



Department for
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Media & Sport

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

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Dear Baroness Armstrong

Thank you for your letter of 3 February 2021 in which you asked a number of questions about data sharing by the public sector, the lessons the government had learned from the COVID-19 pandemic, and what improvements it would make to facilitate effective data-sharing in the future. I am responding as the Minister for Media and Data.

Covid-19 lessons for data-sharing

The Coronavirus pandemic has illustrated the power of responsible data use and sharing between the public and private sectors to deliver public benefit. The UK's response to the pandemic has shown that when we treat data as a strategic asset and support better coordination between organisations, we can improve the effectiveness and timeliness of public service delivery. Indeed, our response has underlined the need for the public sector to move *away* from a culture of risk aversion and *towards* a joined-up approach, where the presumption is that, with appropriate safeguards, data should be shared to drive better outcomes. The rollout of the [Coronavirus \(COVID-19\) Shielded Patients List](#), for example, demonstrated how much can be achieved through appropriate data sharing across central and local government and the private sector, with over four million support packages distributed to some of the most vulnerable people in society.

Responses to the Government's consultation on the National Data Strategy have shown how both the public and private sectors were able to use and share data innovatively to support the UK's response to the COVID-19 crisis. We want to take account of lessons learned about innovative data use for public and economic good. We will further explain how we plan to maintain the high watermark of data use set during the pandemic in the Government's response to the consultation, which will be published in due course.

The pandemic has highlighted some areas of our legal framework that proved to be more challenging than others to navigate for organisations. We intend to keep the legislation under review to ensure that it does not pose unnecessary barriers to data sharing in the public sector now or in the future.

The pandemic has also shown the benefits of a pragmatic and hands-on regulatory stance by the Information Commissioner's Office. Since the start of the pandemic, the Information Commissioner's Office has supported public and private organisations and charities to share data safely and securely. It set up a ["coronavirus hub"](#) on its website, backed up with a

dedicated helpline. It also supported government departments on the development of important data processing activities, such as the development of contact tracing and the introduction of visitors' logs, to ensure those initiatives respected individuals' privacy rights. We will continue to work closely with the Information Commissioner's Office on the development of future data sharing initiatives to ensure that government processing is lawful, transparent and maintains public trust.

Information Commissioner's Office's new data-sharing code

I note the Committee's comments on the Information Commissioner Office's data-sharing code, particularly in relation to the need for the guidance to be clear that data can and should be shared for safeguarding purposes. We legislated in the Data Protection Act 2018 to make it clear that the legislation should not pose a barrier to sharing data where necessary for protecting children and vulnerable adults from neglect, or physical or mental harm. Those exemptions can be found in paragraph 18 of Schedule 1 to the Act.

Regarding your concerns about the clarity of language in ICO's data sharing code, the ICO has confirmed it will be updating the code to make it clearer that sharing for safeguarding purposes is a compelling reason to share data to keep children and vulnerable people safe. Once those changes have been made, I will lay the code before Parliament for formal approval. The ICO is also in discussion with the Children's Commissioner's Office about the points raised at the Committee hearing about the lack of clear, concise guidance for social workers and the confusion about the interplay between the Children Acts and the UK-GDPR.

The government welcomes the data-sharing information hub the ICO has published alongside the code, which provides clear, concise guidance on the key principles organisations must consider before embarking on new data-sharing initiatives. Organisations can find targeted support and resources on the hub, including:

- Data sharing myths busted
- Data sharing code: the basics for small organisations and businesses
- Data sharing FAQs for small organisations and businesses
- Case studies
- Data sharing checklists
- Data sharing request and decision forms template
- Sharing personal data with a law enforcement authority toolkit
- Guidance on sharing personal data with law enforcement authorities
- Guidance on data sharing and reuse of data by competent authorities for non-law enforcement purposes

The Committee will note that part of the ICO's toolkit includes bespoke guidance aimed at law enforcement. This developed out of a process of extensive engagement and consultation with law enforcement practitioners, and provides a roadmap for a similar process to be undertaken in relation to children and safeguarding. The ICO are already actively engaged with the Children's Commissioner and Ofsted and their work in this area will evolve over the coming months.

