public sector*. Section 2 highlights two areas which requires legislation to allow public agencies to share personal data with other public agencies in specific contexts in order to improve the welfare of the individual in question. The AEA believes there is a third area which could be explored as part of this consultation paper and would support John Penrose MP, the Minister for Constitution Reform, in terms of his vision on the future of electoral registration. Individual electoral registration has recently been introduced and eligible residents can now register to vote online. However, whilst registration is available on line, legislation still requires numerous manual stages with household enquiry forms and invitations to register along with an annual household canvass. Whilst the Electoral Registration Officer (ERO) can access local authority records for data matching to identify potential new electors, access to other public data sources would assist the ERO in ensuring the

electoral register is complete and accurate. The Minister's vision for electoral registration aims to make electoral registration more efficient and to reduce bureaucracy and costs. It is therefore important that the work of the Minister in relation to his vision links into this programme given the objective of a complete and accurate register of electors along with the efficiencies which would be achieved with increased access to data held by public bodies. Such an approach would also make it easier for citizens to register to vote.

1.5 This approach is supported in paragraph 10 of the consultation paper which states "Public authorities are operating within a time of great spending restraint. As a result, there needs to be a shift to more collaborative ways of working between public authorities to improve the effectiveness of operations whilst driving down costs.....Greater data-enabled collaboration between public authorities can help ensure citizens receive the services they require....."

## **2. ANSWERS TO SPECIFIC QUESTIONS**

### **IMPROVING PUBLIC SERVICE DELIVERY**

#### **1. Are there any objectives that you believe should be included in this power that would *not meet* these criteria?**

No comment. However, the AEA believes that a new objective could be included which **would** meet the criteria set out, namely, the use of public data to ensure the register of electors is as complete and accurate as possible. This can be linked to paragraph 39 *section b: the facilitation of the provision of a benefit (whether or not financial) to individuals of a particular description*. At present, if an elector fails verification with DWP records at the application stage and the ERO fails to data match against local authority records, the potential elector has to provide documentary evidence before the ERO can register them to vote. Access to other public data records would increase the data sets available for the ERO to verify against which could mean that the elector becomes registered without having to provide the documentary evidence.

Paragraph 40 outlines two initial objectives set out in proposed legislation:

- automatic provision of fuel poverty assistance to those most in need, and
- improving the ability to identify families who would benefit from the Troubled Families programme.

Based on the above and looking at the future of electoral registration, this is an opportunity to make a radical change, namely, instead of EROs conducting an annual household canvass to compile the register of electors, electors could be registered automatically using reliable public data sources.

**2. Are there any public authorities that you consider would not fit under this definition?**

An Electoral Registration Officer (ERO) – the Representation of the People Act 1983 requires that each local authority appoints an officer of the council to be the registration officer. An ERO is not a public authority.

**3. Should non-public authorities (such as private companies and charities) that fulfil a public service function to a public authority be included in the scope of the delivering public services power?**

Yes - Access to public utility services data records such as electricity, gas, and water would assist EROs in ensuring all those residents who are eligible to register are registered to vote.

**4. Are these the correct principles that should be set out in the Code of Practice for this power?**

No comment.

**PROVIDING ASSISTANCE TO CITIZENS LIVING IN FUEL POVERTY**

**5. Should the Government share information with non-public sector organisations as proposed for the sole purpose of providing assistance to citizens living in fuel poverty?**

No comment.

**6. Would the provision of energy bill rebates, alongside information about energy efficiency support, be appropriate forms of assistance to citizens living in fuel poverty?**

No comment.

**7. Are there other forms of fuel poverty assistance for citizens that should be considered for inclusion in the proposed power?**

No comment.

**ACCESS TO CIVIL REGISTRATION TO IMPROVE PUBLIC SERVICE DELIVERY**

**8. Should a government department be able to access birth details electronically for the purpose of providing a public service, e.g. an application for child benefit?**

This principle already applies within the context of electoral registration when an applicant's name and national insurance number is checked against DWP

records as part of the verification process. Based on this principle, then a government department should be able to check birth details electronically. Whilst this data may not assist an ERO directly, access to those government records for example, DVLA records, TV licences and other public data could mean a person is verified and registered to vote by data matching against such records if the applicant fails at DWP verification. As above, this could mean that the applicant does not have to provide documentary evidence.

**9. Do you think bulk registration information, such as details of all deaths, should be shared between civil registration officials and specified public authorities to ensure records are kept up to date (e.g. to prevent correspondence being sent to families of a deceased person)?**

Yes. The Electoral Registration Officer receives data from their local registrar relating to deaths in their area so that the person is then removed from the register of electors which will prevent correspondence such of poll cards and postal votes for an election being sent to the deceased person. This also reduces the opportunity for electoral fraud.

#### **COMBATING FRAUD AGAINST THE PUBLIC SECTOR THROUGH FASTER AND SIMPLER ACCESS TO DATA**

**10. Are there other measures which could be set out in the Code of Practice covering the proposed new power to combat fraud to strengthen the safeguards around access to data by specified public authorities?**

No comment.

**11. It is proposed that the power to improve access to information by public authorities to combat fraud will be reviewed by the Minister after a defined period of time. This time will allow for pilots to be established and outcomes and benefits evaluated. How long should the Fraud gateway be operational for before it is reviewed?**

No comment.

#### **IMPROVING ACCESS TO DATA TO ENABLE BETTER MANAGEMENT OF DEBT OWED TO THE PUBLIC SECTOR**

**12. Which organisations should Government work with to ensure fairness is paramount when making decisions about affordability for vulnerable debtors who owe multiple debts?**

No comment.

**13. How can Government ensure the appropriate scrutiny so pilots under the power are effectively designed and deliver against the objectives of the power?**

No comment.

**14. It is proposed that the power to improve access to information by public authorities for the purpose of better managing debt owed to government will be reviewed by the Minister after a defined period of time. This time will allow for pilots to be established and outcomes and benefits evaluated. How long should the debt power be operational for before it is reviewed?**

No comment.

#### **ACCESS TO DATA WHICH MUST BE LINKED AND DE-IDENTIFIED USING DEFINED PROCESSES FOR RESEARCH PURPOSES**

**15. Should fees be charged by public authorities for providing data for research purposes, and if so should there be a maximum fee permitted which is monitored by the UK Statistics Authority?**

No comment in relation to fees for research purposes. However, the fees charged for the sale of the full and edited register of electors should be at a rate that reflects the costs of compiling and maintaining the register of electors. The current fees set out in legislation do not reflect this and local authorities are subsidising profit making companies with the sale of the register of electors.

**16. To ensure a consistent approach towards departments accepting or declining requests for disclosing information for research projects, should the UK Statistics Authority as the accreditation body publish details of rejected applications and the reasons for their rejection?**

No comment.

**17. What principles or criteria do you think should be used to identify research that has the potential for public benefit, or research that will not be in the public benefit?**

No comment.

#### **ACCESS BY UK STATISTICS AUTHORITY TO IDENTIFIED DATA FOR THE PURPOSE OF PRODUCING OFFICIAL STATISTICS AND RESEARCH**

**18. Is two years a reasonable maximum period of time for the duration of a notice for the supply of data to the UK Statistics**

**Authority for the purposes of producing National and official statistics and statistical research?**

Each ERO currently provides ONS statistics every year once the revised register of electors is published on 1 December. It is important that electoral management software suppliers are given sufficient notice of the data required. Once a new register of electors has been published each year, it will be difficult to obtain statistics from a previous register.

- 19. If your business has provided a survey return to the ONS in the past we would welcome your views on:**
- (a) the administration burden experienced and the costs incurred in completing the survey, and**

As a business, the AEA completes the earnings survey for the ONS each year. The survey only covers 2 employees so it may only take a couple of hours to find the information, complete the form and post it. However, for larger business organisations it would have implications.

- (b) ways in which the UK Statistics Authority should seek to use the new powers to further reduce the administrative burdens on businesses who provide data to the ONS for the purposes of producing National and other official statistics.**

Whilst the following comment does not relate to new powers, it would assist businesses if it was possible to complete the survey online.

- 20. What principles and factors should be considered in preparing the Code of Practice on matters to be considered before making changes to processes that collect, store, organise or retrieve data?**

No comment.

**John Turner  
Chief Executive**

**March 2016**

----- Forwarded message -----

From: **Kevin Lewis** [REDACTED]  
Date: 20 April 2016 at 16:11  
Subject: Better use of data - Consultation: Response  
To: "data-sharing@cabinetoffice.gov.uk" <data-sharing@cabinetoffice.gov.uk>

I have confined my responses to my areas of responsibility

Question 8.

The local authority through its registration service bears the burden of the cost of obtaining the information that is supplied to central government. The proposals will not reduce that burden and may result in a loss of income through parents having less reason to purchase certificates. Central government will have a saving. This should be recognised through the consolidated payment being re-introduced.

The government's desire to improve security and to counter fraud is vital. As part of this agenda if the electronic access is widened to include passport applications then the adverse impact on local authorities through loss of certificate income would be considerable whilst the cost of continuing secure records storage would remain the considerable burden.

Question 9.

The importance of bulk data sharing is demonstrated by the ineffectiveness of the current Tell Us Once service which by its voluntary nature leaves too many gaps in information supplied to local authorities. Local authorities need complete sets of birth and death data. This improves protection of vulnerable children, quicker response to families in poverty when a child is born, better establishment of school place requirements, avoids unnecessary distressing correspondence to the deceased's family, quicker response to the vulnerable when the family member who's the carer dies etc.

Local authorities have varied structures to deal with services including benefits, care & support it would be important to avoid over burdensome restrictions. Similarly many local authorities are moving towards Customer Relationship Management systems for efficiency. By placing too much restrict on with whom data can be shared within the local authority there would be an unintended burden. To allow data sharing with the relevant local authority would be sufficient. The importance of such understanding and issues demonstrates the need for proper engagement with the Local Registration Service in preparing the statutory code of practice.

Regards

Kevin Lewis

Kevin Lewis  
Head of Registration & Coronial Services  
Town Hall  
Leicester  
LE1 9BG





Data Sharing Policy Team,  
Cabinet Office  
Floor 6,  
Aviation House,  
London  
WC2B 6NH

15 April 2016

Dear policy team,

**Re: Better Use of Data Consultation**

We welcome the opportunity to respond to the consultation on the better use of data, specifically in relation to improving public services. NAHT represents more than 29,000 school leaders in early years, primary, secondary and special schools, making us the largest association for school leaders in the UK. We represent, advise and train school leaders in England, Wales and Northern Ireland. We use our voice at the highest levels of government to influence policy for the benefit of leaders and learners everywhere. Our new section, NAHT Edge, supports, develops and represents middle leaders in schools.

Our interest in this consultation centres on providing support to the most disadvantaged children in schools and academies, and the opportunity that data sharing from local authorities can bring to target support to children who often miss out. Pupils from families in receipt of certain benefits are entitled to a free school meal, and this entitlement also leads to the payment of pupil premium of up to £1320 for the school to target additional support to that child to improve their educational attainment. Both strategies, free school meals and pupil premium, can have a significant impact on improving a child's wellbeing and closing the gap between the achievements of pupils from disadvantaged backgrounds and their peers.

However, both policies rely on parents coming forward to claim their entitlement, and whilst this has always been problematic, with an estimated 10% of parents failing to claim, the introduction of free school meals for all infant children means that schools now really struggle to get parents to confirm their benefits status so that the school can access the pupil premium for their child.

Some local authorities have been proactive in supporting families in their area by sharing data with schools and academies about which families are in receipt of council or housing benefit, and therefore eligible for free school meals and therefore the pupil premium for their school age children. This is an example of joined up support for vulnerable families and we have been pressing the Department for Education to require all local authorities to take this approach so that children can benefit nationally. There has also been a private member's bill proposed by Frank Field with support from 126MPs that has advocated greater data sharing to support poorer children in this way.

The proposals set out in this consultation to use data more effectively to improve the delivery of public services would seem to offer an opportunity to make it clear that all local authorities could support free school meals and pupil premium in this way.

