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*FW* December 2020

*For Will,*

Thank you for your letter of 27 November. I will respond in turn to each of the questions set out in your letter.

The Government is committed to publishing data that has informed its decision making, including the tier allocations. A range of data is used. The Department for Health and Social Care publishes a weekly watchlist giving epidemiological coronavirus (COVID-19) data for each lower-tier local authority in England, available here:

<https://www.gov.uk/government/collections/coronavirus-cases-by-local-authority-epidemiological-data>.

Detailed data on hospital activity can be found here:

<https://www.england.nhs.uk/statistics/statistical-work-areas/covid-19-hospital-activity/>

Our public dashboard on the progress of the virus across a range of metrics is updated every day at <https://coronavirus.data.gov.uk>.

The epidemiological data and projection models used by the government to brief MPs on local restriction tiers, including commentary on individual tier allocation decisions can also be found here:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/938964/Coronavirus\\_England\\_briefing\\_26\\_November.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/938964/Coronavirus_England_briefing_26_November.pdf).

This letter provides further information and context beyond the headline metrics as to why areas are in particular tiers currently.

The Contain Framework sets out how national and local partners work with the public at a local level to prevent, contain and manage outbreaks, this includes through allocation of areas to the appropriate tier:

<https://www.gov.uk/government/publications/containing-and-managing-local-coronavirus-covid-19-outbreaks/covid-19-contain-framework-a-guide-for-local-decision-makers>).

The Joint Biosecurity Centre (JBC), an agency of the Department for Health and Social Care, acts as an independent analytical function to provide data and analysis into the process. The JBC provides expertise in epidemiology, public health, statistics and mathematical modelling and collaborates with Public Health England and academic partners (e.g. London School of Hygiene and Tropical Medicine; the Turing Institute; SPI-M) to provide quality-assured insights from NHS, Test and Trace and other data to inform local and national decision-makers.

The Covid Taskforce in the Cabinet Office brings together wider analysis by the rest of government, including social and economic impacts with the JBC analysis and the recommendations being made by the Local Action Committee (Gold) to support Ministerial decision-making. The Taskforce also provides the secretariat function to that committee and coordinates how decisions made in the committee are given effect (e.g. through changes to regulations) and conveyed to stakeholders.

The COVID-19 pandemic has highlighted the need for robust up-to-date data to underpin decision making with the Government recognising the critical importance of data transparency to maintain public confidence in the national and local restrictions. Ministers are ultimately responsible for data transparency and accountable for the policies of the government. Officials across the civil service have been working round the clock, with extraordinary ingenuity and effort since the start of this crisis to provide the best possible advice to Ministers.

As mentioned above, the JBC acts as an independent analytical function to provide data and analysis to government and to local authorities, helping to identify and respond to outbreaks as they occur and trends for early warning. The JBC works closely with Public Health England (PHE), the NHS and across government to monitor the number of new infections, positivity rates, and pressures on the NHS. These factors form their public health advice to the Chief Medical Officer and ministers through the Local Action Committee and the COVID Operations Committee. Ministers are accountable for implementation in their own Departments. Our approach throughout this unprecedented global pandemic has been to increase transparency around the government's response to coronavirus. An increasing number of dashboards are available locally, and to the public, so that data and insight can inform actions.

On 22 July, the Prime Minister laid a Written Ministerial Statement transferring functions for the government's use of data from DCMS to the Cabinet Office with effect from 1 August 2020. The transfer includes responsibility for data sharing (including coordination of Part 5 of the Digital Economy Act 2017), data ethics, open data and data governance, as they relate to government use of data. The MoG announcement was for the overarching policy for government data and constitutes a change of responsibilities for policies as outlined in the written statement .

DCMS is responsible for the National Data Strategy, and for setting policy for the use of data in the economy and society. DCMS is also responsible for the UK's data protection policy, the GDPR and the Data Protection Act 2018. DCMS also sponsors the Information Commissioner's Office and the Centre for Data Ethics and Innovation.

Within the framework set by the National Data Strategy, the Cabinet Office is responsible for overarching policy for government data, including data sharing, ethics, open data and data government. Cabinet Office is also responsible for coordinating cross-government strategies

and standards to improve HMG's capability with and use of data. Cabinet Office are leading Mission Three of the National Data Strategy which focuses on transforming the government's use of data.

Individual government departments and arms length bodies remain accountable for their compliance with the data protection legislation. They also remain responsible for setting strategies and policies for use of data in their Department, in line with any overarching strategies. All central government departments have relevant governance structures in place for their data processing operations, including Data Protection Officers who are responsible for advising on and monitoring their department's data protection compliance. Personal data processing is devolved to relevant departments and agencies, for example, NHS England for health data, Her Majesty's Revenue and Customs for tax data.