DCMS will continue to work with the ICO to monitor the effectiveness of the data-sharing code and associated tools.

Main obstacles to effective data-sharing across government

The Committee has rightly highlighted some of the challenges that government departments face when collecting, using and sharing data – a lack of common data standards; data infrastructure that is not interoperable; legal and cultural barriers preventing data sharing; inconsistent data capability in the workforce; and financial disincentives for departments that discourage investment.

We are committed to building a truly joined-up and interoperable data ecosystem for government that will address the technical limitations. This will improve the way Government collects, uses and shares data and brings benefits for users by increasing efficiencies in government and saving taxpayer money; improving policy and operational decision-making and providing tailored and responsive public services for citizens.

Effective leadership and coordination within Government is key to addressing barriers to data sharing. The newly established Central Digital and Data Office (CDDO) for Government will lead the Digital, Data and Technology (DDaT) Function and Profession and the next phase of digital transformation across government. The CDDO's responsibilities will include offering expert advice and counsel to Ministers and Senior Civil Servants on the development and execution of digital, data, and technology policies and strategies.

The CDDO will eventually comprise a council of non-executive experts, appointed by the Minister for the Cabinet Office with the support of the chair, Paul Wilmott, with deep practical experience across the range of digital, data and technology (DDaT) disciplines, from automation to cyber security, cloud and data, product and service design. Collectively, the CDDO will provide professional leadership to the DDaT function, and collectively shape strategy and assure delivery for digital, data and technology across government.

Over the course of the pandemic, DHSC and NHS England have worked together through NHSX, the joint unit charged with driving the digital transformation of health and care, to rapidly respond to COVID-19 data needs issuing COPI notices. These required organisations to share data for the purposes of COVID-19 and were instrumental in establishing the shielded patients list. Alongside this, NHSX issued guidance to healthcare organisations to enable and facilitate sharing. Working with the ICO, guidance was also issued on responding to the pandemic and the importance of data sharing across all stakeholders.

DHSC and NHSX will further build on the lessons-learned of data sharing and access for the COVID-19 response in the forthcoming Data Strategy for Health and Adult Social Care. This will support the better use of data to improve outcomes for patients and service users, and for service and system improvements. Additionally, NHSX has set up the Information Governance (IG) Portal to bring together national guidance in one place with the aim of ensuring guidance is clear and consistent for those working in health and care organisations, so they are empowered to use and share information appropriately to support care.

MHCLG has worked and will continue to work closely with the NHS and across Government to facilitate effective appropriate data sharing to local authorities and rapid feedback of local requirements to NHS and Government data owners. As exemplified during the Covid-19 pandemic, MHCLG will continue to facilitate appropriate feedback loops between councils and NHS organisations and supplement NHS data-sharing with guidance and support for local authorities. DCMS and the ICO are committed to the continued support and guidance of MHCLG, DHSC and NHSX in their data sharing work.

Sharing best practice

We are grateful to the Committee for sharing examples on where local authorities and other agencies have worked well together on data-sharing activities in the past. We agree that sharing best practice within central and local government can make a significant difference toward attitudes to data-sharing. In Whitehall, we have established a Data Protection Officer's network which meets regularly to discuss best practice. Data Protection Officers can provide expert, independent advice on designing new processing activities in compliance with the legislation.

The Cabinet Office is leading on Mission 3 of the National Data Strategy: Transforming government use of data. This includes improving the interoperability of government data through the work of the Data Standards Authority, promoting use of the data sharing provisions of the Digital Economy Act 2017, and the Data Ethics Framework. We will continue to collaborate closely with the Cabinet Office to effect this transformation.

Conclusion

The COVID-19 crisis has increased our understanding of the significance of data use within the economy, society and the public sector, underlining the importance of ensuring that data can be shared in timely and trustworthy ways. As we recover from this crisis, we must draw on the lessons we have learned to ensure that data continues to be used and shared effectively where necessary for the delivery of public services.

With best wishes,

A handwritten signature in black ink that reads "John Whittingdale". The signature is written in a cursive style with a prominent flourish at the end of the name.

Rt Hon John Whittingdale OBE MP
Minister of State for Media and Data