However, the key would be in the intention of clause 2(1) in the draft bill wording on Public Sector Delivery that "Personal information disclosed to a specified public authority under section 1 may only be used by that authority for the purposes for which it was disclosed".

For new claimants of council tax or housing benefit, a local authority could ask for their consent to share their data with their child's school in order to ensure that the child could receive additional support, but for the majority of families who made a claim some time ago, they would not have given explicit consent for their data to be used to provide a free school meal and/or additional funding to the school to support their child. These new provisions need to take a wider interpretation of consent: that a family has asked for financial help by applying for council tax or housing benefit and therefore other opportunities to offer financial help ( via the saving from a free school meal) should be implied in that initial consent.

This will need to be addressed in relation to the explicit objectives already identified in the draft bill: a family applying for benefits has not given explicit consent for the DWP to share their data with their energy supplier but to do so will provide them with further financial help. If this can be addressed in sharing data with private companies, it should be possible to do so in sharing with schools and academies.

Our detailed responses to the four questions on improving public services are attached for your review but overall, NAHT believe that the proposals outlined in the bill offer an opportunity to improve the educational and life chances of the poorest children in society and it is critical that the development of the legislation allows this better use of data to be support families to access free school meals and pupil premium interventions.

We hope that our comments are helpful but that you will not hesitate to contact us should you require any clarification on any of the points made.

Yours sincerely

Valentine Mulholland  
Policy Adviser

cc: Sam Gyimah, Under Secretary of State for Childcare and Education

## **NAHT Response to consultation questions on improving public service delivery**

### ***1. Are there any objectives that you believe should be included in this power that would not meet these criteria?***

Our interest in this consultation centres on providing support to the most disadvantaged children in schools and academies, and the opportunity that data sharing from local authorities can bring to target support to children who often miss out. Pupils from families in receipt of certain benefits are entitled to a free school meal, and this entitlement also leads to the payment of pupil premium of up to £1320 for the school to target additional support to that child to improve their educational attainment. Both strategies, free school meals and pupil premium, can have a significant impact on improving a child's wellbeing and closing the gap between the achievements of pupils from disadvantaged backgrounds and their peers.

However, both policies rely on parents coming forward to claim their entitlement, and whilst this has always been problematic, with an estimated 10% of parents failing to claim, the introduction of free school meals for all infant children means that schools now really struggle to get parents to confirm their benefits status so that the school can access the pupil premium for their child.

Some local authorities have been proactive in supporting families in their area by sharing data with schools and academies about which families are in receipt of council or housing benefit, and therefore eligible for free school meals and therefore the pupil premium for their school age children. This is an example of joined up support for vulnerable families and we have been pressing the Department for Education to require all local authorities to take this approach so that children can benefit nationally. There has also been a private member's bill proposed by Frank Field with support from 126 MPs that has advocated greater data sharing to support poorer children in this way.

NAHT would therefore like to see the objective to identify pupils who can benefit from free school meals and pupil premium support added to the draft bill as proposed legislation and the legislation developed to allow this to be implemented.

These policy proposals would seem to offer an opportunity to make it clear that all local authorities could support free school meals and pupil premium in the way we have described. However, the key would be in the intention of clause 2(1) in the draft bill wording on Public Sector Delivery that "Personal information disclosed to a specified public authority under section 1 may only be used by that authority for the purposes for which it was disclosed".

It is unclear to us from this wording whether this would act as a barrier to extending the policy in the way we are advocating. For new claimants of council tax or housing benefit, a local authority could ask for their consent to share their data with their child's school in order to ensure that the child could receive additional support, but for the majority of families who made a claim some time ago, they would not have given explicit consent for their data to be used to provide a free school meal and/or additional funding to the school to support their child. These new provisions need to take a wider interpretation of consent: that a family has asked for financial help by applying for council tax or housing benefit and therefore other opportunities to offer

financial help ( via the saving from a free school meal) should be implied in that initial consent.

This will need to be addressed in relation to the explicit objectives already identified in the draft bill: a family applying for benefits has not given explicit consent for the DWP to share their data with their energy supplier but to do so will provide them with further financial help. If this can be addressed in sharing data with private companies, it should be possible to do so in sharing with schools and academies.

There may be the case to consider whether there is any scope within the context of safeguarding to be able to bring in those families / children who applied for council tax etc. a long time ago even without their direct consent? It could be argued that issues of unfair lack of entitlement arise – a suggestion that pupil's safeguarding would be under threat without enabling them the same access to potential supportive funding. The own safeguarding definition sets out that – *'Safeguarding is a term which is broader than 'child protection' and relates to the action taken to promote the welfare of children and protect them from harm. Safeguarding is everyone's responsibility. Safeguarding is defined in Working together to safeguard children 2013 as:*

- *protecting children from maltreatment*
- *preventing impairment of children's health and development*
- *ensuring that children grow up in circumstances consistent with the provision of safe and effective care and*
- **taking action to enable all children to have the best outcomes**

To extend this policy to this objective is entirely consistent with the stated aims of the policy and we would ask Cabinet Office to give this serious consideration.

**2. Are there any public authorities that you consider would not fit under this definition?**

This definition that a public authority is 'a person who exercises functions of a public nature' would seem broad enough, although in the current Schedule, we would suggest the addition of unitary authorities and metropolitan borough councils, both types of local authority omitted from the current list but of interest to our data sharing objective as they could share data with schools and academies.

In terms of considering what public authorities could receive shared data, this definition would be broad enough to include all publically funded schools, whether local authority maintained or academies. It is critical to support the policy of data sharing on entitlement for free school meals that schools and academies are able to receive public data.

**3. Should non-public authorities (such as private companies and charities) that fulfil a public service function to a public authority be included in the scope of the delivering public services power?**

This would seem sensible in order to maximise the benefit of these provisions as so much public service is now outsourced to private companies.

**4. Are these the correct principles that should be set out in the Code of Practice for this power?**



The principles seem a little too broad and would benefit from greater detail about what each Code of Practice should cover.

## Responding to the consultation

### Your details

To evaluate responses properly, we need to know who is responding to the consultation and in what capacity.

We will publish our evaluation of responses. Please note that we may publish all or part of your response unless you tell us (in your answer to the confidentiality question) that you want us to treat your response as confidential. If you tell us you wish your response to be treated as confidential, we will not include your details in any published list of respondents, although we may quote from your response anonymously.

Name (optional):

John Kolm-Murray

Position (optional):

Seasonal Health & Affordable Warmth Co-ordinator

Organisation name:

London Borough of Islington

Address:

Highways & Energy Services

1 Cottage Road

London N7 8TP

Email:

[REDACTED]

Telephone (optional):

[REDACTED]

**Would you like us to treat your response as confidential?\***

If you answer yes, we will not include your details in any list of people or organisations that responded to the consultation.

Yes  No

**Is this a personal response or an official response on behalf of your organisation?**

Personal response

Official response

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**If you ticked “Official response”, please respond accordingly:**

**Type of responding organisation\***

Business

Charity

Local authority

Central government

Wider public sector (e.g. health bodies, schools and emergency services)

University or other higher education institution

Other representative or interest group (please answer the question below)

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**Type of representative group or interest group**

Union

Employer or business representative group

Subject association or learned society

Equality organisation or group

School, college or teacher representative group

Other (please state below)

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**Nation\***

England

Wales

Northern Ireland

Scotland

Other EU country: \_\_\_\_\_

Non-EU country: \_\_\_\_\_

**How did you find out about this consultation?**

Gov.uk website

Internet search

Other

\_\_\_\_ Informed by colleague in another local authority \_\_\_\_\_

**May we contact you for further information?**

Yes  No



## Questions

### Improving public service delivery

**Question one: Are there any objectives that you believe should be included in this power that would not meet these criteria?**

No

Yes

If yes, please explain your reasons.

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**Question two: Are there any public authorities that you consider would not fit under this definition?**

No

Yes

If yes, please explain your reasons:

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**Question three: Should non-public authorities (such as private companies and charities) that fulfil a public service function to a public authority be included in the scope of the delivering public services power?**

Strongly agree

Agree

Neither agree nor disagree

Disagree

Strongly disagree

Please explain your reasons:

Non-public sector authorities should be included in the scope of the power, but only where they are providing services directly on behalf of a public authority and the data use is tightly controlled and relevant to the service they are providing.

**Question four: Are these the correct principles that should be set out in the Code of Practice for this power?**

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Please explain your reasons:

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**Providing assistance to citizens living in fuel poverty**

**Question five: Should the government share information with non-public sector organisations as proposed for the sole purpose of providing assistance to citizens living in fuel poverty?**

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Please explain your reasons:

.....We support government sharing information with energy companies for the purposes of ensuring that eligible households receive the Warm Home Discount. The current nature of the process for securing this discount is problematic in the requirement of households to not only actively apply but to do so in time so we

support moves to make the process more equitable.....

**Question six: Would the provision of energy bill rebates, alongside information about energy efficiency support, be appropriate forms of assistance to citizens living in fuel poverty?**

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Please explain your reasons:

...In principle facilitating the provision of energy efficiency support is a valid justification for using data however we are concerned that data such as Energy Performance Certificate (EPC) information is not of a high quality. It is often inaccurate and constitutes an incomplete record as long-standing occupants of homes and a significant number of private tenants live in homes that do not have EPCs. Additionally, where EPCs exist in social housing they may have been cloned from supposedly similar dwellings in the same block. We request that the government consult further before using particular data sets.....

**Question seven: Are there other forms of fuel poverty assistance that should be considered for inclusion in the proposed power?**

- Yes
- No

If yes, please explain your reasons:

In addition to the Warm Home Discount and supplier obligation funding for energy efficiency, there are a number of other forms of assistance that can help fuel poor households. We would prefer that many of these be delivered (directly or through commissioned services) by local authorities rather than energy companies but this would be facilitated by access to the same data that is proposed to be shared with energy companies.

The affordable warmth services that local authorities can provide or commission include:

- Advice and support in switching to cheaper energy tariffs
- Improving the energy efficiency of their homes by accessing assistance beyond or additional to the supplier obligation
- Advice and support on water efficiency
- Income maximisation services
- Negotiating with energy and water suppliers over debts
- Advising on the best use of heating controls and general home management for reduced energy or water costs
- Advice on how to avoid the health risks of living in cold, damp homes
- Advice and information on heating repairs
- Access to support in times of crisis e.g. temporary heating or emergency prepayment meter credit
- Recruitment to energy and water companies' vulnerable customer registers

Islington's own Seasonal Health Intervention Network (SHINE) delivers all of the above services – and more - and has helped 11,000 vulnerable households since December 2010. Access to data would help us deliver and even better service.

Whilst we have misgivings about the quality of Energy Performance Certificate data free and regular access to this information would allow comparison with other data sets to allow a more precise targeting on the ground of vulnerable energy consumers.

It is widely acknowledged that prepayment meter customers are particularly reluctant to switch suppliers and may not even be aware that they can switch. Such customers may also have debt that prevents them switching supplier and resultant negative relationships with energy suppliers. Information on prepayment meter users would allow us to target these households for switching services and debt relief support where necessary.

#### **Access to civil registration information to improve public service delivery**

**Question eight: Should a government department be able to access birth details electronically for the purpose of providing a public service, e.g. an application for child benefit?**

- ( ) Strongly agree
- ( ) Agree
- ( ) Neither agree nor disagree
- ( ) Disagree
- ( ) Strongly disagree

Please explain your reasons:

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**Question nine: Do you think bulk registration information, such as details of all deaths, should be shared between civil registration officials and specified public authorities to ensure records are kept up to date (e.g. to prevent correspondence being sent to a deceased person)?**

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Please explain your reasons:

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.....  
.....

