



FRAMEWORK FOR INFORMATION AGE GOVERNMENT

Privacy and data sharing

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The Modernising Government White Paper committed Government to 'address concerns about privacy' and to 'provide a proper and lawful basis for data sharing where this is desirable, for example in the interest of improved service or fraud reduction.' Data sharing is at the heart of the Modernising Government project. Citizens want 'joined-up government' because it can benefit them as service-users and as taxpayers, and joined-up government requires joined-up information. On the other hand, there is public wariness of the sharing of personal data.

2. In April CITU will establish a working group with a view to developing guidelines no later than March 2001. The terms of reference will reflect the data protection principles. Data must be:

- fairly and lawfully processed;
- processed for limited purposes;
- adequate, relevant and not excessive;
- accurate;
- not kept longer than necessary;
- processed in accordance with the data subject's rights;
- kept secure;
- not transferred to countries outside the EEA without adequate protection.

3. Personal data covers both facts and opinions about the individual including information regarding the intentions of the data controller towards the individual, although in some limited circumstances exemptions will apply. Processing is widely defined, for example, it incorporates 'obtaining', holding' and 'disclosing'.

4. Privacy protection starts with the initial collection of the information to ensure there is a good reason for doing so and only for legitimate uses for which, where necessary, the individual has given an informed consent.

5. Information provided to government must be secured and privacy protected. Equally important will be the need to be seen to be protecting privacy in order to maintain the public's trust in Government's handling of personal data.

6. The e-government strategy approaches the security and confidentiality of data in a number of ways. CITU has published guidelines on authentication and security. The authoritative text is published and maintained on the Information Age Government Champions' website: www.iagchampions.gov.uk

7. Strengthening the public's trust may require methods similar to the way 'kitemarks' are increasingly being used to promote trust in a particular product or service. A similar scheme capable of being developed or adopted for Government handling of data may involve:

- BS7799, a wide ranging standard on information system security. There is a requirement for all Departments to have plans in place by the end of 2000 setting out how they will achieve this. Achieving this standard may lead to increased confidence that data is properly protected and processed
- The Data Protection Commissioner's (DPC) website may be found at www.dataprotection.gov.uk. The DPC produces guidance to the Data Protection Act 1998 and is currently producing an audit manual to be as a method of ensuring data protection compliance
- Other resources exist to help contribute to development Departmental policies on matters such as privacy and the web. The OECD is developing a privacy policy generator (www.oecd.org/scripts/pw/pwhome.asp) which is currently a beta version. It is a worthwhile exercise to go through the script generator to see all the issues it raises. The World Wide Web consortium is also developing its Platform for Privacy Preferences (P3P) Project relating to web sites and details may be found at www.w3c.org/p3p/

8. Effective guidelines on privacy and data sharing will need to take into account the principles of general law, data protection legislation, the need for confidentiality and safeguards. They will need to provide information about the issue of consent, so that data obtained by a Department may be used in the manner intended. The duty of confidence will also need to be included.

9. The guidelines will also need to take into account the Government's policy on openness. Details regarding the Code of Practice on Access to Government Information are available from the Home Office web site www.homeoffice.gov.uk/foi/ogcode984.htm. Progress of the Freedom of Information Bill is also available from the same site (www.homeoffice.gov.uk/foi/).

10. In summary topics that the guidelines may need to include are:

- general principles regarding data sharing
- requirements of data protection legislation (essentially the Data Protection Act 1998 and the Human Rights Act 1998 and freedom of information law)
- the duty of confidentiality
- obtaining consent to sharing of personal data
- specific privacy safeguards

11. As stated in the [Modernising Government White Paper](#) we will work closely with the DPC in the development of the guidelines.