DCMS has been consulting on the government's National Data Strategy. This consultation focuses on the framing of the strategy as well as the five missions in the strategy. This consultation will be used to support the development of the missions and associated policies.

In July the Prime Minister announced that "responsibility for government use of data has transferred from DCMS to the Cabinet Office. DCMS will retain responsibility for data policy for the economy and society. This change will help ensure that government data is used most effectively to drive policy making and service delivery."

This machinery of government change saw the introduction of a new team in the Cabinet Office established to take on responsibility for areas including open government, open data, data ethics, transparency and public-sector data policies. Separately to this work, this change has been reflected in the Government's response to COVID-19 by the Cabinet Office taking a central role to ensure that government departments' use of data and the decisions informed by this data are joined up.

In terms of day to day activity in relation to COVID-19, individual government departments and arms length bodies remain responsible for use of data in their Department, and any personal data processing devolved to them. This move though, does mean that where there needs to be central coordination on the consistent use and sharing of data, CO is able to provide that support.

**With every good wish,**

A handwritten signature in red ink, appearing to be 'M. Gove', is written above the typed name.

**Rt Hon Michael Gove MP  
Chancellor of the Duchy of Lancaster  
and Minister for the Cabinet Office**



# PACAC (Public Administration and Constitutional Affairs Committee)

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Rt Hon Michael Gove MP  
Chancellor of the Duchy of Lancaster  
By email

27<sup>th</sup> November 2020

Dear Michael,

## **Data transparency and accountability; Covid 19**

Thank you again for your continuing assistance with our inquiry into Covid 19 data and for your letter of 18<sup>th</sup> November. Your letter helpfully addressed some of our questions and we await a further response from the Department for Health and Social Care.

Yesterday, the Government announced which areas would go into which tiers but there is some uncertainty surrounding why some areas have been put into some tiers. Yesterday's announcement highlights how fundamentally important it is for the Government to be transparent about the data underpinning these decisions.

Witnesses to our inquiry have told us that transparency helps local leaders makes decisions, it builds public trust and confidence, and encourages better compliance with rules and guidelines.

The Government have outlined five "tests" underpinning tier decisions, which is a helpful step in improving the transparency of decision making.

The five tests you outline are:

- case detection rates in all age groups
- case detection rates in the over-60s
- the rate at which cases are rising or falling
- positivity rate (the number of positive cases detected as a percentage of tests taken)
- pressure on the NHS, including current and projected occupancy

It is, however, very hard to find data which explains how well local areas perform under these tests. The data, where it is available, is spread over multiple sources. When users of the Government website search for a postcode, the data they are given does not clearly link back to the 5 tests outlined. Sometimes areas even seem to be doing



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relatively well against indicators but are still in tiers two or three with no clear explanation.

## **1. Can you respond to this letter explaining where we can find data pertaining to each of the five tests at local area level?**

Witnesses who gave evidence to our inquiry on 24<sup>th</sup> November have told us that data on Covid 19 is fragmented and the Government's priority should be integrating data sources into a clear surveillance system. This fragmentation is reflected by your letter of 18<sup>th</sup> November, which splits the response between yourself and DHSC. I have, therefore, copied the secretaries of state with responsibility for health and local government into this letter.

## **2. Can you explain the Governance of lockdown decisions? Who is producing the data; Who is responsible for integrating the data so that a single decision can be reached; and what role does the Cabinet Office play in co-ordinating?**

## **3. Who should we hold to account for ensuring data underpinning lockdown decisions are transparent?**

Further to this, on 22<sup>nd</sup> July the Prime Minister had given a written statement to the house announcing that:

*"responsibility for government use of data has transferred from the Department for Digital Culture Media and Sport (DCMS) to the Cabinet Office. DCMS will retain responsibility for data policy for the economy and society. This change will help ensure that government data is used most effectively to drive policy making and service delivery."*

## **4. Can you provide any further details on this, including what elements of Government data have moved to the Cabinet Office?**

## **5. Can you outline the split of responsibilities between Cabinet Office, DCMS, and individual departments? Can you explain how this announcement fits into the ongoing DCMS-led consultation on data?**

## **6. Can you explain how this movement of responsibility impacts on the response to Covid 19?**

Thank you again for your support with this inquiry. Can you provide an answer to question one before Wednesday 2<sup>nd</sup> December, and answers to the remaining queries before Friday 11<sup>th</sup> December.



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This letter has been copied to the Rt Hon Matt Hancock MP, Secretary of State for Health and Social Care, and The Rt Hon Robert Jenrick MP, Secretary of State for Housing, Communities and Local Government.

**William Wragg MP**  
**Chair, Public Administration and Constitutional Affairs Committee**