**Combating fraud against the public sector through faster and simpler access to data**

**Question ten: Are there other measures which could be set out in the Code of Practice covering the proposed new power to combat fraud to strengthen the safeguards around access to data by specified public authorities?**

- Yes
- No

Please explain your reasons:

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**Question eleven: It is proposed that the power to improve access to information by public authorities to combat fraud would be reviewed by the Minister after a defined period of time. This time will allow for pilots to be established and outcomes and benefits evaluated. How long should the fraud gateway be operational for before it is reviewed?**

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**Improving access to data to enable better management of debt owed to the public sector**

**Question twelve: Which organisations should government work with to ensure fairness is paramount when making decisions about affordability for vulnerable debtor who owe multiple debts?**

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**Question thirteen: How can Government ensure the appropriate scrutiny so pilots under the power are effectively designed and deliver against the objectives of the power?**

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**Question fourteen: It is proposed that the power to improve access to information by public authorities to combat fraud would be reviewed by the Minister after a defined period of time. This time will allow for pilots to be established and outcomes and benefits evaluated. How long should the fraud gateway be operational for before it is reviewed??**

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**Access to data which must be linked and de-identified using defined processes for research purposes**

**Question fifteen: Should fees be charged by public authorities for providing data for research purposes, and if so should there be a maximum fee permitted which is monitored by the UK Statistics Authority?**

Yes

No

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**Question sixteen: To ensure a consistent approach towards departments accepting or declining requests for disclosing information for research projects, should the UK Statistics Authority as the accreditation body publish details of rejected applications and the reasons for their rejection?**

Yes  No

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**Question seventeen: What principles or criteria do you think should be used to identify research that has the potential for public benefit, or research that will not be in the public benefit?**

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**Access by UK Statistics Authority to identified data for the purpose of producing official statistics and research**

**Question eighteen: Is two years a reasonable maximum period of time for the duration of a notice for the supply of data to the UK Statistics Authority for the purposes of producing National and official statistics and statistical research?**

Yes

No

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**Question nineteen: If your business has provided a survey return to the ONS in the past we would welcome your views on:**

**a) the administration burden experienced and the costs incurred in completing the survey**

.....  
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**b) ways in which the UK Statistics Authority should seek to use the new powers to further reduce the administrative burdens on businesses who provide data to the ONS for the purposes of producing National and other official statistics**

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**Question twenty: What principles and factors should be considered in preparing the Code of Practice on matters to be considered before making changes to the processes that collect, store, organise or retrieve data?**

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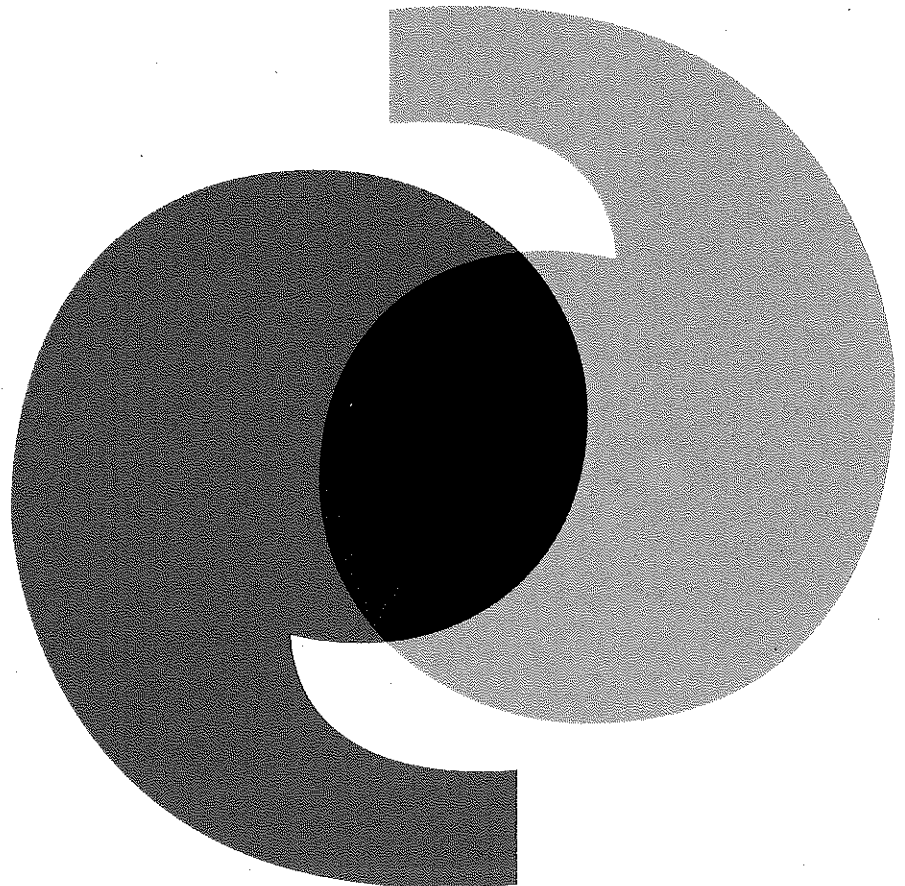




# **Healthwatch England response to the Cabinet Office, the Rt Hon Matt Hancock MP and Government Digital Service consultation: Better use of data in Government**

Submitted by Healthwatch England

21st April 2016





## Introduction

Healthwatch was formed as part of the 2012 reforms that set out the Government's ambition to put people at the heart of health and social care. Healthwatch England is the national consumer champion for people using health and social care services and there is a local Healthwatch in every local authority area in England. Healthwatch is unique in that its sole purpose is to understand the needs, experiences and concerns of people who use health and social care services.

We have a particular interest in how the public is involved and consulted on the topic of personal data because people have told local Healthwatch that they are concerned about the information held about them, how it is collected, who has permission to use it, the purposes for which it is used, and how and when it is disposed of. We believe our learning on the use of health and social care data, which has built on the work of local Healthwatch in areas like Essex and Hampshire, may be of relevance to your work on making better use of data in Government.

We recognise the potential benefits of data sharing for medical, research and service improvement purposes. However, it is critical that the right safeguards are in place so that the public are informed about how and with whom their data is shared, under what circumstances this happens, and that the public have access to their records and are listened to when they express concerns.

Research has shown that people are broadly in favour of the idea of becoming 'data donors' as long as these safeguards are in place and your work on defining better uses of data in Government could play a useful role in ensuring people's concerns are addressed.

From our previous work on exploring public attitudes to information sharing initiatives we recognise the importance of ensuring public trust for the success of such initiatives. In order to increase public trust in information sharing initiatives, Healthwatch England has developed the following 10 principles for information sharing:

1. People should be able to access their own health and social care data and records to see what the system has collected and who they are sharing it with.
2. Data should be collected and shared in a manner that does not unjustifiably compromise people's anonymity, safety or treatment.
3. Collecting and sharing data should not be used to justify treating people on an unequal basis with others.
4. Data collection and sharing should not have an impact on a person's wellbeing by, for example, causing them additional anxiety or distress.
5. People should be provided with all the information they require about any other data sharing initiative, to make an informed choice about whether they want to opt in or out.
6. Frontline professionals should be upfront and honest about the benefits and disadvantages of opting in or out of data sharing initiatives.
7. If an opt-out is offered, it should be a genuine option (i.e. not overly burdensome) and people must be informed about the restrictions and limitations of this option.
8. If someone raises a concern or makes a complaint about the collection or sharing of their records, this should be taken seriously and staff must take immediate action to



- address the concern and, if it relates to a breach of confidentiality, put safeguards in place to restore the person's anonymity.
9. People should be able to opt out of data sharing initiatives later if they change their mind about the programme in future.
  10. People should be offered an opportunity to get involved in local decisions about whether or not records are shared in data sharing initiatives.

We believe that these ten principles may be a helpful starting point when defining better uses of data in the Government.

## Point A - Improving Public Services

***Question one: Are there any objectives that you believe should be included in this power that would not meet these criteria?***

Healthwatch England welcomes the recognition of the need to establish an extra layer of protection for health and care data, due to the sensitivity of this type of information. Any work in establishing extra protection for health and care data should be based on the principles defined in the Data Protection Act and in the Caldicott reports<sup>1,2</sup> and the work currently being undertaken by Dame Fiona.

We know that the public are broadly in favour of the idea of becoming 'data donors' as long as safeguards are in place. For example, two thirds of people we polled said they would be happy for their records to be shared to help improve care as long as the information was anonymised. The work on defining better uses of data in Government could play a useful role in ensuring people's concerns are addressed.

The creation of a single gateway to enable public authorities to share personal data for tightly constrained reasons could be a step towards a more coherent way of managing personal data in the Government. However, it will be paramount to define who will be accountable and responsible for the data, who can access it, and who will communicate this to the public. Our research has shown that only 39% of members of the public understand how the NHS is protecting personal data and who can access it. Similarly, only 20% of members of the public feel they are informed about Government's plan to use their data for public good<sup>3</sup>.

***Question three: Should non-public sector bodies (such as private companies and charities) that fulfil a public service function to a public authority be included in the scope of the public service delivery power?***

We recognise that leaving non-public sector bodies that fulfil a public service function outside of the scope of the public service delivery power could undermine the potential impact of the development of such a power. However, if non-public sector bodies were to be included within the scope of this power without undermining public trust, it would be important to clearly define the purposes for which those organisations would be able to use the power. Any such organisations should then only be able to receive relevant data for clearly defined purposes relating to the delivery of the power.

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<sup>1</sup> Department of Health (1997) "The Caldicott Report".

<sup>2</sup> Department of Health (2013) "The Information Governance Review: To Share or Not to Share".

<sup>3</sup> Poll based on an online population of 2071 respondents in England run via YouGov on 23rd and 24th of March 2015.



***Question four: Are these the correct principles that should be set out in the Code of Practice for this power?***

Healthwatch's ten principles on information sharing initiatives could prove to be a useful starting point in defining other areas to be included in the Code of Practice.

***Question five: Should the Government share information with non-public sector organisations as proposed for the sole purpose of providing assistance to citizens living in fuel poverty or for any other reason?***

Our research has found that almost half of the people we asked are worried that their data might be sold to third party companies, and over half said they were worried that, if they agreed to share their personal health data with third parties now, they may regret it later. The Government may therefore think carefully about whether it should be able to share information with non-public sector organisations.

***Question nine: Do you think bulk registration information, such as details of all deaths, should be shared between civil registration officials and specified public authorities to ensure records are kept up to date (e.g. to prevent correspondence being sent to families of a deceased person)?***

People have reported that it is upsetting to receive information addressed to a deceased person, despite having informed organisations of the individual's death. The public may therefore welcome better information sharing between civil registration officials and public authorities in relation to information about deaths.

## Responding to the consultation

### Your details

To evaluate responses properly, we need to know who is responding to the consultation and in what capacity.

We will publish our evaluation of responses. Please note that we may publish all or part of your response unless you tell us (in your answer to the confidentiality question) that you want us to treat your response as confidential. If you tell us you wish your response to be treated as confidential, we will not include your details in any published list of respondents, although we may quote from your response anonymously.

Name (optional):

Position (optional):

Organisation name:

The Private Housing Officers' Group

Address:

PHOG Secretariat, c/o First Floor, Civic Centre 4, Much Park Street, Coventry, CV1 2PY

Email:

Telephone (optional):

### Would you like us to treat your response as confidential?\*

If you answer yes, we will not include your details in any list of people or organisations that responded to the consultation.

Yes  No

**Is this a personal response or an official response on behalf of your organisation?**

- Personal response
  - Official response
- 

**If you ticked “Official response”, please respond accordingly:**

**Type of responding organisation\***

- Business
  - Charity
  - Local authority
  - Central government
  - Wider public sector (e.g. health bodies, schools and emergency services)
  - University or other higher education institution
  - Other representative or interest group (please answer the question below)
- 

**Type of representative group or interest group**

- Union
- Employer or business representative group
- Subject association or learned society
- Equality organisation or group
- School, college or teacher representative group
- Other (please state below)

PHOG’s primary focus is the owner occupied and privately rented housing sectors in England. Poor quality homes and their health impacts is a particular area of interest for the group, which seeks to ensure that housing policy responses meet the needs of vulnerable and low income households.

PHOG members are drawn from nineteen local authorities in England, the Chartered Institute of Environmental Health, the Chartered Institute of Housing, Care and Repair England and Foundations.

