

Statutory Code of Practice on Data Sharing

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ICO approach to information sharing

- DPA is not a barrier where information sharing is justified, necessary and proportionate
- DPA provides a framework for sharing in a secure, lawful and reasonable way
- Limitations and safeguards are essential

Why a data sharing code?

- Government vision statement 2006
- ICO Framework code of practice 2007
- Thomas/Walport data sharing review 2008
- Coroners and Justice Act 2009

Consultation responses

- Over 100 responses from public, private & third sector, trade associations and individuals

As a result of this process we:

- Clarified the the scope of the code
- Included a section on mergers & takeovers
- Included more examples from private sector
- Included checklists for one-off and systematic sharing
- Provided more detail on specific conditions for processing personal data
- Included a glossary of key terms

What 'statutory' means

- Required by law to produce the code
- Approved by Secretary of State and Parliament
- Admissible in court proceedings
- The code still provides 'good practice' advice

What does the code cover?

Applies to data controllers in all sectors

Data sharing includes the disclosure of data:

- from one data controller to another
- from a data controller to a data processor
- data controllers pooling information
- separate departments within an organisation

Data sharing can be:

- systematic, routine data sharing for an established purpose
- exceptional, one-off disclosures of data for any of a range of purposes

Chapter-by-chapter

1-3: Foreword, scope, definitions

4: Lawful basis for data sharing

- Powers, obligations, information gateways

5: Deciding to share

- Questions to consider before sharing
- Conditions for processing

6: Fairness and transparency

- What to include in a privacy notice
- Sharing without telling the individual
- Specific advice on mergers and emergency response planning

Chapter-by-chapter

7: Security

- Compliance with seventh principle

8: Governance

- Data sharing agreements
- Agreeing data standards before sharing
 - Compatibility, accuracy, retention periods, training

9: Individuals' rights

- Dealing with SARs and objections

10: Things to avoid

- examples of bad practice

Chapter-by-chapter

11: ICO powers and penalties

12: Notification

13: FoI

14: Data sharing agreements

- Guidance on drafting an agreement
- Template data sharing request and disclosure forms

15: Data sharing checklists

- Useful 'desk top' overview. Also available separately.

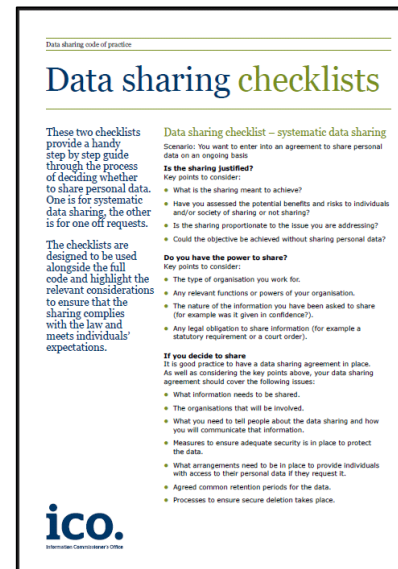
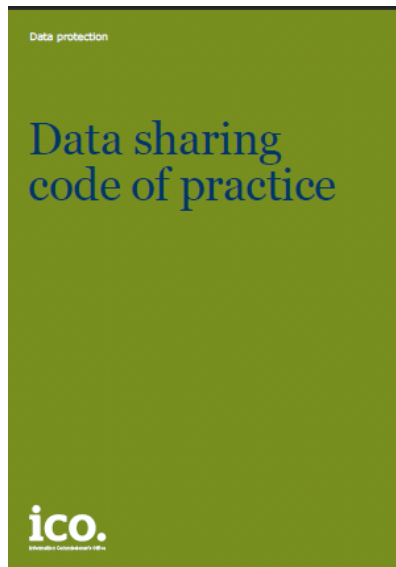
Chapter-by-chapter

Annex 1: DPA principles

Annex 2: Glossary

Annex 3: Case studies

- Based on common examples of data sharing



Deciding to share

- Legal provisions for sharing
- What benefits are sought from the proposed sharing?
- What risks are there?
- What are the likely effects on individuals/society?
- Consider the consequences of **not** sharing.
- Consent? Choice? Transparency?
- Make the citizen/client/consumer the focus of the decision.

Issues to consider

- Do you have the power to share the information?
- What is the sharing intended to achieve?
- Do you need to share personal data?
- What information needs to be shared?
- When should it be shared?
- Who does it need to be shared with?
- How should it be shared?

Fairness and transparency

- Consent – not the only basis to share information and in some cases clearly not achievable
- Generally organisations will need to tell individuals **who** is processing their data and **how** it will be used to comply with the fair processing requirements in the DPA
- Should consider what you should tell individuals about how you intend to share their data and how you will provide them with this information

Managing the sharing

Security – crucial to consider appropriate arrangements for security of shared data

Data standards – Compatibility of format
Accuracy
Retention and deletion
Staff training
Reviewing arrangements
Individuals' rights
Notification

Data sharing agreement

Should include:

- The purpose or purposes of the sharing
- Who will have access
- What will be shared
- Quality issues – accuracy, relevance and usability
- Data security
- Retention and deletion
- Individuals' rights
- Review of effectiveness of sharing

How the code can help

- The code provides good practice advice that will be relevant to all organisations that share personal data
- The ICO has the power to take action against organisations that do not comply with the DPA when they are sharing an individual's data
- Following the advice in the code will help you to:
 - decide whether or not to share personal data; and
 - collect and share personal data in a way that is fair, transparent and in line with the rights and expectations of individuals

Other help from the ICO

- Guide to data protection
- Personal information online CoP
- Privacy Notices CoP
- Modern, accessible, realistic
- Guidance review

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