

The Information Commissioner's response to the White Paper : Healthy Lives, Healthy People: Our strategy for public health in England.

The Information Commissioner has responsibility for promoting and enforcing the Data Protection Act 1998 (DPA) and the Freedom of Information Act 2000 (FOIA). He is independent from government and upholds information rights in the public interest, promoting openness by public bodies and data privacy for individuals. The Commissioner does this by providing guidance to individuals and organisations, solving problems where he can, and taking appropriate action where the law is broken.

The Information Commissioner's Office (ICO) welcomes the opportunity to respond to this White Paper. In the response we shall focus on issues that have transparency, data protection and privacy implications.

General comments

At the heart of the White Paper is the development of a new approach to public health with a much greater role for local government. This appears to be both at a high level, leading on initiatives to improve the overall health of residents and also on a lower level providing or helping to provide services tailored to individuals.

Where it is the latter and local authorities are processing an individual's sensitive personal data, then we consider that the processing of such data should be done to the highest standards, similar to how the NHS handles this type of information. Also, like the NHS currently, if there is a security breach involving personal data then it should be mandatory for the local authority involved to report the breach to the Information Commissioner.

We consider both the above measures will assist with ensuring public confidence about how local authorities handle significant amounts of sensitive personal data. The lack of such confidence could potentially undermine the aims of this new approach to public health issues.

Freedom of Information will also play an important part in this new approach. We think the provisions of the Freedom of information Act, be it pro-active publication via a public authority's publication scheme, or responding to individual requests, will play a valuable role in demonstrating transparency, accountability and ultimately the success of these new arrangements.

Specific document comments

Ch3, p44, para 3.45 – We would like to know more about the types of information concerning gun and knife crime that will be shared between hospitals and the police. While we can see the benefits of sharing relevant information, where the information involves personal data (and especially sensitive personal data) it needs to be specific and proportionate. We would not want to see any kind of "data dump" of information on the basis that it "might" be useful.

We have no further comments to make in respect of this White Paper.

March 2011