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**Nation\***

- England
- Wales
- Northern Ireland
- Scotland
- Other EU country: \_\_\_\_\_
- Non-EU country: \_\_\_\_\_

**How did you find out about this consultation?**

- Gov.uk website
- Internet search
- Other

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**May we contact you for further information?**

- Yes  No

## Questions

### Improving public service delivery

**Question one: Are there any objectives that you believe should be included in this power that would not meet these criteria?**

No

Yes

If yes, please explain your reasons.

The purposes for which information may be disclosed, as described in a) – c) of paragraph 39, are considered to be appropriate.

Local authority affordable warmth services, provided as a consequence of accessing the same Government data released to energy companies, can fulfil each of the purposes set out in a) – c).

Better outcomes will be achieved under a) – c) if local authorities are able to provide affordable warmth services to enhance the limited help that can be provided by the energy companies.

**Question two: Are there any public authorities that you consider would not fit under this definition?**

No

Yes

If yes, please explain your reasons:

Local authorities will clearly fit under the definition of public authority. PHOG doesn't have a view on public authorities that won't fit under the definition.

**Question three: Should non-public authorities (such as private companies and charities) that fulfil a public service function to a public authority be included in the scope of the delivering public services power?**

Strongly agree

Agree

Neither agree nor disagree

Disagree



Strongly disagree

Please explain your reasons:

Yes, non-public sector bodies should be included in the scope of the power, but only where i) they are providing services directly on behalf of a public authority, and ii) the data use is tightly controlled and relevant to the service they are providing.

**Question four: Are these the correct principles that should be set out in the Code of Practice for this power?**

Strongly agree

Agree

Neither agree nor disagree

Disagree

Strongly disagree

Please explain your reasons:

The points set out in a) – c) of paragraph 44 are supported by PHOG.

**Providing assistance to citizens living in fuel poverty**

**Question five: Should the government share information with non-public sector organisations as proposed for the sole purpose of providing assistance to citizens living in fuel poverty?**

Strongly agree

Agree

Neither agree nor disagree

Disagree

Strongly disagree

Please explain your reasons:

The proposal to widen the delivery of automatic WHD rebates is supported in principle. Data sharing by Government with non-public sector organisations must be specifically limited to WHD obligated energy companies, and robust controls must be applied to ensure that the purpose is limited to assisting fuel poor households with prescribed support. The data provided must not be used for other marketing purposes or cross-selling by the energy companies or their agents.

Paragraph 48 suggests that there will also be an opportunity to also prioritise assistance for householders living in colder homes, and it is presumed that this refers to the use of EPC data. There are some issues with EPCs that need to be taken into account, as they could affect the reliability of this approach:

- There are inherent weaknesses in the methodology used to produce an EPC rating.
- Some EPC ratings are inaccurate due to surveyor errors.
- Energy efficiency improvements may have been made to homes since their EPCs were produced.
- There are significant numbers of homes that don't have EPCs because i) they haven't been sold or let since 2008, or ii) they are excluded from the requirement for an EPC (e.g. houses in multiple occupation), or iii) the owner has opted-out of making the EPC details available on the Landmark register, or iv) the landlord hasn't obtained an EPC because of deliberate intent or through ignorance of the requirements.

Tenants living in the private rented sector will be particularly disadvantaged if there is a reliance on EPC data to prioritise householders living in colder homes.

**Question six: Would the provision of energy bill rebates, alongside information about energy efficiency support, be appropriate forms of assistance to citizens living in fuel poverty?**

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Please explain your reasons:

The provision of WHD energy bill rebates provided by obligated energy companies will make a small but positive difference to the lives of fuel poor households.

Information about energy efficiency improvements available from the energy companies under the Energy Company Obligation (ECO) would be a more sustainable means of alleviating a householder's fuel poverty.

Whilst it makes sense for obligated energy companies to inform householders about ECO assistance at the same time that they are approached about WHD, there are major problems with ECO that will mean that not all fuel poor householders who need insulation and heating improvements will be able to get them. The problems include:

- Successive Government policy changes to ECO since 2012 have substantially reduced the amount of insulation and heating work that energy companies are required to fund now.
- The 'stop-start' nature of ECO delivery by the energy companies. As soon as a company reaches its annual target, it stops providing help.
- Minimum owner contributions of £250 are routinely required by the energy companies and their contractors for the Home Heating Cost Reduction Obligation (HHCRO) element of ECO. Given that households have to be in receipt of benefits to qualify for HHCRO in the first place, this is a disincentive.
- ECO is not an entitlement and whether an individual household gets help is entirely at the discretion of the energy companies. Energy companies and their contractors selectively 'cherry-pick' lower cost properties in preference to higher cost ones.

For these reasons, provision needs to be made for local authorities to also contact the householders that will automatically receive their WHD rebate. This will enable them to provide details about other local or national schemes that will either fill the gaps in ECO provision, or will supplement ECO with additional help.

**Question seven: Are there other forms of fuel poverty assistance that should be considered for inclusion in the proposed power?**

Yes

No

If yes, please explain your reasons:

In addition to the WHD and ECO, there are a number of other forms of assistance that can help fuel poor households. PHOG strongly recommends that these other forms of assistance should not be delivered by the energy companies, but instead they should be delivered by local authorities.

To do this, the local authorities will need to have the option of accessing the same Government data that is to be shared with the energy companies, so that they can then contact the fuel poor households if they wish to provide affordable warmth services to them. The affordable warmth services that local authorities can provide include:

- Advice and support in switching to cheaper tariffs to reduce fuel costs.
- Improving the energy efficiency of their homes by accessing assistance to upgrade insulation and heating.
- Help to ensure all due benefits are being claimed.
- Negotiating with energy suppliers over fuel debts.
- Advising on the best use of heating controls, and on changes to how the occupants live in their home to keep warm at less cost.
- Advice on how to avoid the health risks of living in a cold home.
- Help to repair broken boilers.
- Access to shortterm emergency support in times of crisis (e.g. temporary heaters or short-term credit for heating costs).

Legislating to give local authorities the option to access to the Government data would be consistent with the way that they are already able to access the Government's bulk Energy Performance Certificate (EPC) data held by Landmark. It will also help local authorities to fulfil their responsibilities under the Home Energy Conservation Act 1995, and will contribute to meeting the recommendations made by the National Institute for Health and Care Excellence (NICE) in its guideline 'Excess winter deaths and illness and the health risks associated with cold homes'.

The NICE guideline was published in March 2015, and amongst other things it recommends that:

- Health and Wellbeing Boards should develop a strategy that includes i) identifying people whose health is at risk from cold homes, and ii) providing a tailored programme of year-round assistance.
- Local authorities, primary health and home care practitioners should collaborate to use data, professional contacts and knowledge to identify people who live in cold homes.

**Questions eight - twenty: PHOG has not responded to these questions as they are outside the group's remit.**

**Access to civil registration information to improve public service delivery**

**Question eight: Should a government department be able to access birth details electronically for the purpose of providing a public service, e.g. an application for child benefit?**

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Please explain your reasons:

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**Question nine: Do you think bulk registration information, such as details of all deaths, should be shared between civil registration officials and specified public authorities to ensure records are kept up to date (e.g. to prevent correspondence being sent to a deceased person)?**

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Please explain your reasons:

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**Combating fraud against the public sector through faster and simpler access to data**

**Question ten: Are there other measures which could be set out in the Code of Practice covering the proposed new power to combat fraud to strengthen the safeguards around access to data by specified public authorities?**

Yes

No

Please explain your reasons:

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**Question eleven: It is proposed that the power to improve access to information by public authorities to combat fraud would be reviewed by the Minister after a defined period of time. This time will allow for pilots to be established and outcomes and benefits evaluated. How long should the fraud gateway be operational for before it is reviewed?**

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**Improving access to data to enable better management of debt owed to the public sector**

**Question twelve: Which organisations should government work with to ensure fairness is paramount when making decisions about affordability for vulnerable debtor who owe multiple debts?**

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**Question thirteen: How can Government ensure the appropriate scrutiny so pilots under the power are effectively designed and deliver against the objectives of the power?**

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**Question fourteen: It is proposed that the power to improve access to information by public authorities to combat fraud would be reviewed by the Minister after a defined period of time. This time will allow for pilots to be established and outcomes and benefits evaluated. How long should the fraud gateway be operational for before it is reviewed??**

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**Access to data which must be linked and de-identified using defined processes for research purposes**

**Question fifteen: Should fees be charged by public authorities for providing data for research purposes, and if so should there be a maximum fee permitted which is monitored by the UK Statistics Authority?**

Yes

No

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**Question sixteen: To ensure a consistent approach towards departments accepting or declining requests for disclosing information for research projects, should the UK Statistics Authority as the accreditation body publish details of rejected applications and the reasons for their rejection?**

Yes  No

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**Question seventeen: What principles or criteria do you think should be used to identify research that has the potential for public benefit, or research that will not be in the public benefit?**  
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**Access by UK Statistics Authority to identified data for the purpose of producing official statistics and research**

**Question eighteen: Is two years a reasonable maximum period of time for the duration of a notice for the supply of data to the UK Statistics Authority for the purposes of producing National and official statistics and statistical research?**

Yes

No  
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**Question nineteen: If your business has provided a survey return to the ONS in the past we would welcome your views on:**

**a) the administration burden experienced and the costs incurred in completing the survey**  
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**b) ways in which the UK Statistics Authority should seek to use the new powers to further reduce the administrative burdens on businesses who provide data to the ONS for the purposes of producing National and other official statistics**  
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**Question twenty: What principles and factors should be considered in preparing the Code of Practice on matters to be considered before making changes to the processes that collect, store, organise or retrieve data?**

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## **Sunderland City Council Intelligence Hub Case Study: Strengthening Families**

As an organisation, we have access to a wealth of data about our customers and communities but we have lacked the capability – the skills, the tools and the technology – to convert this information into meaningful and actionable insight for decision makers.

Since September 2014, the Council has been working to develop the concept of an 'Intelligence Hub' for Sunderland – a new approach to sharing, integrating, and analysing the data and information we have in order to plan and organise services in a more effective way.

'Strengthening Families' is the approach Sunderland City Council and other agencies in the city have adopted in relation to working with all families who require additional support from early help and other services, including but not limited to those families eligible for the government's Troubled Families programme. Existing mechanisms for linking, analysing and sharing information are extremely time-consuming and resource intensive and the urgent need for a better solution was recognised.

Identifying and supporting families at risk of experiencing adverse outcomes is seen as an area where more effective use of data could make a real difference in terms of improving quality of life and reducing public sector spend. As such, Strengthening Families was selected as an early project through which to pilot the Council's new Intelligence Hub approach.

The Council has achieved the following key outcomes through the Strengthening Families rapid adopter:

- Identifying and prioritising families would most benefit from intervention, without having to rely on referrals
- Providing a holistic view of the whole family (the '360 degree view') and the services involved to assist practitioners in creating and coordinating a tailored package of support via new and innovative 'dashboard' tools. This allows colleagues including frontline practitioners to be able to see a whole family journey at a glance.
- Providing Strengthening Families Panels with an automated intelligence sheet for each family which includes data collated across a range of agencies. This saves a considerable amount of preparation time required by Panel Members
- Tackling barriers to information sharing by allowing agencies and practitioners to have different and appropriate levels of access to information about the same family

Through this approach the Council is able to:

- Make better informed, faster decisions as to the interventions individual families may require
- Track the progress of families across a broad range of outcomes to enable decision makers to understand the impact and performance of individual services.
- Understand risk triggers to support the development of risk stratification tools and risk flags, to enable services to take action at the earliest opportunity

This has been delivered due to the Information Sharing Agreement in place, which was given by DCLG as a legal gateway for information sharing across partners. A national direction was welcomed; as it allowed conversations between partners to be facilitated within the context of 'there is a legal gateway' and it's the right thing to do for individuals and their families. In addition, a

\*\*Currently agencies meet for several hours each week, bringing a manual trawl of the information they hold about the families to be discussed. The Panel Intelligence document provides an automated solution to this and panel members will be able to access the 360 degree view so that everyone has a full understanding of each family's needs before coming together (notwithstanding the need to ensure the appropriate access safeguards are in place).

