

The Rt Hon Baroness Armstrong of Hill Top
Chair
Lords Public Services Committee
House of Lords
London
SW1A 0PW

Our reference: ICO/O/ED/L/RFM/0208

03 February 2021

Dear Lady Armstrong,

RE: ICO's data sharing code of practice – evidence session

I would like to thank you and your colleagues on the Public Services Committee ("the Committee") for the opportunity to come and speak about the Data Sharing Code ("the Code") on 13 January. I would also like to update you on our plans to address points raised in the session and in the Committee's report.

The evidence session was the first time the ICO has been asked by Parliament to speak directly about one of our statutory codes. That is testimony to the importance of the Code and to the depth of interest and expertise of the Committee and its commitment to improving data sharing practice to improve public service delivery. I very much welcome this level of scrutiny of my office's work and hope that we can continue in this vein in the future.

As I said in the foreword to the Code and echoed in my evidence, I see the Code as an especially important milestone, but a milestone nonetheless, and there is much more still to do.

The Code has now been submitted to the Secretary of State and will be laid before Parliament when time allows. The Code is very much the spine of our guidance on data sharing. Due to its statutory status we are unable to update it on a rolling basis and it is not designed to be tailored to sectors. It therefore aims to guide organisations through the key pillars and principles that need to be followed by organisations to ensure data is shared in an efficient and compliant way. We will continue to take account of the feedback received about the Code when developing the supporting guidance and toolkits over the coming months.

But a significant part of the next phase of this work, given momentum by the Committee's recommendation, is to tackle the cultural and organisational barriers to safe, proportionate, and necessary data sharing. For the ICO this includes planned work around promotion, socialisation, and increased understanding of the Code itself.

However, what was clear from our discussion at the hearing, and from the witnesses that followed, was a recognition that the task of reducing barriers to data sharing is too big to be undertaken by one body in isolation. It needs a cooperative and coordinated effort from stakeholders across society. We see this as a partnership between government, parliament, the regulator, and those sectors at the frontline of data sharing.

The ICO cannot lead the work. This is due to our status as regulator; there is a need for us to strike a balance between our role of giving advice and support to organisations undertaking data sharing, and our need to take appropriate action to protect the data rights of citizens if there is a breach of the law.

However, I recognise that the ICO has a crucial role to play in this area, specifically around giving advice and partnering with sector leaders to promote responsible data sharing. My office has begun to speak to government about the best avenues and mechanisms to identify, engage with, and draw together the practitioners, front line workers, and sectoral bodies needed to deliver this change.

I noted the concern from Lord Bichard and others around the perceived difficulties in sharing data related to children particularly where that involves safeguarding. There is real scope for providing additional clarity in child protection and other areas through practical guidance, case studies, and sector specific tools. I also recognise the importance of messages that enable data sharing for child protection, as well as key steps to protect data. These can be designed based on the experience and needs of frontline practitioners, like that which we have already provided for law enforcement. My office is in touch with the Children's Commissioner for England in this regard and will seek to involve others.

The publication of the National Data Strategy, the new responsibilities for data given to the Cabinet Office, and most notably the response to the coronavirus pandemic, have given real momentum to the drive toward better data sharing.



Information Commissioner's Office

This is an impetus that we cannot afford to waste. My office is committed to giving the next phase of this work the same level of priority, resource and commitment we have given to delivering the Code and the associated Data Sharing Hub. We look forward to your Committee's continued input to, and scrutiny of, this work.

Yours sincerely,

A handwritten signature in grey ink, appearing to be 'ED', written in a cursive style.

Elizabeth Denham CBE
UK Information Commissioner