'consent to participate' model is applied where the key worker closest to the family in question covers issues of data sharing for the delivery of Strengthening Families at the outset.

**Cabinet Office: Better Use of Data Consultation**  
**22.04.16**

**\*\*Currently agencies meet for several hours each week, bringing a manual trawl of the information they hold about the families to be discussed. The Panel Intelligence document provides an automated solution to this and panel members will be able to access the 360 degree view so that everyone has a full understanding of each family's needs before coming together (notwithstanding the need to ensure the appropriate access safeguards are in place).**

----- Forwarded message -----

From: **Charlotte Piper** [REDACTED]  
Date: 22 April 2016 at 11:05  
Subject: CEIS Response to CO consultation on Better Use of Data  
To: "data-sharing@cabinetoffice.gov.uk" <data-sharing@cabinetoffice.gov.uk>  
Cc: Charlotte Piper [REDACTED]

Many thanks for the opportunity to respond to the Better Use of Data consultation. The Centre of Excellence for Information Sharing have been involved from the very beginning and it's great to see it reaching this stage. Please see our response below.

### **Centre's Response to CO on Better Use of Data proposed legislation**

#### **LIMITED TO TROUBLED FAMILIES -**

In addition to Troubled Families programmes, local places will want to share information within multi-agency settings that support getting individuals into work, intervening earlier to protect children at risk and to protect vulnerable adults. At the moment, these wider purposes are not explicitly included in the proposals. And because health data is currently omitted from the proposals, there are concerns this could limit the effectiveness of the legislation in delivering better public services in an increasingly integrated world.

Specifically naming 'Troubled Families' is restrictive and limits the usefulness of the legislation if it is exclusive to Troubled Families and doesn't apply to other similar programmes delivered in multi-agency settings, now or in the future.

As suggested by some at the Cabinet Office's consultation workshop in Greater Manchester this week, the legislation could specify outcomes instead of specific programmes. E.g. 'Early Intervention', 'Support into work', 'debt management support'.

We query the length of time it will take to add new objectives to the legislation and that there is a risk the process could be inflexible and cumbersome. It would be helpful to describe the request-making and decision-making processes as soon as possible.

#### **SCOPE OF POWERS EXTENDED BEYOND PUBLIC SECTOR BODIES –**

*In response to Consultation Q.3 "Should non-public authorities (such as private companies and charities) that fulfil a public service function to a public authority be included in the scope of the delivering public services power? "*

It will limit its usefulness and its ability to be future-proofed if non-public authorities are not included. Increasingly LAs are partnering with or commissioning non-public sector authorities to deliver services, including those focused on prevention and early intervention to ultimately reduce demand on public services. Without access to information and data, organisations designing and delivering services can be restricted in the support they can provide and this limits the impact they can have.

### **PERMISSIVE POWERS –**

As the new powers are permissive, information sharing will be very dependent on building strong relationships and trust across partners. We would welcome the Cabinet Office stressing the importance of data sharing to improve public services in its communications and messaging around the legislation.

### **POSITIVE OUTCOMES ONLY -**

In the proposal, the purpose of the objective is to improve outcomes for citizens and result in an offer of a service. But what happens if the data sharing, due to better targeting, results in some people no longer receiving the service, or say 15% of those whose data was shared, were deemed NOT eligible for the service?

### **HEALTH DATA -**

It will be important to keep in mind how the proposed legislation fits in with approaches to sharing health and social care data. The legislation is much less useful without health and social care data included and separate proposals for health and social care data could create tension.

What steps will the Cabinet Office and the Department of Health be taking to ensure consistency between the proposed Better Use of Data legislation and the National Data Guardian Review? How will any inconsistencies between the two be addressed?

### **SANCTIONS –**

Confidence is vital if information sharing is to play its part in reforming public services. The Cabinet Office proposes a new criminal offence for unlawful disclosure. There is a real risk (as we know people are already nervous about 'getting it wrong') that the sanction of imprisonment, a fine or both may mean people are reluctant to use the new legislation at all.

### **RELATIONSHIP WITH OTHER LEGISLATION -**

There is also a risk of unintended consequences; e.g. the legislation might erode (in people's perceptions) existing common law powers to share information. The Cabinet Office needs to continue to provide reassurance about this in their messaging.

### **COMMUNICATIONS -**

We feel it will be important to focus on getting the messaging right for how the proposed legislation is adopted and used by public authorities and received by citizens.

### **TACKLING FRAUD AND DEBT -**

Is there a differentiation made between 'intent', 'genuine error' or where people are simply leading chaotic lives?

We feel it is important that debt recovery services join up with existing programmes which focus on supporting vulnerable individuals/families and helping people with their debt management (public and private debts).

### **CULTURE FOR INFORMATION SHARING -**

Legislation for better use of data is helpful. But let's not forget that putting legislation in place will only take us so far. To ensure public authorities feel confident to use permissive powers such as these, it's absolutely crucial we create a culture where people have confidence and trust to share information when appropriate and where it will lead to better delivery of services and outcomes for citizens.

Here at the Centre, we've found a number of cross-cutting themes are emerging on how to overcome barriers to information sharing across multi-agency partnerships. These include;

- Strong leadership to create an environment where good information sharing is a core value and to support staff to share without fear and to feel equipped and supported to do so.
- Good communication to disseminate messages clearly and in language that is widely understood.
- Development of stronger inter- and intra-agency relationships to agree when and what to share and to do so with trust.
- Establishment of clear processes and procedures for good practice that promote the importance of information sharing and enable practitioners to navigate the system.
- Personal and professional development to give staff the skills and support they need for sharing information well and with confidence.
- Development of a strong and coherent partnership approach to risk and individual ownership of risk to support sharing with confidence and trust.

We believe it is extremely important to ensure legislation isn't viewed as a 'silver bullet'.

**Charlotte Piper**  
**Assistant Director, Centre of Excellence for Information Sharing**



[informationsharing.org.uk](http://informationsharing.org.uk) / @CP\_InfoShareCoE

I work remotely most of the time; email is usually the best way to get in touch.



TOTAL POLICING

Human Resources Directorate

Stephen Rimmer  
*Strategic Advisor to the Commissioner*

Data Sharing Policy Team  
Floor 6  
Aviation House  
London  
WC2B 6NH

Friday 22nd April 2016

Dear Data Sharing Policy Team,

Better Use of Data Consultation Paper

The Metropolitan Police Service strongly welcomes legislative proposals being put forward by HM Government to enable better and more efficient use of data by public services in fulfilling their duties to citizens. We consider public services in this country are at a defining moment in re-shaping their "offer" to individuals and communities to provide a response that effectively connects to the core role of the State and its partner agencies in tackling Vulnerability as core business.

2. Our response to this Consultation Paper is therefore our collective view of Ai) - **improving public service delivery** -and is not a comprehensive response to the whole Paper.

3. Paragraph 13 of the Consultation Paper sets out a set of "key protective principles" which underpin the proposals. While we recognise the importance of these principles, we are surprised stronger emphasis is not made of the complementary principles equally relevant to public bodies and their statutory duties around **Safeguarding** and **Public Protection**. There is ample evidence both in London and across the country - from a wide range of Serious Case Reviews, Domestic Homicide Reviews and other cases - where the failure to share and act upon information effectively has been pivotal in a catastrophic outcome. The Consultation Paper does not give sufficient acknowledgement to the "default setting" problem that many public servants are faced with - ie it appears riskier to share information and data than not - and indeed the plans in paragraph 18 for a new criminal offence of unlawful disclosure of data may well exacerbate this perceived problem. The proposed legislation needs to be much clearer than the Consultation Paper about proportionality in sharing data so that

agencies can strike the right balance in sharing appropriate rather than indiscriminate data. This is in line with the Government's strong exhortation - via five Secretaries of State - to public bodies in March 2015 in sharing information to tackle Child Sexual Exploitation, for example.

4. In this context, the crucial role of **health and care data** is rightly highlighted in paragraph 28. We note that this data will be incorporated into legislative proposals in line with the forthcoming Caldicott review. Whatever the outcome of that review, we believe this will be a crucial test of the public service objectives of the legislation. Put simply, without a similar approach to such data in respect of the NHS and local authorities as with other key public services, any objectives to improve physical, mental, emotional or social wellbeing will be exceptionally limited in scope and impact: health and care data and information is central to almost every individual case where the threat of harm to a vulnerable person is a serious risk.

5. The objectives set out in paragraph 39 are exclusively based around the individual. This is clearly contradicted by the highlighting of the Troubled Families Programme in the box below paragraph 36. Any effective multiagency work to pull strands of data and information together in assessing risk will inevitably need to consider impact on more than one individual - for example, many Domestic Violence risks relate to impact on both the (usually) female victim and her children. We recognise the focus needs to avoid "scope creep" but it is simply unrealistic to focus at a purely individual level.

6. We also do not believe the power is best located around the specifics of the Troubled Families Programme in any event. Although TF has some "common currency" across public bodies, it does not have a statutory basis and has increasingly developed criteria appropriate to local circumstances and priorities. In short, it is moving from a targeted Programme to core business across agencies in managing risk and vulnerability. We believe a better starting point would be the broader range of cases referred to **MultiAgency Safeguarding Hubs**. These will all triggered by individual circumstances and will be assessed against "thresholds" which are commonly understood by a broad range of public services and appropriate voluntary sector organisations. As with Troubled Families, they currently lack a statutory basis, but the core components of MASHs have been defined by the Home Office and the Department for Education. We consider that should be the starting point for the use of this provision. And in response to paragraph 43, we agree that the provision should be extended beyond public bodies to other designated bodies as appropriate that fulfil a public service function to a public authority. The role of Voluntary and Community sector organisations in this context can often be at least as significant as their Statutory partners.

7. Finally, in response to paragraph 44, again we are clear that the additional safeguards proposed must not end up undermining the core purposes that the



legislative proposals are seeking to fulfil - there should be a clear emphasis on such safeguards underpinning **proportionate sharing of data** relative to the scale of concerns about vulnerable individuals and families being presented.

8. We hope this is a helpful contribution to your considerations over this important set of proposals.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Stephen Rimmer', with a long, sweeping horizontal stroke extending to the right.

Stephen Rimmer  
Strategic Advisor to the Commissioner of the Metropolitan Police



LONDON FIRE BRIGADE

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169 Union Street London SE1 0LL

london-fire.gov.uk

Better Use of Data in Government consultation 2016,  
Government Digital Service,  
6th Floor,  
Aviation House,  
London WC2B 6NH

London Fire Brigade is run by  
London Fire and Emergency Planning Authority

Date 20 April 2016

By email: data-sharing@cabinetoffice.gov.uk

## Consultation Response – Better use of data in Government

Thank you for the opportunity to respond to the consultation on better use of data in Government. This response is an organisational view and sets out the opinions of officers of the London Fire Brigade.

The London Fire Brigade is run by the London Fire & Emergency Planning Authority (LFEPA). The 17 members of the Fire Authority are appointed by the Mayor of London. Eight are nominated from the London Assembly, seven are nominated from the London boroughs and two are Mayoral appointees.

We welcome the proposal to introduce new powers to make the sharing of data between public bodies easier. We note however that fire authorities are not explicitly covered in the schedule of specified authorities. Many fire authorities will be included as they are part of the County Council, but the LFEPA is a standalone authority and would not be covered by the scope of the schedule.

Following the Home Office consultation on "Enabling Closer Working Between the Emergency Services" the LFEPA will be abolished and fire responsibilities will be incorporated within the existing Greater London Authority structures, including creating a Deputy Mayor for Fire and creating a statutory London Fire Commissioner.

**Recommendation: that all English Fire Authorities, of all constitutions, are included within the specified authorities in the Schedule to Part 1 — Public service delivery of the Bill.**

The role of the fire service has changed in recent decades and as well as our role to respond to emergencies when they happen, there is greater focus on our role to prevent emergencies from happening in the first place. Whilst there are data sharing considerations during emergency operations, these, so far, have not created any problems for us; our concerns mostly relate to sharing information about potentially vulnerable people who we interact with through our work to prevent fire.

There is a clear pattern that identifies people who are at the greatest risk of dying if a fire should happen. The profile of those people looks like this:

### **Profile of a fire fatality**

*This is an older person aged over 65 who lives alone. Where they live, or the type of property, doesn't matter. They will have reduced mobility and find it hard to walk unaided. As such, they will spend most of their time in one room of their home and often this can become a bed/sitting room. This person is a smoker, uses candles or has other naked flames in their home.*

*Other than a reduced mobility, this person also has other health issues. They may have an impaired judgement or become forgetful or disorientated; either through a health issue, or as a result of their medication or from drinking. There may be signs of previous fire 'near misses'; this could be cigarette burn marks on clothing or furnishing, or scorch marks from cooking or using candles. This person either receives, or would benefit from, some care support (from a relative, neighbour, or care provider).*

We know that these people are known to other agencies.

The data that would identify these people is exactly the type of data that the proposed Bill is intended to make the sharing of easier. For example, the type of data that would help us to identify these people – which the London Boroughs hold – and we would like shared with us, would include:

- People over the of 65, who are;
- Receiving council tax single occupancy discount; and who have
- Assisted bin collection (indicating a reduced mobility)

This data would go a long way to identify those people who have the profile of someone with an increased fire risk. We could then invite those people to receive a free home fire safety visit.

We believe that the proposed wording of the bill could enable this data to be shared as the data is likely to meet the description of "*identifying individuals or households who face multiple disadvantages and enabling the public services to be provided to such individuals and households to be tailored to their needs*". However, our intended objective of "improving public safety" is not clearly stated as an objective of the Bill and would welcome an addition to the stated objectives or any assurances that improved public safety is an ambition of the Bill.

### **Recommendation: That an objective to "improve public safety" be added to the objectives set out in Part 1.1 (2) of the Bill**

The London Fire Brigade are partners of the London Vulnerability Group. This Group have provided a separate response to this consultation which we fully endorse.

Thank you for the opportunity to respond to the consultation and please let me know if we can help in any further way.

Yours faithfully

**David Wyatt**  
**Head of Information Management**  
**London Fire Brigade**

# NATIONAL PANEL for **REGISTRATION**



**Title of Paper:** Better Use of Data – Consultation Paper

## **Better Use of Data Consultation**

On 29 February 2016 the Government launched a consultation document on data sharing <https://www.gov.uk/government/consultations/better-use-of-data-in-government>.

The proposals include:

- To enable access to civil registration data like births, deaths and marriages to allow public authorities to prevent sending letters to people who have deceased and make it easier for citizens to interact with public services.
- Proposals for sharing civil registration information (such as births, marriages, civil partnerships and death information) on a more consistent and transparent basis across government to fulfil public functions have more recently featured in the open policy-making discussions. Introducing new legislation would pave the way for citizens to access government services more conveniently and securely (e.g. removing the current reliance on paper certificates to access services).

Two questions are asked in relation to information held by Registration Officials and the General Register Office:

**Question eight: Should a government department be able to access birth details electronically for the purpose of providing a public service, e.g. an application for child benefit?**

Yes in principle however there is a potential impact on income derived from certificate production. Could a change in policy resulting in additional costs or reduction in income be covered by "new burdens" Act?

The legal record is the paper record held by the local authority and there may be a mismatch if data is provided electronically by GRO given the high number of re-registrations and corrections particularly in London and some other areas. There is also a question about the legality of providing birth and death data without referring to the legal record.

LA's are required to provide storage space for registers but access to the registers will be significantly reduced should the proposals be implemented, therefore requirements for storage should also be reviewed.

It is unclear if a fee will be charged to access or receive information. The current fee charged for the weekly death file is unaffordable for local authorities and many public services. Will the fees be reasonable and possibly free for local authorities who are required to provide resources for the registration of birth and deaths which are non-chargeable services?

In principle yes, this would clearly support timely, efficient and effective services for citizens. It would also be more efficient for government departments.

Clarity is required about the push/pull nature of the data sharing. Is the current Registration on Line (RON) system to be utilised, or would another system have to be used, e.g. similar to Tell Us Once? All attempts should be made to avoid double inputting, or laying the burden of transmission of data to the Registration Official without resourcing the additional time burden at the point of contact.

Reassurance on the IT platform and mechanism for data sharing would be welcomed.

#### Advantages

- Improved services to the Citizen, without the need to contact multiple agencies, at different times, using different item systems and data set requirements.
- There are both opportunities for wider data sharing within the central and local government as well as within the Council delivering the Registration Service.
- Potentially localised income generation.

#### Disadvantages

- The potential for loss of income through fewer certificate sales for both the local authority and the General Register Office. However this is balanced with less risk regarding the safekeeping of secure stock, potential alternative ways of storing historic records if their access is not required, and different ways of working.
- Concerns regarding inappropriate data sharing.
- Concerns about loss of data, the implications and personal responsibility of the individual and also organisational responsibility.
- Ownership and responsibility of complaints where the recipient organisation does not handle the data appropriately or in a timely way leading to the citizen not receiving the service they should have done. Historic examples include incomplete removal of the deceased name from data sets with a resulting letter to the deceased, lack of receipt of child benefit payments, errors in administration by government departments.

#### Unknown Impact

- There are unknown impacts for the Tell Us Once service (please see the answer to Question 9).
- There will also be a balance in public perception between fantastic customer service for families across the country and concerns about more widespread data sharing and invasion of privacy.

#### Further opportunities and considerations

- We would also like to request greater clarity and definition on data sharing between Registrars and Coroners. There will also be a necessity for data sharing between Medical Examiners and Registrars and Coroners as a tripartite arrangement.
- Could Registration Services access/share records with other Registration Services from other geographical areas? This may support closer working and shared service

opportunities as the Government's Devolution agenda is enabled.

*Yes in principle we support this initiative. Of particular benefit would be sharing of 're- registration information to help prevent fraud. If access could be extended to include information from corrections this would add further benefit.*

*The free birth certificate could be discontinued as it would not have any further value which would save time locally in stock management and also nationally in terms of production and stock management.*

*Library services and children's services would benefit from access to this data.*

*The TUO service for births, where it continues to be offered, could probably be discontinued.*

*Certificate sales (and income to LA's & GRO) would reduce, birth certificates for passport applications being the most common reason for requesting a birth certificate. The powers to charge for data sharing are more likely to benefit GRO than LA's.*

*Having less copy certificates in circulation could help reduce fraud and misuse of certificates. Certificates 'lost in the post' concern both LA's and GRO. It could be enhanced further if the passport office checked death data alongside each new application to avoid a deceased child's identity being used fraudulently.*

*Public opinion is likely to be mixed – split between a view of concerns over security of information and those welcoming a more joined up approach between government departments.*

- Generally a positive that data can be shared between government depts., so long as it is limited to those with specific need.
- Other benefits include fraud reduction and speed for authorities and departments to act a lot quicker
- We assume it is only RON records and that they will be accessed by the relevant department (ie not coming through the registration service which will create additional admin time)
- Need to ensure that there is a clear message to the public in our offices that information is shared (legally) and there is no obligation to opt out. Most customers expect that it happens anyway
- What would happen to data taken prior to the legislation where people hadn't

agreed to share their data?

- Would there be a prohibitive cost for this type of changeover and other issues with customers not registering in a timely manner or want to change details such as address?
- The system for sharing should be automated and not reliant on extra work for registration staff (eg automatic application for child benefit) and perhaps should come direct from RON.
- Care to be taken with DP legislation

The local registration service bears the burden of the cost of obtaining the information that is supplied to central government. The proposals will not reduce that burden and may result in a loss of income through parents having less reason to purchase certificates. Central government will benefit and have savings and this should be recognized through a payment made to local registration services (similar to the consolidated payment).

We agree that a government department should be able to access birth details electronically for the purpose of providing a public service. We would confirm that in line with the provisions contained within the section Detailed Proposals, s 39 Purposes for which information may be disclosed :

- a) The improvement or targeting of a public service provided to individuals of a particular description, or
- b) The facilitation of the provision of a benefit (whether or not financial) to individuals of a particular description, and
- c) The improvement of the well-being of individuals

Are strictly adhered to and that requests for data for punitive purposes are prevented. The sale of information taken from vital records by any government department or specified public authorities, as detailed in the Draft Bill Civil Registration Data Sharing Clauses and reproduced below should be prevented and punishable by significant fines or imprisonment.

*“Draft Bill – Civil Registration Data Sharing Clauses:*

*2. Specified public authorities*

*1) – Each of the following public authorities is a “specified public authority” for the purposes of section 1 –*

- a) a Minister of the Crown;*
- b) a government department, including the Welsh Assembly Government but not including a Northern Ireland department or any part of the Scottish Administration;*
- c) The Greater London Authority;*
- d) a county council in England*
- e) a district council in England*
- f) a London Borough Council;*

- g) *the Common Council of the City of London in its capacity as a local authority*
- h) *the Council of the Isles of Scilly;*
- i) *a county council in Wales;*
- j) *a county borough council in Wales;*
- k) *an NHS body within the meaning of the National Health Service Act 2006 (see section 275 of that Act)"*

It is essential that a fee is recoverable for the verification of electronic records and that the Local Registration Service are entitled to provide verification on a comparable basis to the General Register Office. The provision of verification services should not be exclusive to the General Register Office.

**Question nine: Do you think bulk registration information, such as details of all deaths, should be shared between civil registration officials and specified public authorities to ensure records are kept up to date (e.g. to prevent correspondence being sent to families of a deceased person)?**

The creation of an accurate record for further sharing with other government agencies makes sense. The citizen should be able to interact with local and central government easily and the transfer of relevant and timely information can only improve the service provided to the citizen, reduce potential fraud and facilitate more effective and efficient public services. Safeguards to protect this data would be required to ensure that there was no onward transmission of sensitive information for profit to an external commercial organisation.

In considering this question, the quality and accuracy of the core registration data must be considered. Civil Registration Officials have always taken great pride in the accuracy of their record keeping and the important role they undertake in creating these legal records. However, as increasing pressure falls on many local authorities to cut expenditure this crucial and critical service needs to be supported, resourced and financed. The majority of any efficiency savings realised through data sharing would be realised by central government at the cost to the local government.

Effective training and quality assurance measures must be supported and funded, otherwise any bulk sharing of registration information will fail if inaccurate or incorrect information is captured. If 'birth data is seen as an enabler' then the quality of the collection of that data must be assured and protected.

If this data is to be shared on a cost recovery basis, then the importance of a robust IT system (e.g. Registration On Line or a replacement) is required. A full cost analysis of all aspects of this data collection and transfer should be completed, looking at the General Register Office, Local Authorities, and recipient parties costs and savings. A number of sample 'customer journeys' could be costed to provide an indication of cost, savings and effectiveness.

Lessons have been learnt from the Tell Us Once (TWO) programme regarding the sharing of data and the benefits. This service has been well received by citizens who have been complimentary about the process. However, on the few occasions where there has been a problem, accountability for any processing errors has not always been transparent to the citizen. On some occasions the Registrar or the Registration Service has been left to try and resolve the situation where they have limited access to other government departments. It would be highly recommended to have a centralised 'Compliments and Complaints' process



with the ability of one department to resolve queries relating to numerous government departments.

Any initiatives which reduce the potential for identity theft should be supported.

A simple and clear Code of Practice for the sharing of data would be welcomed. Consideration of wider sharing with the Coroners and in due course Medical Examiners must also be a key requirement. Further and improved sharing of data with the National Health Service and the local hospitals make sense to improve accessibility to services, with the removal of appointments where a citizen has died, or the collection of expensive and unused prescription medication and equipment.

Consideration of the different ways local authorities operate is also recommended. Many local authorities have outsourced certain aspects of their activities, e.g. customer contact centres, customer service centres.

With specific regard to the current TUO system – as informants currently opt to use the TUO enrichment service it would seem sensible to remove this option and make it compulsory to inform public authorities as soon as possible - i.e. directly upon registration via RON.

There would possibly be no need for TUO as it is now, if the duty was transferred to each public authority to access and act upon the information available to them. The TUO element at the point of registration would simply be one of communication - i.e. 'every public authority is now aware of the death/birth and will be in touch with directly' (...or will not send a Blue Badge reminder letter etc.).

Challenges could be:

- The potential cost for the local authorities in capturing additional data.
- The potential cost for a new IT system for Registrars.
- People who may change address soon after registration, therefore limiting the accuracy of the source data.
- Where births/deaths are not registered in a timely manner.
- Where a record is later updated locally, how would this information be passed onto other agencies. An example would be the death of a child. How would safeguards be put in place to limit access to the birth record to limit the potential for fraudulent use of the record.
- Overcome any issues an individual has about their civil liberties..

Benefits would include:

- The potential for public authorities to act more quickly ensuring a better service for the system, public and taxpayers
- The potential reduction in fraud.

Any commercial sale of data, must reimburse those agencies collecting the data in the first instance.

*Yes in principle we support this initiative across birth, death, marriage and CP information. The TUO service is very popular with users and with those organisations who receive the information; but it is a voluntary service so not all deaths are shared across departments. Informants using the system are also able to opt out of notifying certain departments who need it (either deliberately or because they don't believe it necessary)*

*There are many benefits to wider sharing of registration data across local and*

*central government:- ensuring the correct amounts of benefit/tax/pensions etc are paid, avoiding fraudulent use of blue badges and concessionary passes. In addition there are many benefits to families who could, under this system, genuinely, 'tell us once'. The sharing of marriage and CP information would bring similar benefits.*

*The DWP TUO system could be impacted and this would need to be reviewed for its future sustainability. There could be opportunities for TUO to continue on a commercial basis with data being available to a range of private companies, offered on a voluntary basis by informants, but, if this was considered, LA's would very likely be suggesting that they receive a payment for collecting this information.*

*Certificate sales (and income to LA's & GRO) are likely to decrease under this arrangement. The powers to charge for data sharing are more likely to benefit GRO than LA's.*

*Even if TUO was developed into a more commercial product it would not recover the lost income from certificate sales.*

*Having less copy certificates in circulation could help reduce fraud and misuse of certificates. Certificates 'lost in the post' concern both LA's and GRO*

*It should be noted that even with this proposed comprehensive system of sharing registration information, there would be events which would be excluded. Many couples choose to marry or form a CP overseas for example and likewise deaths and births for British citizens take place overseas.*

*Public opinion is likely to be favourable (based on the positive opinion of TUO) – although there would still be a spilt between a view of concerns over security of information and those welcoming a more joined up approach between government departments.*

- No real need to share information on births and deaths with other registration services but would be useful to look at NOM information for sharing but examples might be good.
- Potential opportunity however to share then annotation of Birth Entries for those who are now deceased would help to prevent stolen identity.
- A couple of thoughts on TUO – would be neater to get rid of it altogether so sharing with other governments depts but must incorporate all current government depts. That would then mean a real saving of time for registration services(not just the appointment time but the hours taken up with EAS changes etc). However current TUO is an individually "tailored" to each user.

*There would then possibly be no need for TUO as it is now, if the duty was transferred to each public authority to access and act upon the information available to them. The TUO element at the point of registration would simply*

be one of communication- i.e. 'every public authority is now aware of the death/ birth and will be in touch with directly' (...or will not send a Blue Badge reminder letter etc.)

At this stage the public would be able to opt out if appropriate e.g. on receipt of a letter from the library service they would be given the opportunity to decline future communications from them.

- Would this be linked into the new Medical Examiners and electronic MCCDs for example?
- How would this work with contracted out work for government departments such as private sector associations(eg housing)

With local authorities having varied structures to deal with services including benefits, care & support it would be important to avoid over burdensome restrictions. Similarly LAs are moving towards CRMs for efficiency. To allow data sharing with the relevant local authority would be sufficient.

Bulk registration information relating to deaths is currently able to be shared with a variety of organisations in particular the Government's Tell Us Once, provided by the local registration service in conjunction with the DWP ensure that deaths are notified through to various Government departments.

The example given whilst plausible is for the most part already covered off by the returns which are already made via the following gateways,

**Tell Us Once – Death Extracts**      The social Security (Notification of Deaths) Regulations 2012 (SI 2012/1604) S 125 Social Security Administration Act 1992

**Council Tax Billing – Death Registrations of over 18's**  
Reg 5 Council Tax Administration and Enforcement regulations 1992 (SI 1992/613)  
Para 13 Sch 2 Local Government Finance Act 1992

**Electoral Registration Officers – Access to all registrations and permission to make copies, and also receive a second copy of returns made to the Council Tax authorities**

Reg 35 Representation of the People (England and Wales) Regulations 2001 (SI 2001/341) (as amended) S53 Representation of the People Act 1983

**National Health Service Commissioning Board, Clinical Commissioning Groups, Local Authorities England – Access to Birth, Death and Still Birth Registration details, to assist the Local Health Boards in the performance of their functions in relation to the health service.**

S269(2) National Health Service Act 2006.

Whilst details of all deaths could be shared with other civil registration officials and specified public authorities, the reasons for requiring this information should be crystal clear, specified and tests should have to be satisfied in order to access this information.

The sale of this information to other organisations for material gain should be prevented by law and enforceable by either significant fines or imprisonment.

The Government has placed significant resources into the development of the Tell us Once Service thought should be given as to whether this service is still required.

**66. The Registrar General for England and Wales would prepare the statutory Code of Practice in consultation with Information Commissioner. Civil registration officials would be required to have regard to the Code when disclosing information. Before issuing or revising the Code, a copy would be laid before Parliament.**

We would welcome a Code of Practice

**It is hoped that in the preparation of the Code there would be proper engagement with the Local Registration Service**

<b>About you</b>	
Please use this section to tell us about yourself	
<b>Full name</b>	Donna Sharp
<b>Job title</b> or capacity in which you are responding to this call for evidence (e.g. member of the public etc.)	Chair of the National Panel for Registration and County Services Manager and Proper Officer for the Registration, Celebratory and Coroners Service
<b>Date</b>	20 <sup>th</sup> April 2016
<b>Company name/organisation</b> (if applicable):	Lincolnshire County Council
<b>Email address</b>	
<b>Address and Postcode</b>	Donna Sharp County Services Manager Registration & Celebratory Service and Coroners Service Lincolnshire County Council 4 Lindum Road LINCOLN LN2 1NN
If you would like us to acknowledge receipt of your response, please tick this box.	<input checked="" type="checkbox"/>



# **BETTER USE OF DATA IN GOVERNMENT**

**Consultation response by Ordnance Survey**

**April 2016**

## Responsibility for this document

Ordnance Survey's Policy and Engagement Team are responsible for the content of this document.

## Change history

Version	Date	Summary of change
1.0	April 2016	First issue

## Trademarks

Ordnance Survey is a registered trademark and OS logos are a trademark of OS, Britain's mapping agency.

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## EXECUTIVE SUMMARY

Ordnance Survey has reviewed the consultation documents and acknowledge that they have been developed over the last two years through an open policy making process. With this in mind we have answered only those questions, within the three main proposals, that are relevant to our business and where we can add value to data integration and sharing processes.

## INTRODUCTION TO ORDNANCE SURVEY

Ordnance Survey is Britain's mapping agency, responsible for creating, maintaining and disseminating the definitive mapping and geographic information database of England, Scotland and Wales. We provide services, both in the UK and internationally, to government and commercial entities based on our knowledge, skills and understanding of location data and geography. Established in 1791 Ordnance Survey is today a limited company, wholly owned by the UK Government.

Our business is built on our Public Task which focuses on the collection, creation, maintenance, management and supply of geographic information to meet a wide range of core government activities from land registration and environmental management through to Local Authority services and supporting blue light provision. In this regard we are heavily relied upon by government, businesses and individuals. As a business we are constantly looking at new ways to use our data, and to create opportunities to enable others to use their data more effectively.

We provide approximately 28,000 direct customers with high quality mapping data, services and solutions across the government, business and leisure markets. We are also now actively working in a consulting and advisory capacity with many government agencies worldwide. In addition, together with our extensive network of over 300 partners, and in collaboration with many of our strategic customers, we have developed applications built on our data which are relied on by thousands more end users.

Over 4,000 public sector organisations have a contractual relationship with Ordnance Survey through the Public Sector Mapping Agreement (PSMA) and the One Scotland Mapping Agreement (OSMA), which are centrally funded by BIS and Scottish Government respectively and provide full access to our detailed data products for all core government business activity, including:

- Creating and monitoring policy
- Operational management of government
- Delivering government business and public services
- Making information available to the public
- Passing / sharing derived information and/or data to third parties under licence, where that third party is undertaking activity in support of the member's core business.

As a result of the PSMA, Ordnance Survey data is being used today for example across the health sector to help develop policy, plan and deliver services and monitor their success. Our data is delivering real benefits in terms of efficiency gains, optimisation and access to services for our citizens. Over 200 NHS organisations are already taking advantage of these benefits. Our challenge is to ensure that every organisation within the sector is made aware of the potential on offer to them.



# RESPONSE TO CONSULTATION QUESTIONS

## IMPROVING PUBLIC SERVICE DELIVERY

Ordnance Survey agrees that public service delivery is dependent on timely and accurate data to ensure that citizens receive the services they need in a timely manner. We have over a number of years been working with health providers to better understand the role that geographic information can play in linking Integrated Digital Care Records to provide both better services for citizens, and more efficient offering for health trusts.

In the White Paper *Health and Social care integration – the case for place*, commissioned by OS, SOCITM investigated how location data contributes towards the provision of health and social care. They found that data routinely collected as part of care provision in both health and social care settings can be geo-referenced (related to location). More importantly this can be used and shared to promote the closer integration between the two services. There is great potential for sharing location information and reaping a wealth of benefits and improved efficiencies across a range of services from direct care by practitioners to business intelligence for commissioners.

Whilst we agree with the sensitivities regarding confidential personal information and the need for safeguards to be put in place, we have a number of case studies that demonstrate the benefits of using location data to link different data sources. These can be found on our website [www.os.uk/business-and-government/case-studies/index.html](http://www.os.uk/business-and-government/case-studies/index.html).

When the Troubled Families programme was launched in 2011 many councils, such as Bristol City Council and Nottingham City Council Public Health, introduced Ordnance Survey's AddressBase® product. It is being used to reliably merge the large number of datasets from different partners and providers to more easily identify and provide support to families eligible through the programme. By using the Unique Property Reference Numbers (UPRNs) contained within AddressBase, Bristol City Council could accurately merge a number of datasets from partners. By matching against households, the council assured that personally-identifiable information is only shared when it is known that the family is eligible for the programme.

The UPRN is the unique identifier for every address in Great Britain. It provides a comprehensive, complete, consistent identifier throughout a property's life cycle – from planning permission through to demolition. The UPRN is included in AddressBase products which are free at the point of use to the public sector through membership of the PSMA and OSMA. The UPRN is widely used by central and local government to reference and share data relating to properties. It was recently made available on terms equivalent to open data to enable greater reuse.

Increasingly central and local governments are pushing for the UPRN to be included in NHS patient and estate level data to improve linkages between government and third party databases and enable improved analytics and service delivery.

### **Question 2: Are there any public authorities that you consider would not fit under this definition?**

Nearly every public sector organisation in England and Wales can become a member of the PSMA/OSMA and experience the benefits of using Ordnance Survey digital map products. Our definition of public authorities includes all local authorities, central government departments and many health organisations. Full criteria for eligibility can be found here <https://www.ordnancesurvey.co.uk/business-and-government/public-sector/mapping-agreements/psma-who-can-join.html>. Similar eligibility criteria for public authorities in Scotland can be found here: <https://www.ordnancesurvey.co.uk/business-and-government/public-sector/mapping-agreements/one-scotland-mapping-agreement.html>.

### **Question 3: Should non-public authorities (such as private companies and charities) that fulfil a public service function to a public authority be included in the scope of the delivering public services power?**

Ordnance Survey already makes provisions for public authorities to share data with non-public authorities allowing them to access licenced data for the purpose of carrying out the core or devolved duty of the public authority. Through our End User Licence we allow PSMA and OSMA members to pass OS data and/or derived data to anyone who supports them in the delivery of their core business. There does not need to be any additional formal arrangements in place with the third parties, meaning the licence can help individuals, voluntary and community groups to better deliver public services.

## **PROVIDING ASSISTANCE TO CITIZENS LIVING IN FUEL POVERTY**

It is not within Ordnance Survey's remit to comment on policy decisions, this includes the Government's obligation on energy companies to provide rebates to those living in fuel poverty, administered through the Warm Home Discount scheme.

However, Ordnance Survey works closely with the Energy and Infrastructure sector who rely on our geographic information to operate efficiently. This can include using location as a common reference for sharing information, improving resilience to natural hazards and security threats, and increasingly, enabling regulatory compliance. Geographic information enables electricity and gas suppliers to better align their data and services and enables them to effectively exchange data with external suppliers.

We know, from data published by the Department for Energy and Climate Change that households are more likely to be living in fuel poverty if they use fuels other than gas, especially households who use solid fuel. Assisting citizens out of fuel poverty should not be the sole responsibility of energy suppliers. The Distribution Network Operators (DNOs) who own and operate the infrastructure have a regulatory duty to protect vulnerable customers. Key to this responsibility could be the need to identify and connect citizens to the gas network, the use of geospatial information to enable cost effective planning and connection to the existing supply network is a crucial stage in the process.

### **Question 5: Should the Government share information with non-public sector organisations as proposed for the sole purpose of providing assistance to citizens living in fuel poverty?**

Datasets, especially those containing information relating to homes off the gas grid, should be able to be effectively matched, integrated, and shared with other Government departments to enable the identification of properties that would benefit from support to lift them out of fuel poverty. As mentioned above, the Unique Property Reference Number is already widely used by central and local governments to share property information data.

The safeguards put in place to ensure that none of the datasets are shared outside of the public sector, and the availability of Ordnance Survey data through the PSMA and OSMA collective agreements will allow data to be effectively matched and shared. Where government departments and DNOs license OS AddressBase they are able to share information with each other. Ordnance Survey have recently announced that UPRNs can be used on terms equivalent to open data, this enables the wider and more efficient use of data between government and private sector organisations.

## **CONCLUSION**

In our response we have identified specific examples of how Ordnance Survey uses and enables the better use of data across government and non-public sector organisations. Our experience of working with central and local government, parish councils, together with electricity, gas and infrastructure providers in helping them to meet regulatory objectives is unique. Ordnance Survey can assist with the delivery of government policy to provide better services for citizens.

We would welcome the opportunity to explore these topics with you in more detail.

Please contact: James Norris, Policy and Engagement Team via email [REDACTED]

## Responding to the consultation

### Your details

To evaluate responses properly, we need to know who is responding to the consultation and in what capacity.

We will publish our evaluation of responses. Please note that we may publish all or part of your response unless you tell us (in your answer to the confidentiality question) that you want us to treat your response as confidential. If you tell us you wish your response to be treated as confidential, we will not include your details in any published list of respondents, although we may quote from your response anonymously.

Name (optional):

**Mr James Norris**

Position (optional):

**Policy and Engagement Executive**

Organisation name:

**Ordnance Survey**

Address:

**Adanac Drive**

**Southampton**

**SO16 0AS**

Email:

[REDACTED]

Telephone (optional):

[REDACTED]

**Would you like us to treat your response as confidential?\***

If you answer yes, we will not include your details in any list of people or organisations that responded to the consultation.

Yes  No

**Is this a personal response or an official response on behalf of your organisation?**

Personal response

Official response

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**If you ticked “Official response”, please respond accordingly:**

**Type of responding organisation\***

Business

Charity

Local authority

Central government

Wider public sector (e.g. health bodies, schools and emergency services)

University or other higher education institution

Other representative or interest group (please answer the question below)

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**Type of representative group or interest group**

Union

Employer or business representative group

Subject association or learned society

Equality organisation or group

School, college or teacher representative group

Other (please state below)

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**Nation\***

England

Wales

Northern Ireland

Scotland

Other EU country: \_\_\_\_\_

Non-EU country: \_\_\_\_\_

**How did you find out about this consultation?**

Gov.uk website

Internet search

Other

\_\_\_\_\_

**May we contact you for further information?**

Yes  No

## Responding to the consultation

### Your details

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Name (optional): MARTIN FERGUSON

Position (optional): DIRECTOR OF POLICY & RESEARCH

Organisation name: Socitm – the professional association for digital leaders in local public services

Address: 8a Basset Court, Grange Park, Northampton NN4 5EZ

Email: [REDACTED]

Telephone (optional) [REDACTED]

### Would you like us to treat your response as confidential?

If you answer yes, we will not include your details in any list of people or organisations that responded to the consultation.

No

### Is this a personal response or an official response on behalf of your organisation?

Official response

### Type of responding organisation\*

Other representative or interest group (please answer the question below)

### Type of representative group or interest group

Subject association or learned society

**Nation\***

UK

**How did you find out about this consultation?**

Other

**May we contact you for further information?**

Yes

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**Socitm's response**

Socitm endorses the responses from the Local Government Association (LGA) and Warwickshire County Council.

Socitm wishes to add the following points:

An effective 'Place-Based' approach to public services redesign and digital transformation requires common information governance and data handling principles and practices to be adopted and applied. Local Government has the leadership role in terms of place-shaping and community well-being and is therefore well positioned to advocate and promote the use of such principles. Ubiquitous digital technology now enables citizens to use consumer-based technology to become better informed and more self-reliant, potentially reducing the need for traditional public service provision. Improved data sharing and information governance arrangements, applied to the 'ecosystem' of public service organisations operating in any given place can also help make public services more efficient and effective.

We also wish to submit to this consultation recommendations contained in two recent reports:

Policy Exchange report: *Big Data in the Big Apple*, especially the recommendations contained in Chapter 6; and

extending these as per the following recommendations from the recent NESTA report *Connected Councils*, as set out below.

- The Cabinet Office should bring together key local government actors to define - and continuously update - open standards for data for the whole public sector.
- City regions should be required to establish an Office of Data Analytics (ODA) as part of devolution settlements. The ODA – modelled on the Mayor's Office of Data Analytics pioneered in New York City – should be tasked with helping city leaders

and public bodies bring together and analyse data to support regional economic growth and local public sector reform.<sup>1</sup>

- The Cabinet Office should review and publish detailed guidance on the ethical dimensions of data sharing and algorithm-supported decision-making.

## Questions

### Improving public service delivery

**Question one: Are there any objectives that you believe should be included in this power that would not meet these criteria?**

Yes

We would advocate widening the scope of relevant clauses to include 'relational' services, characterised by interaction and dialogue, rather than transaction.

Examples are:

- *Adult Care Assessments* - A 2008 study into support for vulnerable older people in South Lakeland found the following symptoms caused by a lack of data sharing - 44 application forms needed to be completed to access 133 services from 29 agencies, which in turn fed 63 eligibility entitlement processes and 56 assessment processes.
- *Becoming Adopters* - In one local authority in South East England, over 50% of those applying in a particular cohort dropped out – most because they were worn down by the process. For those remaining, it took up to two and a half years to navigate the process just to be approved, never mind to be matched with a child.

**Questions two to twenty:**

Please refer to the LGA and Warwickshire CC responses.

### **References:**

Policy Exchange (2015) Big Data in the Big Apple: The lessons London can learn from New York's data-driven approach to smart cities

<http://www.policyexchange.org.uk/publications/category?cat=49>

Nesta (2016) Connected Councils: A digital vision of local government in 2025

<http://www.nesta.org.uk/publications/connected-councils-digital-vision-local-government-2025>



----- Forwarded message -----

From: **Desira, Jenny** [REDACTED]  
Date: 22 April 2016 at 15:20  
Subject: response to better data use of data proposal  
To: "data-sharing@cabinetoffice.gov.uk" <data-sharing@cabinetoffice.gov.uk>

## Response from the Food Standards Agency

The intention to introduce a single legal gateway to simplify personal data sharing to improve public services is a good one. However the scope of the proposals are quite limited by focusing on the welfare of the individual in terms of fuel poverty and troubled families, and by restricting the list of public authorities who will be able to use this power.

The Food Standards Agency is a regulatory body that aims to put the consumer first in ensuring food is safe and what it says it is, that consumers can have access to an affordable diet, and can make informed choices about food. We would welcome the widening of the purposes and the scope to include regulatory bodies like ourselves, to give us the opportunity for more streamlined data sharing about businesses (including sole traders) to benefit the consumer. This would help to facilitate more effective and joined up enforcement activity across regulators (including those who inspect on behalf of regulators).

We would also like to respond to Q17 in part C (What principles or criteria do you think should be used to identify research that has the potential for public benefit, or research that will not be in the public benefit?). Although health information is excluded from the scope of this proposal, it would be to the public benefit to give researchers access to combined and more open research data in this area in order to carry out further research into food safety. In addition, getting maximum value from research investment is important, and for research into chronic health conditions associated with diet or in areas where the impact is far removed from the exposure (as with some chemical contaminants) there is real value in thorough sharing of information. Furthermore, longitudinal studies should also be given special consideration because of the long term commitment and hence ability to consider a range of things such as the effect of life events.

Regards

**Jenny Desira**

Information and Knowledge Management Team Leader

Food Standards Agency  
Foss House, Peasholme Green, York, YO1 7PR,



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To post to this group, send email to [data-sharing@cabinetoffice.gov.uk](mailto:data-sharing@cabinetoffice.gov.uk).

To view this discussion on the web, visit

<https://groups.google.com/a/cabinetoffice.gov.uk/d/msgid/data-sharing/0bf344469f454c869f487778593db6b2%40FSAPG45EXC011.fsa.food.gov.uk>.

## **South Wales Registration Managers Group**

### **Response to Consultation on Better Use of Data**

The Group, consisting of Superintendent Registrars and Registration Managers in 16 South Wales local authorities, considered specifically the use of Civil Registration Data.

In response to questions 8 and 9 in the consultation:

#### **Public Authorities**

We would consider the sharing of data that will assist specified public authorities (e.g. local authorities and government departments) more effectively carry out their functions to be an appropriate use of civil registration data. This may include the bulk sharing of data in respect of births and deaths.

The sharing of data electronically with other government departments (local and central) would improve citizen interaction with government, improve security and reduce the risk of fraudulent activity around the use of paper certificates. This may include those departments requesting bulk data in respect of births and deaths or relate to an individual for instance where confirmation of a birth, death, marriage or civil partnership may be required for a specific stated purpose to allow that public authority to undertake its functions.

**Codes of Practice and Memoranda of Understanding** would have to be developed to ensure the data is shared for specific, stated purposes. These would have to incorporate assurances that once the data had been used for those specific purposes it must be deleted and can't be used for other purposes.

Strict safeguards would need to be in place to ensure adherence to other legislation and to prevent sharing of sensitive information that should not be disclosed. Current data protection principles should be incorporated into the Code of Practice

There may also be efficiencies for the local registration service. However, certificate services generate income for the local registration service currently that goes some way to supporting the cost of providing the service. There will still be a cost attached to any other means of sharing data. The group feels there must be a power to **charge a fee** for providing registration data to enable the service to recover the costs.

We would not consider it appropriate for other government departments or agencies to "sell on" such data or use it for marketing or other commercial purposes.

#### **Other institutions**

We also considered the use by Financial Institutions, Insurance and Pensions Companies and by non-public authorities (for example, charities and support organisations) that fulfil a public service function to a public authority.

If the sharing powers were to be extended beyond specified public authorities to those who "exercise functions of a public nature", and for them to use for specific purposes, we feel the shared data should be limited to an extract as, for example, financial institutions do not need to know a cause of death.

Fee charging considerations would need to be the same as suggested above.

#### **Private Sector Companies**

We would not consider it appropriate to share civil registration data with private sector companies or for data to be used by any institutions for marketing or similar commercial purposes.